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Child Support and Reentry

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Executive Summary

In the past 40 years, the United States has experienced an expansion in two of its largest state systems: the criminal justice system and the public child support system. Since 1980, the incarceration rate has increased by 500%. There are now over two million citizens in U.S. prisons and jails and another five million under correctional supervision (Carson, 2020). Every year, close to 700,000 citizens are released from state and federal prison and nearly nine million are released from jail (Dumont et al., 2012; Carson, 2020). Of those, the majority are men of color, who struggle to reintegrate with the mark of a criminal record. Mass incarceration and mass reentry not only impact those who are imprisoned, but also the communities and families these citizens return to and integrate back into.

Over this same period, the child support system also expanded to new levels, with federal involvement increasing to promote parental responsibility and to ensure that children receive parental support (U.S. Department of Health and Human Services, 2018a, 2018b). Most research indicates that the expanded child support system has worked well for divorced parents with moderate and/or regular sources of income; in 2016, it collected over \$33 billion for custodial parents (U.S. Department of Health and Human Services, 2016). Yet, there is also agreement that this system has been less successful in securing financial support from low-income parents (Cancian and Meyer, 2018). Over the past 30 years, there has been a tenfold increase in child support debt; the \$11.3 billion owed in 1987 jumped to \$114.7 billion in 2017 (National Conference of State Legislatures [NCSL], 2017; Office of Child Support Enforcement [OCSE], 2017). This amount is more than federal expenditures on public assistance and food stamps combined, and this increased debt has largely fallen on poor families. The majority of the 5.5 million parents who owe this debt have extremely low incomes; 70% of the accumulated debt is owed by parents with incomes of \$10,000 or less (Sorensen, Sousa, and Schaner, 2007).

In many respects, developments in these two public arenas are interconnected, with rising imprisonment contributing to rising child support debt and rising child support debt contributing to rising imprisonment. Parents caught in the middle of these trends can find their post-prison reintegration particularly difficult and challenging, which can then affect their ability to fulfill their financial obligations to their families, secure their own well-being, and stay out of jail. Social scientists and researchers have only recently begun to analyze these interconnections. There is now an emergent body of research that addresses how criminal justice and child support work together to shape reentry for this population of parents.

This paper focuses on what social scientists and policy analysts have learned about how child support, criminal justice, and reentry are related: How do child support obligations affect reintegration? How does incarceration affect child support repayment and debt? What policies exacerbate the debt-recidivism link? Which policies show promise in ameliorating it? These are complex questions largely because reentry from prison is itself a multifaceted process shaped by many institutional dynamics. From this body of research, several broad findings have emerged:

1. The reentry goals of parents with child support debt are similar to those of other reentering groups: stable employment, familial reintegration, and desistance from crime. Yet, they confront distinct barriers to meeting those goals. Researchers have begun to unpack the institutional processes underlying these barriers.
2. One of the biggest obstacles to reentry is the size of a parent's child support debt, which averages \$20,000 to \$36,000, depending on the state and the data used. This is two to three times more than the average support debt of other low-income parents and three to four times the average criminal justice debt of other reentering citizens.
3. There are several institutional barriers that complicate parents' economic security and familial well-being — challenges to formal sector employment, familial conflict, and cycles of recidivism. Child support debt also acts as its own barrier, particularly if support and arrears payments are set too high for parents to manage.
4. Several state and federal policies exacerbate the reentry challenges of parents with child support debt. To

the extent that policies accelerate the accumulation of debt, restrict the modification of debt, and punish indebted parents with reincarceration, they impede reentry and contribute to negative family outcomes.

5. Some state and federal policies have been shown to alleviate the reentry challenges of parents with support debt. To the extent that policies provide coordinated assistance with support modification, reduce government-owed debt, and tailor arrears to fit the economic realities of parents' lives, they support reentry and family reintegration.

Given the relative newness of this area of inquiry, there are several limitations to the existing research on reentry and child support. First, because research on incarcerated parents with debt remains rare, much of what is known about the policy effects on them is gleaned from research on low-income parents with child support debt in general. Second, research that evaluates policy effects on incarcerated parents is methodologically limited; it rarely uses control groups, so it can be unclear if their outcomes are attributable to a policy intervention. It also tends to study short-term effects, so long-term efficacy often remains unclear. However, there are several key questions about child support and reentry that researchers can answer, including those discussed below.

The Basics: How Many Indebted Parents Are There and What Do They Owe?

Social scientists are beginning to gain a fuller picture of reentering parents with child support debt: the size of this group of parents, their demographic makeup, and the amount of their support debt. In terms of their size, estimates of the number

of parents with both criminal records and child support obligations vary according to how they are computed. If measured from the criminal justice side, researchers estimate that the number of indebted parents in prison is **450,000 to 550,000** (Levingston and Turetsky, 2007; Brito, 2012; Cancian, 2017; NCSL, 2019). When the jail population is added, the number rises by several hundred thousand, bringing it closer to **800,000** (NCSL, 2019), although there is some evidence that the number could be as high as **one million** (Mellgren et al., 2017). Add to this estimate parents from the child support side who are not currently incarcerated and it doubles, as the number of indebted parents with criminal justice backgrounds is estimated to be over **one million** (Ha et al., 2008; Putze, 2017).

Similarly, researchers know that this group of parents has an unusually large debt burden. Several factors underlie their accumulation of debt, including:

- Restrictions on prospective order modification (in/voluntary unemployment).
- Restrictions on retroactive order modification.
- Support orders set by default and imputed income.
- Retroactive child support.
- Interest and fees on arrears.

Estimates vary in regard to the average debt burden of this group of parents. Previous estimates conducted in the early 2000s put their average debt at about \$10,000. More recent estimates are much higher. Based on 2018 data, one study found the average incarcerated parents' debt was **\$20,000** — a debt that more than doubled during incarceration (NCSL, 2019). My research on 145 formerly incarcerated fathers from three states (New York,

Florida, and California) found the average debt was **\$36,500**, with some fathers owing over \$500,000 in support (Haney, 2018). This means the average debt of incarcerated fathers is up to three times that of other low-income fathers, estimated to be \$8,000 to \$12,000 (Turner and Waller, 2017; McLeod and Gottlieb, 2018).

What Institutional Obstacles Do Parents Confront in Reentry?

Most social scientific research in this area focuses on the institutional processes underlying reentry and reintegration. This research has unearthed several barriers to incarcerated parents' economic opportunity, familial well-being, and legal security. These include:

Economic obstacles. Research in this area has centered on patterns of debt accumulation for incarcerated parents and their effects on post-prison employment. Overall, research shows that child support obligations and debt adversely affect formal-sector employment. They are associated with a shorter average workweek and a turn to informal work (Turetsky, 2007; Miller and Mincy, 2012; Cancian, Heinrich, and Chung, 2009; Pleggenkuhle, 2018). Stricter child support enforcement policies are also associated with a decline in labor force participation and earnings (Holzer, Offner, and Sorensen, 2005; Schroeder and Doughty, 2009; Pate, 2016; Brito, 2020). This is particularly true of drivers' license revocation and contempt of court (Cadigan and Kirk, 2020; Meyer, Cancian, and Waring, 2020; Zatz and Stoll, 2020).

Familial obstacles. The combined effect of incarceration and child support debt puts considerable pressure on family networks, creating a unique set of reentry challenges for this group of parents. Child support obligations tend to be the

source of tension between custodial and noncustodial parents, particularly when they remain unmet (Seltzer, McLanahan, and Hanson, 1998; Waller and Plotnick, 2001; Nelson, 2004; Edin and Nelson, 2013; Hodges, Meyer, and Cancian, 2019). Also, research consistently shows that support debt is negatively associated with payment compliance, particularly for incarcerated parents with large debt (Huang, Mincy, and Garfinkel, 2005; Maldonado, 2006; Ha, Cancian, and Meyer, 2011; Emory et al., 2020). These patterns of debt have been shown to influence parents' caretaking, decreasing their contact and engagement with children and in-kind support (Turner and Waller, 2017; Pleggenkuhle, 2018). This is especially true for incarcerated parents, who often act as cyclical parents in ways that only worsen their familial turmoil and distrust (Haney, 2018, forthcoming).

Legal obstacles. Incarcerated parents confront unique legal barriers that make their post-prison reentry even more perilous. These include barriers to information and knowledge about child support orders in prison, order and debt modification after prison, and support enforcement measures (Pearson, 2004; Patterson, 2008; Cammett, 2011; Roman and Link, 2015, 2017; Mellgren et al., 2017). Remedial sanctions, such as drivers' license revocation and asset liens, affect parents' employment and put them in legal peril (Solomon-Fears, Smith, and Berry, 2012; Haney, 2018; Cadigan and Kirk, 2020). The use of contempt actions has particularly negative outcomes, especially for formerly incarcerated parents, as it undermines integration after prison and desistance from crime (Spjeldnes, Yamatani, and Davis, 2015; Cozzolino, 2018; NCSL, 2019).

What State Policies Impede Reentry?

Social scientific research on the institutional processes of reentry clearly shows that post-prison reintegration can be particularly perilous for this group of parents. It is also clear that some state policies contribute to these obstacles. To the extent that state policies accelerate the accumulation of debt, restrict the modification of debt, and punish debt with reincarceration, they impede parents' reentry and contribute to negative family outcomes. More specifically, policies shown to be particularly challenging for parents with support debt include:

Restrictive modification policies. State policies that impose restrictions on the ability of incarcerated parents to request and obtain modifications of their support orders impede the reentry process. This is true for modifications both **during** and **after** incarceration. During prison, policies that restrict the *eligibility* and *accessibility* of order modification, either by defining incarceration as "voluntary unemployment" (prior to 2016) or by making them inaccessible, lead to much higher debt accumulations (Griswold, Pearson, and Davis, 2001; Pearson, 2004; Patterson, 2008; Turetsky, 2008; Meyer and Warren, 2011; Cammett, 2011; NCSL, 2019). After prison, policies with strong restrictions on retroactive debt modification contribute to the accumulation of parental arrears. Examples include narrow interpretations of the Bradley Amendment and limited use of low-income orders (Office of Inspector General [OIG], 2000; Levingston and Turetsky, 2007; Justice, 2007; Brito, 2019; Haney, 2018). All of these restrictions worsen parents' debt and reentry challenges.

Interest charges and fees. Another reason for the rapid accumulation of child support debt for incarcerated parents is the interest charged on arrears. The majority of states charge interest on child support debt — many at a rate of 10% or more (NCSL, 2019). Research shows that interest policies are driving the accumulation of debt in these states (Sorensen, Sousa, and Schaner, 2007). Although the overwhelming majority of this debt has been deemed uncollectible, states continue to charge compound interest on it, thus impeding parents' ability to get out of debt and worsening their reentry outcomes (Sorensen et al., 2003; Brito, 2019; Haney, 2018).

Criminal and civil contempt. Although more data are needed on the effects of contempt actions for support debt, research suggests that the use of custodial punishment derails parents in the reentry process (Pearson, 2004; Patterson, 2008; Cammett, 2011; Cook and Noyes, 2011; Brito, 2012; NCSL, 2019). It can set into motion cascading effects that restrict parents from working, cause housing instability, inhibit the care of children, lead to job loss, and complicate desistance from crime (Spjeldnes, Yamatani, and Davis, 2015; Haney, 2018; Vogel, 2020a, 2020b).

What State Policies Facilitate Reentry?

Some state and federal policies have been shown to address the reentry challenges of parents with child support debt. Policies that provide coordinated assistance with support modification and help bring support payments to manageable levels can facilitate parents' reentry and family reintegration. Although more robust evaluations of these state policies are needed, preliminary findings suggest positive effects on reentry. They include:

Proactive modification assistance. State policies that proactively modify or suspend

child support orders during incarceration are shown to help to overcome the bureaucratic barriers to managing support orders (Aharpour et al., 2020). Proactive assistance is associated with a decline in parents' arrears and order amounts, as well as increased support payments and amounts (Griswold, Pearson, and Davis, 2001; Griswold and Pearson, 2003, 2005; Cancian et al., 2009; Roman and Link, 2015; Cancian, 2017). Administrative suspensions are also associated with lower arrears, higher support payments, and increased compliance after prison, although more research is needed on their long-term effects (Cancian, 2017; Haney and Link, 2017; Haney, forthcoming).

Coordinated reentry and child support assistance. Policies and programs that assist parents with support orders and debt within a coordinated reentry framework (as opposed to those in child support offices alone) have positive effects. A range of state-level studies show that coordinated programs and court diversion projects help with the intersecting reentry needs of parents with child support debt (Pearson, 2004; Roman and Link, 2015; Cancian, 2017; Brito, 2019). This is particularly true when it comes to employment and payment compliance: Studies in Colorado, Texas, Georgia, Wisconsin, and California show that these programs lead to statistically significant increases in participants' employment rates, wages, and the amount/frequency of child support payments (Pearson, Thoennes, and Davis, 2003; Griswold et al., 2004; Pearson, 2004; Schroeder and Doughty, 2009; Schroeder and Kahn, 2011). More systematic evaluations with controls and comparison groups are needed to assess these outcomes, as well as studies of policy effects on familial reintegration and well-being.

Increased pass-throughs on public assistance orders. State policies differ in terms of the amount of child support passed through to families in public

assistance cases. Research finds that increasing pass-through amounts is correlated with significant increases in the frequency and amount of child support payments (Sorensen and Hill, 2004; Cassetty, 2002; Legler and Turetsky, 2006; Cancian, Meyer, and Caspar, 2008; Lippold, Nichols, and Sorensen, 2013). Research also suggests that increased pass-throughs lower parents' welfare debt and expand the resources given to children, although the link between pass-throughs and familial well-being needs further study (Sorensen and Hill, 2004; Hahn, Edin, and Abrahams, 2018; Financial Justice Project, 2019).

Debt relief programs. Many states and locales have experimented with debt-relief programs for both low-income parents and formerly incarcerated parents (OIG, 2000; OCSE, 2011, 2018). These programs vary considerably in size and scope, with most focusing on government-owed debt. All of the evaluations of these policies find debt forgiveness is associated with lower debt burdens, more consistent support payments, and higher support payments (Pearson and Davis, 2002; Heinrich, Burkhardt, and Shager, 2011; Pearson, Thoennes, and Kaunelis, 2012). These policies also show promise in improving familial relationships; one recent study found that they reduced barriers to employment, housing insecurity, and parental stress (Hahn, Edin, and Abrahams, 2018; Hahn et al., 2019).

What Further Research Is Needed?

Research on the relationship among child support, criminal justice, and reentry is still emerging. Thus, there are data issues that should be addressed before this research can be carried out most effectively. In addition to data issues, there are three key areas in which additional research will make particularly important contributions

to policy reform: research on patterns of debt accumulation, the effects of custodial sanctions, and racial disparities in reentry.

Data issues. The data available to researchers in this area have often been limited, particularly administrative data from state child support offices. Quantitative researchers have thus used datasets that are not ideal for studying national-level state processes. Also, qualitative researchers have been limited to relatively small sample sizes and state case studies. To address these data issues, it is recommended that:

- State administrative data become more widely available and accessible.
- Research using experimental designs with control groups be prioritized.
- Robust, systematic evaluations of pilot programs and experiments be conducted.
- Research with larger sample sizes and state comparisons be prioritized.

Research on national patterns of debt accumulation. There are critical gaps in research on the accumulation of debt for incarcerated parents, particularly as it relates to recidivism. Research addressing these questions at the national level should be prioritized:

- Who owes how much child support debt, by age, household type, and sentence length?
- What are the patterns of debt accumulation before, during, and after prison?
- What interventions have the strongest impact on debt before, during, and after prison?

- Does debt have long-term negative effects on parental employment and family relationships, and do these effects relate to recidivism?

Research on patterns of custodial sanctions and contempt actions. Despite the far-reaching effects of jailing parents for support debt, little is known about patterns in the use and effects of contempt actions. Research on the following questions should be prioritized:

- What is the demographic makeup of parents held in contempt?
- What are cross-county and cross-state patterns in the use of contempt?
- Does contempt relate to job loss, housing instability, familial tension, and recidivism?

Research on racial disparities. Few studies examine race as a factor shaping the experiences of reentering parents with support debt. Key questions thus remain, including:

- Are there racial differences in the accumulation of parental debt?
- Are there racial differences in how debt relates to employment and recidivism?
- Are there racial differences in the use and consequences of custodial sanctions?

What Policy Reforms Are Recommended?

Despite the need for more research, many studies point to the significant effects of policy reforms on the lives of indebted

parents and their families. These policy reforms address the two main barriers facing parents: the accumulation of support debt and related enforcement measures. Such reforms could work together across all three levels of government and include:

Federal Reforms

- Expand the Final Rule
 - Strengthen the directives and modification guidelines given to states.
 - Create incentives for states to modify the support orders of institutionalized parents.
 - Advance guidelines and incentives to curtail the use of custodial punishment for debt.
- Expand Exemptions to the Bradley Amendment
 - Waive institutionalized parents from restrictions on retroactive modification.
 - Ensure this exemption is consistent across states and not undermined by local discretion.
- End Public Assistance Payback
 - Waive public assistance payback for institutionalized parents.
 - Introduce a minimum support guarantee for all children and commit to use public resources to meet this minimum when parents cannot do so (due to institutionalization).

State Reforms

- Implement \$0 Incarceration Orders
 - Institutionalized parents should be given a right to \$0 incarceration orders.
 - Incarceration orders should be administratively set and discretionary practices should be curtailed.
- End Interest Charges on Support Debt
 - In states where state directors of child support services set interest rates, they should be 0% for institutionalized parents.
 - In states where state constitutions set interest rates, amendments or statutes should exempt institutionalized parents from such charges and fees.
- Restrict Custodial Sanctions for Debt
 - Introduce statewide protocols to be followed in all contempt cases.
 - Use alternative-to-incarceration programs prior to issuing jail time for debt.
 - Set clear limits on the amount issued to purge from contempt of court.
 - Create independent oversight committees to review cases of custodial punishment.

Local Reforms

- Create and Extend Partnerships between OCSE and DOC
 - Expand and increase the accessibility of assistance with child support orders.
 - Coordinate assistance with support orders across criminal justice institutions.
 - Establish coordinated data sharing between child support and jails.
- Expand Debt-Relief Programs
 - Establish debt-relief programs that are most effective for incarcerated parents.
 - Recruit community-based organizations to administer debt-relief programs.
 - Reward locales for lowering the debt burden of institutionalized parents.
- Ensure Court Practices Follow Due Process Standards
 - Make public the rate of contempt actions, both by county and by judge.
 - Oversee locales with high rates of noncompliance and contempt filings.
 - Recruit community organizations to evaluate court enforcement practices.

Introduction

In the past 40 years, the United States experienced an expansion in two of its largest state systems: the criminal justice system and the public child support system. Statistics that provide evidence for this expansion are familiar to researchers. Since 1980, the incarceration rate has increased by 500%. There are now over two million citizens in U.S. prisons and jails and another five million under correctional supervision (Carson, 2020). Every year, close to 700,000 citizens are released from state and federal prison and nearly nine million are released from jail (Dumont et al., 2012; Carson, 2020). Of those, the majority are men of color, who struggle to reintegrate with the disadvantage of the mark of a criminal record. Mass incarceration and mass reentry not only impact individuals who directly experience them but also the communities and families these citizens return to and attempt to integrate back into.

Over this same period, the public child support system also expanded to unprecedented levels, as federal involvement increased to promote parental responsibility and to ensure children receive parental support (U.S. Department of Health and Human Services, 2017, 2018b). Most research indicates that the expanded child support system has worked well for divorced parents with moderate or regular sources of income; in 2016, it collected over \$33 billion for custodial parents (U.S. Department of Health and Human Services, 2016). There is also agreement that this system has been less successful in securing financial support from low-income parents (Cancian and Meyer, 2018). Over the past 30 years, there has been a tenfold increase in child support debt; the \$11.3 billion owed in 1987 jumped to \$114.7 billion in 2017 (National Conference of State Legislatures [NCSL], 2017; Office of Child Support Enforcement [OCSE], 2017). This amount is more than federal expenditures on public assistance and food stamps combined, and this increased debt has largely fallen on poor families. The majority of the 5.5 million parents who owe support debt have extremely low incomes; it has been estimated that 70% of the accumulated debt is owed by parents with incomes of \$10,000 or less (Sorensen, Sousa, and Schaner, 2007).

In many respects, developments in the criminal justice and child support systems are interconnected. Over half of the men and women in prison are parents of minor children, and close to half of these parents have support orders (NCSL, 2016; Link and Roman, 2017; McLeod and Gottlieb, 2018). When parents are imprisoned, or when they move in and out of jail, it is quite challenging to keep up with child support payments. This is one way that rising imprisonment rates have contributed to the surge in child support debt. The reverse is also true: Child support debt can contribute to rising imprisonment rates by making post-prison reintegration more difficult and challenging. All of this can affect parents' ability to stay out of prison, fulfill their financial obligations to families, and secure their own well-being.

Social scientists and researchers have only recently begun to analyze the myriad of ways that imprisonment and child support interrelate. Extensive research has been done on the child support system and the criminal justice system as separate systems with separate outcomes. On the one hand, much is known about the trajectory of child support policy — from how it emerged as a federal issue to how enforcement measures expanded to how the accumulation of debt surged, particularly among low-income parents. Even more is known about developments in criminal justice — from the economic, social, and political forces underlying the rise in incarceration rates to their far-reaching effects on community life. Yet, less is known about the connections between these systems and the way their trajectories overlap. To the extent that social scientists look at institutional overlaps, they do so by tracking the spillover effects or collateral consequences of incarceration. That is, they analyze how imprisonment affects work, family, and civic life and how its negative effects accumulate to burden persons convicted of crime as they struggle to reintegrate (Sampson, 2011; Berg and Huebner, 2011; Harding et al., 2014; Kirk and Wakefield, 2018; Western, 2019).

This review focuses on what social scientists and policy analysts have learned about the relationship among child support, criminal justice, and reentry. One of its main goals is to elucidate the importance of including child support in larger discussions about criminal justice reform. When child support is considered in discussions about reform, it is usually folded into analyses of criminal justice financial obligations (CJFOs) more broadly, which have received considerable scholarly and governmental attention (Harris, Evans, and Beckett, 2010; Martin, Smith, and Still, 2017; Martin et al., 2018). Yet, child support is not reducible to other justice-related debt. Its effects are arguably more consequential and far-reaching.

The economic cost is clearly greater, with child support debt averaging over four times as much as other CJFOs (Haney, 2018; Pleggenkuhle, 2018). The social and familial effects of child support debt also cascade more broadly than those brought on by CJFOs, touching on children's lives and parents' identities as caretakers.

In researching this topic, social scientists have focused on the institutional processes that link child support and criminal justice to parents' reentry. They have also focused on these parents' child support *debt*, as opposed to their support *obligations*. This is not because the latter are unimportant; recent data have shown that a minority (46%) of all support obligations are paid in full every month (Grall, 2020). Indeed, the issue of how to increase the payment of child support is so important that it requires another review paper. This review focuses on research that has been conducted on reentry and support debt, thus reflecting the reality that few incarcerated parents leave prison without sizable debt — and this debt accumulates to unmanageable levels to complicate reentry.

There is now a considerable amount of research that addresses how criminal justice and child support work to shape reentry, including how child support debt affects reintegration and how incarceration affects child support repayment and debt. From this research, two key policy questions emerge: (1) Which policies exacerbate the debt-recidivism link? and (2) Which policies show promise in ameliorating it? These are complex questions largely because reentry from prison is itself a multifaceted process. Still, from this growing body of research, several findings have emerged:

1. The reentry goals of parents with child support debt are similar to those of other reentering groups: stable employment, familial reintegration, and desistance from crime. Yet, they

confront distinct barriers to meeting those goals. Researchers have begun to unpack the institutional processes underlying these barriers.

2. One of the biggest obstacles to reentry is the size of a parent's child support debt, which averages \$20,000 to \$36,000, depending on the state and the data used. This is two to three times more than the average support debt of other low-income parents and three to four times the average CJFOs of other reentering citizens.
3. There are several institutional barriers that complicate parents' economic security and familial well-being — complications that then loop back to undermine desistance from crime. These include challenges to formal sector employment, familial conflict and distrust, and legal cycles of recidivism. Child support debt also acts as its own barrier, particularly if support and arrears payments are set too high for parents to manage.
4. Several state and federal policies exacerbate the reentry challenges of parents with child support debt. To the extent that policies accelerate the accumulation of debt, restrict the modification of debt, and punish indebted parents with reincarceration, they impede parents' reentry and contribute to negative family outcomes.
5. Some state and federal policies have been shown to alleviate the reentry challenges of parents with support debt. To the extent that policies provide coordinated assistance with support modification, reduce government-owed debt, and tailor arrears to fit the economic realities of parents' lives, they support reentry and family reintegration.

To explore these findings in detail, this review consists of five sections. The first section will examine what is known at the descriptive level about this population of parents — who are they and how much child support do they owe? The second section will cover what research has revealed about challenges to the reentry process for these parents, and will unpack how the mark of a criminal record combined with support debt present unique economic, familial, and legal challenges to the reentry process. The third section will highlight state and federal policies that make reentry and reintegration more challenging for this group of parents. The fourth section will look at the opposite — those state and local programs shown to have the most promise in facilitating the reintegration of formerly incarcerated parents with child support debt. The final section will offer suggestions for future research and policy at the federal, state, and local levels, particularly as they relate to improving the reentry outcomes of indebted parents.

Incarcerated Parents With Child Support Debt

Because researchers have conducted more extensive analyses of the criminal justice and child support systems as separate arenas, more research has been done on the specific groups attached to each system. There is an abundance of research on the reentry experiences of persons convicted of crime and on parents with child support obligations and debt. There is also extensive research on the effects of other forms of criminal justice debt, such as how fines/fees associated with prison and jail affect reentry (Hampson, 2016; Harris, 2016; Colgan, 2017). Yet, far less is known about those who fall into all of these categories at once — reentering parents with child support debt. As a result, many basic questions about this population remain unclear, from their overall number to their demographic profile to their reentry trajectories and debt accumulation.

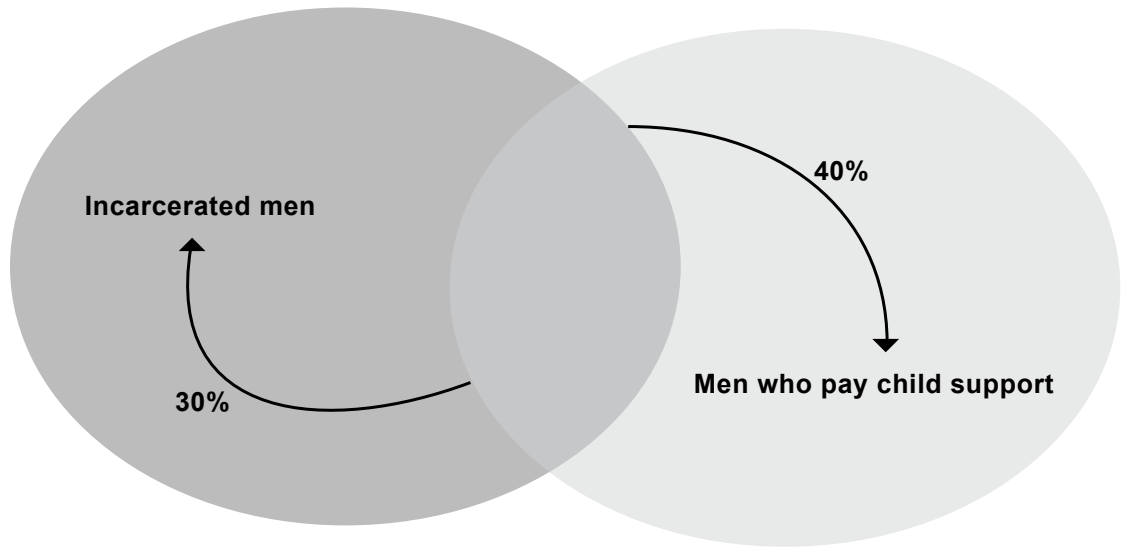
So, what do we know about this group of parents at the descriptive level? First and foremost, we know their numbers are large. Because there is no comprehensive, centralized database, estimates of the size of the middle category — parents with both criminal records and child support obligations — can be computed in two ways. First, from the criminal justice side, it is known that 56% of men incarcerated in state and federal prisons have minor children (Carson, 2020; NCSL, 2016).¹ Researchers estimate that 40% to 50% of these incarcerated parents have child support orders, which puts the number of indebted parents in prison at **450,000 to 550,000** (Turetsky, 2007; Brito, 2012; Cancian, 2017; NCSL, 2019).² When the jail population is added, the number is closer to **800,000** (NCSL, 2019). Recent data suggest that even this estimate may be too low. A study of 1,482 incarcerated fathers in five states found that 60% had at least one verifiable support case (Mellgren et al., 2017). If generalizable to all states, the size of this population moves closer to one million.³

¹Because the overwhelming majority of both incarcerated persons and noncustodial parents are men, the research has focused on indebted fathers with criminal records. This report will mirror that focus and center on reentering fathers. It is also important to note that the reentry issues confronting indebted mothers are often distinct, as they are less likely to owe support debt to fathers and more likely to be indebted to other family members and to the government itself.

²A few state-level studies conducted in the early 2000s estimated that the percentage of incarcerated parents with open child support orders is 22% to 26%, which would put the number closer to 350,000. But because these studies were conducted in relatively low-arrears states (Massachusetts and Colorado), their numbers are not generalizable. For these early studies, see Griswold and Pearson, 2003; Griswold, Pearson, and Davis, 2001; and Justice, 2007.

³Although the 60% was verified by administrative matching, there are several reasons why the studied sample might not be generalizable: The states included tended to have incarcerated persons with longer sentences (New York) as well as states with higher than average child support arrears.

Figure 1: Percentage of Parents With Criminal Records and Child Support



Add to this estimate parents from the child support side (who are not currently incarcerated) and its size doubles. Close to 40% of fathers with support orders have a criminal justice background, while 20% of nonpaying, indebted fathers were recently incarcerated (Levingston and Turetsky, 2007; Ha et al., 2008). Because there were about 5.5 million noncustodial parents with support debt in 2017, the number of released parents with support debt and criminal justice backgrounds is estimated to be over **one million** (Putze, 2017).

In addition to estimating their size, researchers have tried to quantify how much this population of parents owes in child support. Although we know their support debt is extremely large, perhaps the largest of any other subset of parents, documenting exactly how much they owe remains surprisingly difficult. This is particularly true at the national level. Attempts to calculate the support debt of incarcerated parents stretch back to the early 2000s. For instance, a 2004 study found the median child support debt across state and local incarcerated parents was about **\$10,000**, with half of them owing less

than \$10,000 and half owing more than \$10,000 (Pearson, 2004). Other studies from this period reported similar estimates (Griswold, 2001; Pearson and Davis, 2002; Griswold et al., 2004; Pearson, Thoennes, and Davis, 2003; Griswold et al., 2005).

These estimates are quite dated, and much has happened in the past 15 years to suggest that accumulated debt has increased significantly. To start, the longer a parent remains in prison, the more the support debt grows, so the passage of 15 years will add a considerable amount to this estimate. Indeed, more recent studies suggest the debt of incarcerated parents is much higher than previously estimated. In the aggregate, 2016 OCSE data on parents with high arrears reveal that 60% of those who owe more than \$100,000 had no reported income, at least in part due to incarceration (Arthur, 2018). At the individual level, 2018 data indicate that the average debt for incarcerated parents was **\$20,000**, a debt that more than doubled during incarceration (NCSL, 2019). My research on 145 formerly incarcerated fathers drawn from three states — New York, Florida, and California — found the average debt was

\$36,500, with some fathers owing as much as \$500,000 in support (Haney, 2018). The average support debt of incarcerated fathers is thus over three times that of other low-income fathers, which is currently estimated to be \$8,000 to \$12,000 (Turner and Waller, 2017; McLeod and Gottlieb, 2018).

Part of the reason that estimates of this population's support debt vary so much (ranging from \$20,000 to \$36,500) is because of the specific states included in estimates. There is enormous variation among states in how support debt accumulates overall and for incarcerated parents. This variation is reflected in estimates of how much incarceration adds to child support debt. As discussed in later sections, the debt of this group of parents is affected by state modification laws and interest rates. The inclusion of states like Florida and California, which are high-arrears states, affects the estimate of debt size significantly.⁴ The following examples provide a sense of this range:

- *Massachusetts*: A 2002 study found that parents on parole accrued an average debt of \$5,250 during their imprisonment and this debt had more than doubled while incarcerated (Thoennes, 2002).
- *Maryland*: A 2005 study examined incarceration and child support from a random sample of noncustodial fathers with support orders. Those parents incarcerated at the time of the study (n=68) had median child support arrears of \$16,000. The median arrears of formerly incarcerated parents (n=246) were \$11,554, ranging from \$32 to \$108,394 (Ovwigo, Saunders, and Born, 2005).

- *California*: A 2017 pilot study based on Department of Child Support Service (DCSS) data from the statewide Integrated Data Base examined 120,000 noncustodial parents with active child support accounts and active incarceration statuses. It found these parents held \$2.6 billion of California's child support debt, making their average debt \$21,666 (Haney and Link, 2017).
- *Multistate*: A 2018 study based on data from 20 large U.S. cities and a subsample of 683 respondents with support debt found incarceration made it twice as likely that parents would have debt and increased the amount of their debt by over 25% (McLeod and Gottlieb, 2018).

In addition to estimating average debt, research reveals important shifts in who child support debt is owed to. Overall, there are two types of support obligations: payments owed to custodial parents and payments owed to the state as repayment for public benefits. For the latter, the cost of everything from Temporary Assistance for Needy Families (TANF) to Medicaid is calculated as child support and owed to the state. There is some evidence that incarcerated parents are more likely to have public debt, since their families often turn to public assistance while they are in prison to make up for lost financial contributions (Financial Justice Project, 2019; Haney, forthcoming). Changes in benefit structures and payback provisions are thus likely to affect incarcerated parents even more than low-income parents.

⁴Another reason for the large variation is the type of data used to compute debt. Studies that rely on self-reporting by parents (such as the Fragile Families and Child Wellbeing Study) tend to underestimate child support payments and debt. This is particularly true in high-arrears states where parents accumulate much more debt while incarcerated.

Indeed, recent data reveal important shifts in the proportion of child support debt owed to the state (OCSE 2004, 2014, 2017). At the national level, the percentage of debt owed to the government has declined over the past decade. In 2008, 35% of all child support debt was TANF arrears; by 2018, it had decreased to 21% (Sorensen, 2019). This shift is largely due to changes in TANF programs. Many states have reformed their TANF systems to narrow eligibility criteria and shrink the number of recipients, which is then reflected in the decline in TANF arrears. But in those states that have not cut public benefit levels as dramatically, like California and Arizona, the percentage of TANF debt remains close to 50% (Sorensen, 2019). Appendix 1 includes data on the relative percentage of public debt across the nation and in select states.⁵

Although social scientists are beginning to gain a fuller picture of reentering parents with child support debt, more research is needed. Much of what is currently known is based on state-level estimates, so more extensive national-level data are needed on the size of this group of parents, their demographic makeup, and the amount of their child support debt. Indeed, a report on child support and incarceration by NCSL (2019) concluded that the centralized collection and analysis of such basic data is one of the most pressing areas of future research. Without these fundamental data, it is difficult to address the more complex questions of obstacles to reentry and state policy reform.

⁵These percentages are only for TANF arrears. Since public payback policies can also include some Medicaid expenses and food stamps (in some states), the actual percentage of government-owed debt is higher.

Child Support and Processes of Reentry

Parents who live at the intersection of the child support and criminal justice systems face several challenges in the reentry process. Some of these challenges are shared by other reentering citizens and indebted parents, but many are unique to them. Researchers are beginning to study the effects of having both a criminal record and child support debt upon reentry. Like all reentering citizens, these parents strive for stable employment and social reintegration. Yet, the route to achieving those goals is particularly perilous for them. Existing research points to three main categories of difficulty: economic, familial, and legal obstacles to reentry. This section reviews what is known about each barrier, setting the stage for a later discussion of how state policies affect these processes and thus impede or improve reentry outcomes.⁶

Economic Challenges

Economic obstacles are perhaps the most researched area of reentry in general and for noncustodial parents (NCPs) with child support obligations. Research in this area also centers on patterns of debt accumulation for incarcerated parents and the effects of child support on post-prison employment. Overall, there are three main areas of inquiry: how debt accumulates during imprisonment, how child support obligations and debt affect formal-sector employment, and how child support enforcement affects workforce participation.

To begin with debt accumulation: How and why does support debt accumulate so rapidly for incarcerated parents? The first relevant factor relates to barriers to order modification for the incarcerated and how, for decades, state definitions of incarceration restricted large numbers of incarcerated parents from even seeking modifications of support orders (OCSE 2007, 2012). As Meyer and Warren (2011) revealed, close to one-third of all states deemed incarceration a form of “voluntary unemployment,” which effectively shut off the possibility of modification due to imprisonment. The effects of this restriction were critical and linked to high debt accumulation — most of which remains on the books today (NCSL, 2016). Appendix 2 includes this state map.

⁶Because much of the existing research addresses child support and incarceration separately, I review work with indirect and direct relevance to incarcerated parents with child support obligations and debt.

In 2016, OCSE issued the new Final Rule, which made key changes to the setting and enforcing of child support orders. The most important change for incarcerated parents was the prohibition on treating incarceration as voluntary unemployment. States can no longer exclude incarceration from consideration as a “substantive change of circumstances” that could warrant order modification. However, because the Final Rule did not mandate what a new modification procedure must look like, there is considerable variation in modification practices. According to the 2019 NCSL report, 36 states treat incarceration as involuntary unemployment. Although more states may begin to follow once the Final Rule is implemented, even states that allow for the possibility of modifications have vastly different rules for how and when they can be requested by incarcerated parents. As it stands, in the four years since the Final Rule was issued, there is little evidence that incarcerated parents have increased access to modification, although this might change as more states implement the Final Rule.⁷ Appendix 3 includes this state map.

Although state definitions of incarceration as involuntary unemployment are certainly important, the accumulation of debt cannot be reduced to these laws. In fact, the average debt of parents incarcerated in different states does not neatly map onto such differences — some of the highest arrears states (like California) actually allow for modifications during incarceration. Thus, other reasons exist for the accumulation of support debt for incarcerated parents. These reasons involve

practices in how support orders are set and processed, including:

- **Setting support orders by default and imputed income.** Federal guidelines stipulate that support orders must be set according to formulas that consider parents’ earnings (or earning potential). When an NCP is not present at a support hearing or fails to provide the required income documentation, courts can impute income and issue default orders based on the minimum wage for full-time employment — even if the NCP cannot work at that rate (Office of Inspector General [OIG], 2000; National Women’s Law Center [NWLC], 2002; Brito, 2012; OCSE 2012; Vogel, 2020a). Such orders are not exceptional: A California study found that 70% of support orders for low-income fathers were set by default (Sorensen et al., 2003). This practice creates a “debt bubble” for incarcerated parents who are unable to earn minimum wages (Bruto, 2019).
- **Charging retroactive child support.** Past-due support can be added to new private and public support orders. For private orders, retroactive support can go back to the birth of the child or for a set number of years (NWLC, 2002). For public orders, until the late 2000s, retroactive support could be added to cover all previous public assistance received by an NCP’s family; after 2009, it was limited to the cost of current public assistance (Pirog and Ziolk-Guest, 2006; Hahn et al., 2019).⁸ These policies adversely affect incarcerated parents,

⁷For more information on how states have responded to the Final Rule along several dimensions, see Aharpour et al., 2020.

⁸This change was mandated by the 2005 Deficit Reduction Act. Since there was no federal mandate to forgive past arrears, many parents still have retroactive welfare debt — particularly those who were incarcerated when the orders were filed.

who are charged past public support irrespective of the economic realities of their lives and inability to work for minimum wage (Pearson, 2004; Levington and Turetsky, 2007; Brito, 2012, 2019).

- **Restricting prospective order modification.** Institutional barriers restrict parents' order modification from prison. These barriers exist even in states that allow for modification. They include the inability to locate incarcerated NCPs, parents' reluctance to be located and fear of punishment, lack of access to legal resources and knowledge of orders, and logistic barriers to support adjudication from prison (Haney, 2018; Vogel, 2020a, 2020b).
- **Restricting retroactive order modification.** Restrictions on parents' ability to modify support orders and debt can be formal or informal. The formal barriers include stipulations of the 1986 Bradley Amendment, a federal mandate that defined child support as a judgment by operation of law and thus forbid their retroactive modification. There is considerable variation in how courts interpret Bradley — variations that affect debt accumulation (Brito, 2012, 2019; Vogel, 2020a; Haney, forthcoming). Research shows that modification can be constrained by parents' lack of access to information about their rights and to the legal representation necessary to defend them (Roman and Link, 2017; NCSL, 2019).
- **Computing interest and fees on arrears.** States are permitted to charge interest on support debt — and more than half of them do — at an interest

rate of up to 12%. A 2007 study revealed that arrears soared in these states, increasing sixfold when interest is routinely assessed (Sorensen, Sousa, and Schaner, 2007).⁹ Nationally, over 25% of all child support debt is unpaid interest; in states with high arrears and high interest rates, the majority of child support debt is accumulated interest (Sorensen et al., 2003; Sorensen, 2004; Turetsky, 2007). This adversely affects incarcerated parents because they are more likely to delay debt repayment, so their arrears increase at higher rates (Levington and Turetsky, 2007).

What are the effects of child support on parents' employment after prison? Here it is important to distinguish again between child support obligations and debt — with the former referring to payments on current orders and the latter to arrears on current or past orders. When it comes to child support obligations, the findings are mixed. Most studies have found that support obligations negatively influence employment and are associated with fewer average weeks in the formal economy — perhaps due at least in part to the effect of wage garnishments (Turetsky, 2007; Miller and Mincy, 2012; Mincy, Jethwani, and Klempin, 2015). This effect is contingent on income level, with low-income parents working less in the formal economy if they have support obligations and higher income parents working more (Cancian, Heinrich, and Chung, 2009). One key study found no effect on employment: Based on longitudinal data from the Serious and Violent Offender Reentry Initiative (SVORI), Roman and Link (2015) discovered that support obligations did not affect parental employment in the short term. To date, no study has found a positive association between support obligations and formal employment. Also,

⁹More specifically, arrears in interest-charging states jumped from \$7 billion to \$58 billion from 1987 to 2006. The corresponding amounts in non-income-charging states are \$2 billion to \$20 billion.

no study has examined whether this effect varies by the type of support obligation (private or government-owed) or by parents' incarceration status.

When it comes to child support debt, the research is much clearer: Debt has a consistently negative effect on formal employment for all groups of parents. Having child support debt is associated with less formal employment and more informal work (Maldonado, 2006; Miller and Mincy, 2012; Roff and Lugo-Gil, 2012). This effect is also related to the amount of debt: Parents with high debt worked less in the formal economy (Cancian, Meyer, and Han, 2011) and it is even greater with public debt (Garfinkel and Nepomnyaschy, 2010; Cancian, 2013). It is especially pronounced for formerly incarcerated parents, whose debt creates barriers to economic reintegration due to missed work opportunities, hindered employment, damaged credit scores, and blocked housing (Cammatt, 2011; McLean and Thompson, 2007; Bannon, Nagrecha, and Diller, 2010; Link and Roman, 2017; Pleggenkuhle, 2018). To date, no research has found that child support debt increases parents' formal sector employment — despite the claims of many support judges and caseworkers that adding to parents' debt will force them to work harder (Haney, 2018; Zatz and Stoll, 2020).

Finally, there has been relatively little research on how child support enforcement affects employment. Though only a few studies examine this relationship, the findings are consistent: Stricter child support enforcement policies at the state level are associated with a decline in fathers' labor force participation (Holzer, Offner, and Sorensen, 2005; Schroeder and Doughty, 2009; Pate, 2016). This is especially true of particular enforcement actions. For instance, in my three-state study of incarcerated fathers, I found two

enforcement measures to be particularly detrimental to parental employment — drivers' license revocation and civil contempt (Haney, 2018, forthcoming). License revocation made it more difficult to find and maintain work, especially in regions where public transportation is lacking. It also added three hours in commute time to parents' days, thus cutting down the time available to work for wages. Contempt-of-court actions had the effect of stigmatizing parents at work and making them appear less reliable and trustworthy.

Quantitative data bolster these conclusions. Data from the Fragile Families and Child Wellbeing Study in 20 cities reveal that license suspension had a large and statistically significant negative effect on parents' work hours and wages (Cadigan and Kirk 2020).¹⁰ Using similar data to study contempt actions, another group of researchers found that time spent in jail also had negative economic effects. Indeed, the mere threat of incarceration was correlated with a decline in parents' wages and economic well-being (Zatz and Stoll, 2020). Researchers also found that the effect of the carceral threat was stronger than the threat of financial sanctions, which have also been shown to depress wages (Zatz and Stoll, 2020).

None of the research on how enforcement affects wages and employment examines formerly incarcerated fathers specifically, but there is evidence that the negative consequences of enforcement may be even more pronounced for them (Brito, 2020). In a study of enforcement and support payment, Meyer, Cancian, and Waring (2020) used administrative data from Wisconsin and found that the one group for whom heightened enforcement did not lead to increased support payment was incarcerated fathers. This was true of all the enforcement measures studied, including

¹⁰A study based in New Jersey had similar findings, revealing that 42% of those who lost their drivers' license then lost their jobs (Financial Justice Project, 2019).

letters, license suspension, and contempt hearings. Incarcerated parents' payment compliance was the least responsive to all of these enforcement measures.

Familial Challenges

Familial integration is as important to reentry as stable employment. In fact, some research suggests familial support is one of the most important predictors of successful reentry and desistance from crime (Western et al., 2015; Western, 2019). Researchers know far less about the factors shaping this familial support. However, there is mounting evidence that the combined effect of incarceration and child support debt puts considerable pressure on family and kin networks, thus creating a unique set of reentry challenges for this group of parents.

As with economic challenges, it is important to distinguish between child support obligations and debt when examining familial challenges. In terms of the former, there is some debate in the literature about how child support orders affect family relationships. On the one hand, most of the qualitative research indicates that child support obligations are a source of tension between parents — with fathers viewing them as punishments enacted by their children's mothers, while mothers often see them as an area where fathers fail them and their children (Achatz and MacAllum, 1994; Seltzer, McLanahan, and Hanson, 1998; Waller and Plotnick, 2001; Waller, 2002; Nelson, 2004; Edin and Nelson, 2013). Yet, there is at least one quantitative study that suggests support obligations might actually increase the connection between indebted fathers and their families, especially for fathers with histories of incarceration (Roman and Link, 2015).

One reason for this divergence might be a lack of specification in the size of the support obligations and whether fathers can meet them. Child support obligations

only benefit families if they are paid, while support debt is rarely beneficial and usually the source of family conflict. Research supports this: If support orders are too high, they lead to less compliance (Martinson and Nightingale, 2008; Meyer, Ha, and Hu, 2008; Takayesu, 2011). Also, incarceration is itself associated with less financial support for children overall and through child support specifically (Geller, Garfinkel, and Western, 2011; Washington, Juan, and Haskins, 2018).

For instance, a recent study of fathers with criminal records found a strong association between incarceration and decreased child support payments (Emory et al., 2020). Drawing on a sample of parents from the Fragile Families and Child Wellbeing Study and state-level data on reentry employment policies, researchers discovered that formerly incarcerated fathers paid significantly less formal child support, with their payments averaging 40% less than what other low-income fathers pay (\$1,405 vs. \$850). Moreover, they contributed less informal, cash support (\$1,300 vs. \$619). These fathers were also found to pay both forms of support less frequently, indicating a clear link among incarceration, nonpayment, and noncompliance.

Fathers' nonpayment and noncompliance can result in more challenges to familial reintegration and connection. This is especially true when it comes to establishing and maintaining contact with custodial mothers and children (Hodges, Meyer, and Cancian, 2019). Noncompliance also strains relationships with extended kin. As I discovered in my study of 145 incarcerated fathers, when child support orders cannot be met (either because they are set too high or a father's income is too low), fathers often turn to their family networks to make support payments and avoid enforcement measures (Haney, 2018). It is not uncommon for men's female kin (and even their children) to pay their child support orders. Yet, these family networks

are themselves stretched to the limit, having endured the costs of men's incarcerations (Comfort et al., 2016). The tension put on those networks can then break them (Haney, forthcoming).

Quantitative research on the familial effects of support debt confirms these findings. Like support obligations, debt is negatively associated with payment compliance (Hu and Meyer, 2003; Huang, Mincy, and Garfinkel, 2005; Maldonado, 2006; Cancian, Meyer, and Han, 2011; Ha, Cancian, and Meyer, 2011). The larger the support debt, the more likely fathers' payments will be unreliable and fall short. This is especially true for incarcerated parents, who have significantly more child support debt and who pay support to their families more often and more reliably when their debt is more manageable, either through capping or forgiveness during incarceration (Cancian, 2017; Hahn et al., 2019).

Child support debt and payment have been shown to influence parents' caretaking. In a quantitative study of the effect of child support debt on fathers' involvement with children, Turner and Waller (2017) found a clear relationship between debt and parenting. Drawing on a sample of 1,017 noncustodial fathers from the Fragile Families and Child Wellbeing Study, child support debt was associated with less paternal involvement with children. Debt was correlated with fathers having significantly less contact with children and with fathers being less engaged with children in daily activities and providing less frequent in-kind support to them.

Qualitative studies elaborate on many of these findings. For instance, in an interview study of 131 parents convicted of crime in Missouri, Pleggenkuhle (2018) found that criminal justice and child support debt affected men's self-worth, causing them to feel inadequate for relying heavily on familial support and for their

inability to regain the provider role in their families. All of this led to widespread stress, depression, and frustration among formerly incarcerated fathers. My study of 145 incarcerated fathers in three states showed similar familial outcomes: Men's withdrawal from childrearing had serious implications for their post-prison transition (Haney, 2018). Fathers' disconnection from childrearing often reflected their guilt and embarrassment at failing to meet their children's needs, which then led them to move in and out of their children's lives in ways that only heightened their families' distrust and sense of them as irresponsible fathers.

Legal Challenges

In addition to economic and familial challenges, incarcerated parents confront unique legal barriers that can make their post-prison reentry even more perilous. These legal barriers relate to the intersecting nature of child support and criminal justice policies, and the tendency of one set of challenges to bleed into others. Together, these legal obstacles can undermine parents' post-prison reintegration and their ability to stay out of prison.

In fact, the legal barriers to reentry emerge even before parents leave prison. Research shows that incarcerated parents exhibit a general lack of knowledge about their child support orders. In a study of 1,482 incarcerated fathers in five states, the majority of them did not know they even had an open child support order (Mellgren et al., 2017). Research also shows that parents who do know about their orders have little understanding of the modification process or their right to request their orders be held in abeyance during incarceration (Pearson, 2004; Patterson, 2008; Roman and Link, 2017; Mellgren et al., 2017). The few who do know about their right to modification lack the requisite knowledge to complete

modification paperwork or to adjudicate the modification process (Cammatt, 2011; Meyer and Warren, 2011; Haney, 2018). A study based on SVORI data found that only 27% of parents had their support orders modified while incarcerated, despite the fact that many more were entitled to such a modification (Roman and Link, 2017). Much of this is attributable to the combined effect of parents' embeddedness in the criminal justice and child support systems and their difficulty navigating these systems.

For instance, in my research on child support courts in New York, California, and Florida, incarcerated parents confronted several barriers as they tried to adjudicate their cases from prison (Haney, forthcoming). First, their physical absence from court meant their support orders were set considerably higher than those of low-income parents who were present — often because the judge was unaware of their incarceration. Other researchers have found this same no-show effect (Murphy, 2005). Second, those parents who tried to be present through phone-in hearings frequently elicited frustration from court staff due to technological delays and interruptions that were made worse by parents' inability to “code switch” from prison to court, which then caused them to appear rude and unruly. Finally, the logistics of organizing modification cases was difficult for even the most conscientious parents, but seemed impossible for the incarcerated who rarely had the required paperwork and official documents at their disposal in prison (Haney, forthcoming).

Upon release, the legal barriers to modification only get more difficult to manage. Here, too, research shows large gaps in parents' knowledge of how child support orders and debt operate. The legal arena of modification is enormously complex and difficult to understand, even for researchers (Solomon-Fears, Smith, and Berry, 2012). There is vast

state variation in who is entitled to seek a modification and what the adjudication process entails (Meyer and Warren, 2011; NCSL, 2019). There are also state and local differences in when child support orders that were modified during incarceration “spring back” to their previous amounts. In California, this occurs within 30 days of release from prison, while in other states it can be immediate. Despite this legal complexity, research reveals that very few reentering parents receive any help navigating the legal terrain: SVORI data indicate that 3.47% of parents received payment assistance while 11.48% received help with debt modification (Roman and Link, 2017).

Another reason why post-prison legal barriers are more difficult for incarcerated parents is that support enforcement begins upon release, and many enforcement measures have been shown to pose serious legal difficulties for these parents. Remedial sanctions, such as drivers' license revocation (discussed above) and asset liens, affect parents' employment while also putting them in legal peril (Solomon-Fears, Smith, and Berry, 2012). Appendix 4 shows that most states revoke licenses after only short periods of nonpayment. Driving on a suspended driver's license can then have serious consequences for parents with criminal records given that it is a felony in many states and thus a violation of parents' parole and probation (Cadigan and Kirk, 2020; Haney, forthcoming). Although researchers have been slow to document the cascading effects of support enforcement, journalists have provided accounts of the channels through which incarcerated parents cycle between debt and jail (Hager, 2015; Robles and Dewan, 2015).

Of all the legal challenges, perhaps the most perilous is reincarceration. It is also one of the most understudied areas of enforcement. The legal issues involved are quite complicated. Although imprisonment

for debt was deemed unconstitutional in *Tate vs. Short* (1971), the Supreme Court held that debtors can be incarcerated for “willful” nonpayment — a legal reasoning that was applied to the child support arena in *Turner vs. Rogers* (2011). As a result, the definition of what constitutes “willfulness” has undergone considerable debate, and proof that a parent is willfully not paying support is required before imprisonment (Patterson, 2008; Cammett, 2011). The legal mechanism through which imprisonment for support debt occurs is a ruling of civil or criminal contempt of court.¹¹ Civil contempt is punishable by either immediate payment (called a “purge”) or up to 180 days in jail. Criminal contempt is a felony charge that can result in a prison sentence (Patterson, 2008; Spjeldnes, Yamatani, and Davis, 2015; NCSL, 2019).

Little is known about the use of contempt in the child support arena. Researchers are even unclear as to how many parents have been jailed for support debt. All we have are estimates:

- Using Fragile Families and Child Wellbeing Study data from a subsample of U.S. cities, one study found that 14% of parents with support debt had been jailed by the time their child turned nine (Cozzolino, 2018).
- A 2016 study found that 5% of all fathers and 15% of all African American fathers had been jailed for child support (Zatz, 2016).
- A 2008 study of South Carolina jails found that 13.2% of incarcerated

persons were there for civil contempt for nonpayment of child support (Patterson, 2008; NCSL, 2019).

Because of methodological difficulties in tracking the use of jail for this type of contempt of court, these remain estimates. Indeed, NCSL (2019) concluded a recent report by calling for more research on patterns of contempt, the cost of contempt, the average length of reincarceration, and the short- and long-term effects on parents.

A final legal challenge is parents’ ability to desist from crime. Because recidivism is itself mediated by the economic, familial, and legal challenges discussed in this section, there is no simple association between debt and desistance. In one of the only studies of this association, Link and Roman (2017) analyzed SVORI data and found that support debt was not associated with higher rearrest rates for formerly incarcerated parents, although they cautioned that the effect might take longer to manifest itself than the study’s limited observation period (16 months).¹² Because the relationship between debt and desistance is mediated by different institutional processes, social scientists must continue to study factors known to buffer against crime: from familial ties, to employment, to social support. They must also study factors known to push persons convicted of crime back into crime: from struggles to make ends meet, to frayed family ties, to legal feedback loops. This research will reveal precisely how child support debt and recidivism relate and what type of policy impedes or promotes reintegration after prison.

¹¹States also have laws for criminal nonsupport of a minor on the books, though they are rarely used. See NCSL’s Criminal Nonsupport and Child Support page for details on each state’s statute.

¹²In another study, Roman and Link (2015) examined child support and recidivism directly. Although they found a positive association between child support debt and desistance from crime, the effect was small and disappeared over time and with sensitivity tests. They hypothesized that the effect was likely related to a familial effect — and mediated by the link child support can make between NCPs and their families.

State and Federal Policies That Impede Reintegration and Repayment

Social science research on the institutional processes of reentry clearly shows that post-prison reintegration can be particularly perilous for indebted parents. It is also clear that some state policies contribute to these obstacles, including policies that cause rapid and substantial increases in incarcerated parents' debt and the use of custodial punishment to enforce support orders. Because child support and criminal justice policy are largely state-specific, locales matter to the reentry process. Child support debt accumulates at different rates across states, while enforcement measures related to debt are applied and administered differently.

From the outset, it is important to note two key limitations of the existing policy research. First, because research on incarcerated parents with debt remains rare, much of what is known about them is gleaned from research on parents with child support debt in general. Second, research that evaluates policies for their effects on incarcerated parents is often limited methodologically: It rarely uses control groups, so it can be unclear if the outcomes are attributable to the policy intervention or other factors. That said, several policies pose key challenges to the reentry prospects of parents with child support obligations and debt, as discussed below.

1. Restrictive Modification Policies and Court Practices

State policies that impose restrictions on parents' ability to request and obtain modifications of their child support orders complicate the reentry process. Without modification, their debt may continue to soar and reentry challenges may worsen. This is true for modifications both **during** and **after** incarceration.

For incarcerated parents, child support debt can accumulate rapidly during prison, and it can be propelled by state modification policies. Prior to 2016, it was fairly straightforward to classify these policies, with states falling into three categories that varied according to whether they considered incarceration grounds for order modification (Turetsky, 2008; Meyer and Warren, 2011). Appendix 2 shows that about one-third of states fell into each category — the most extreme states defined incarceration as “voluntary unemployment” and forbade incarcerated parents from order modifications. In 2014, 21 states had such policies and the accumulation of arrears for parents in those states soared, with hundreds of thousands of incarcerated parents unable to modify this debt. These policies created serious obstacles for their reentry and reintegration (Griswold, Pearson, and Davis, 2001; Levingston and Turetsky, 2007).

Since 2016, the policy terrain has become more varied and difficult to categorize. As previously outlined, the Final Rule set forth key reforms for states to consider — including requiring states to enact policies that consider order modifications for incarcerated parents and to implement some form of notification for parents who are incarcerated more than 180 days. Yet, the Final Rule stopped short of specifying what those modification policies must include. Appendix 3 shows that most states now allow for at least the possibility of modification. Yet, it remains unclear how available order modifications really are. In this way, the modification issue has shifted from one of formal *eligibility* to one of *accessibility*. The latter issue is far more difficult to track and document. Although we know that most states have put a policy in place, it is unclear whether restrictions on modifications have indeed been relaxed and if these policy shifts have affected incarcerated parents' access to support modifications while imprisoned (NCSL, 2019).

One possible reason for the Final Rule's potentially limited effects on the accessibility of modifications might be the serious hurdles involved in locating incarcerated parents and notifying them of their right to an order review. Caseworkers frequently report insurmountable barriers as they try to detect which parents are incarcerated and where they are imprisoned — a struggle made all the more difficult by the lack of data interfaces and sharing between state child support offices and departments of corrections (Vogel, 2020a; Haney, forthcoming). A recent OCSE policy brief outlined the scope of these barriers and the strategies that states and counties use to try and bypass

them (Aharpour et al., 2020). Although these strategies have not been subjected to robust policy evaluation, many seem promising in addressing institutional obstacles — particularly those that use data matching and interfaces across databases to locate incarcerated parents who are eligible for modification. Yet, one of the main obstacles is that incarcerated parents are often wary of being located and suspicious that attempts to reach them are in fact “sting operations” designed to punish them further (Pearson, 2004; Vogel, 2020b). Their reluctance and suspicions then exacerbate the institutional barriers to support modification during incarceration.

The issue of modification does not end when parents leave prison — their accumulated debt follows them into their post-prison lives. To the extent that state policies leave support debt unmodifiable after prison, they end up impeding the reentry process. States with significant barriers to retroactive arrears modifications contribute further to the accumulation of parental debt and worsen the reentry challenges these parents confront. More specifically, those states and locales that adhere to narrow interpretations of the Bradley Amendment's limit on retroactive debt modification can create more debt for parents. Although the Bradley Amendment restricts retroactive modification, some states and counties have interpreted it as applying only to private orders and thus agree to forgive only those arrears owed to the government as public assistance payback (Levingston and Turetsky, 2007; Justice, 2007; Brito, 2019; Haney, forthcoming). But many other states and counties have refused even these considerations, leaving parents with no way to negotiate large, unmanageable support debts after prison.

The few legal challenges to Bradley have largely been unsuccessful and focused on egregious cases of misuse.¹³

In addition, the extent to which state policies limit the use of low-income support orders or severely restrict access to them can impede parents' post-prison reintegration. Low-income orders are one way for current support orders to be set at manageable levels because they allow NCPs to pay a reduced, flat rate for a set amount of time until their incomes increase. This is especially helpful for formerly incarcerated parents in the post-prison transition. States vary according to the eligibility criteria and accessibility of these orders, as well as the frequency with which they are granted (OIG, 2000). States that restrict the granting of such orders allow parents' "debt bubble" to expand to even more unmanageable levels after prison (Brito, 2019).

Finally, there is a less tangible, yet no less important, set of state practices that can restrict parents' access to order modification: court processes of exclusion and disrespect. Child support courts are known to be highly discretionary, with their form and focus varying across and within states. Parents' experiences with court processes affect their willingness to comply with child support mandates. Researchers have begun to pinpoint which processes are most damaging to parents overall and to those with criminal records (Pearson, 2015; Battle, 2018, 2019; Brito, 2020; Vogel, 2020b; Haney, 2018, forthcoming). For instance, Pearson (2015) has suggested that child support courts' refusal to acknowledge what she calls "parenting time" — or poor

fathers' involvement in their children's lives — can alienate fathers from the legal process.

In a more elaborate study, Battle (2019) examined legal interactions between court officials and fathers in Virginia and New Jersey to show how they produce stigma and shame. Fathers are demeaned through how they are assessed and evaluated by court officials and how their lives are portrayed by these officials. All of this leads them to feel disrespected, which has social consequences; for example, the fathers might check out of the legal process, avoid paying child support, retreat underground, and even engage in illegal activities. Such responses then hurt fathers' bonds with their children and families. Similar findings on the stigmatization of fathers in child support courts have been uncovered in studies in other states (Brito, 2020; Vogel, 2020b). Indeed, demeaning court practices have been found to be so common and consequential that a recent government panel included them in its list of reforms needed to transform child support into a more equitable system (Hahn, Edin, and Abrahams, 2018).

2. State Interest Policies

The interest charged on past-due child support poses another impediment to post-prison reintegration and repayment for parents. State assessment of interest emerged from the Bradley Amendment, which required child support arrears to be considered a judgment by operation of law (Sorensen, Sousa, and Schaner, 2007). Following the categorization of support

¹³For instance, one unsuccessful challenge was *Bowes et al. vs. Reno et al.*, No. 00-12557-NG (D. Mass.), which was dismissed by the state court on October 22, 2001. The other challenges to Bradley have used extreme examples of its unintended consequences. One example concerned a father held hostage in Kuwait for five months and unable to notify the court of his inability to pay support. Another concerned a father falsely incarcerated for murder and later exonerated — only to be arrested for nonpayment of child support. For more information on these challenges, see Weimer, 2000.

debt as a judgment, many states began to charge interest on this debt because state statutes often require that interest be charged on judgments. At present, 35 states, Guam, and Puerto Rico assess interest on child support arrears (NCSL, 2019). The funds collected through interest on public debt are then added to state and local budgets and used to support government agencies.

Although all states have seen an increase in arrears since 1987, those charging interest have experienced a far greater increase in arrears than those that do not charge interest (Sorensen, Sousa, and Schaner, 2007). There is also evidence that these arrears are uncollectible because they are owed by parents with little or no reported income (Sorensen et al., 2003). Despite being uncollectible, many states continue to charge interest on support arrears — even on public debt. For example, in 2016 less than 5% of the interest on California’s public support debt was collected from parents (Financial Justice Project, 2019). Appendix 5 shows state interest rate data, revealing that Arizona, Arkansas, Iowa, California, and Wyoming charge 10%, while Colorado, Kentucky, and Washington charge 12%.

Interest rapidly inflates the amount owed by reentering parents, which can impede the ability to satisfy their debt and negatively affect their reentry outcomes (Brito, 2012, 2019). Given that most incarcerated parents must wait until after release to begin to satisfy their obligations, it can take decades for many to repay their debt (Pearson, 2004; Cammett, 2011).¹⁴ Adding interest to the equation balloons the debt, so it becomes virtually impossible to repay (Sorensen et al., 2003; Sorensen, Sousa, and Schaner, 2007). More precisely, when child

support payments, arrears, and interest are deducted from reentering parents’ wages, the funds remaining leave them in severe financial hardship and unable to pay off the remaining support debt (Haney, 2018).

When assessing this financial reality, some parents may then be drawn to informal employment (or “off-the-books” work) to earn income for otherwise legal work. Other parents engage in illegal activity to make ends meet. Both routes expose parents to new risks, including parole violations and further criminal justice involvement. In short, the assessment of interest on child support arrears can create a scenario in which reentering parents are faced with debt they may never be able to repay and choices that may impede their successful reintegration.

3. Criminal and Civil Contempt

The use of jail time as a child support enforcement tool is a crucial yet understudied area. Although basic data on the effects of contempt actions for debt have yet to be collected, it is clear that even short-term incarceration can derail and discourage parents in the reentry process.

Almost all of the research on this topic focuses on who is held in contempt of court. As discussed earlier, a demographic picture of this group is emerging: Jailed child support debtors are more likely to be poor, unemployed, and African American or Hispanic (Patterson, 2008; Cozzolino, 2018). Research has also begun to expose the systemic inequities through which these parents are held in contempt: from the lack of due process protection, to judicial discretion, to the abuse of civil contempt

¹⁴This is not surprising given that the average prison wage is 14 cents to \$1.41. There are some small prison work initiatives, such as the Prison Industry Enhancement Certification Program, that encourage prison work that pays incarcerated persons livable wages and allows some parents to begin to fulfill their support obligations while in prison. However, these programs are clearly the exception.

authority (Patterson, 2008; Cook and Noyes, 2011). A collection of reports from 36 states, compiled by the Center for Family Policy and Practice, documents how these inequities led to widespread arrest and incarceration (Roulet and May, 2005).

In addition to systemic inequities, there is a great deal of variation among states in what courts allow in contempt hearings. This unevenness has led to vastly different rates of incarceration for child support debt, both across and within states. Appendix 6 presents these data for several U.S. states; it shows that Virginia has a 19% incarceration rate while California's rate is only 5%.¹⁵ Moreover, variation in the use of contempt within a state can be just as pronounced: The overall incarceration-for-debt rate in Pennsylvania is 18%, the rate in Pittsburgh is 30%, and the rate in Philadelphia is only 11% (Cozzolino, 2018).

Such variability was partly what led the OCSE to include contempt orders in the 2016 Final Rule, urging states to establish clear criteria for the use of contempt actions. These criteria were to include case screening for ability to pay, assessments of purge amounts, and information given to courts and NCPs about the standards used to prove ability to pay. Yet, it remains unclear if these reforms have been implemented or if they changed the actual use of contempt actions (NCSL, 2019; Aharpour et al., 2020). For example, many courts equate employability with ability to pay in order to hold NCPs in contempt (Haney, 2018).

Presently, researchers still know very little about the short-term and long-term effects

of contempt actions on parents. Scholars have hypothesized that the use of contempt has negative outcomes for all parents and especially formerly incarcerated parents (Patterson, 2008; Cammett, 2011; NCSL, 2019). In one of the only quantitative studies of contempt actions, Spjeldnes, Yamatani, and Davis (2015) analyzed a sample of 16,000 incarcerated persons and discovered a strong association between incarceration for support debt and recidivism — an association that was particularly strong for Black fathers. Other legal scholars have drawn on case law and trial testimony as evidence of the effects of contempt actions. Patterson (2008) uses claims made in court cases to argue that jailing parents for support debt restricts them from working, inhibits their care for children, causes them to lose work, and complicates their desistance from crime. Also, in a qualitative interview study of child support caseworkers and fathers in Wisconsin, Vogel (2020a, 2020b) discovered that both groups viewed contempt actions as counterproductive: Caseworkers recognized their destabilizing effects on men and their families, while fathers insisted the threat of jail stoked their fear and loathing of the child support system.

In my research on child support and criminal justice, contempt actions emerged as especially counterproductive for formerly incarcerated parents (Haney, 2018, forthcoming). Although my research was not designed to study contempt actions, of the 145 indebted fathers I interviewed, 27% had been incarcerated for child support debt.¹⁶ Half of this group were jailed multiple times for debt, particularly in Florida. Perhaps most importantly, the use

¹⁵These incarceration rates were computed using data from the Fragile Families and Child Wellbeing study, which included respondents from several large U.S. cities. This analysis took a subsample of respondents with debt and calculated the percentage of those for whom debt led to incarceration — but since they were not state administrative data, these percentages remain estimates (Cozzolino, 2018).

¹⁶If I had included fathers who I observed through court observations (more than 1,200 across three states), this percentage would be higher. The overwhelming majority of those jailed fathers came from my Florida sample.

of contempt was not clearly related to the amount of debt owed; parents were jailed for “noncompliance,” which was applied far more broadly than nonpayment. Although these findings are preliminary, they suggest the cascading negative effects of going to jail for support debt, including:

- Parents jailed for debt reported high levels of job loss.
- Parents jailed for debt reported more housing instability.
- Parents jailed for debt reported serious family tensions.
- Parents jailed for debt were angrier and less compliant toward authorities.

- In 14 cases, contempt led to new legal problems and parole revocation.

In sum, although studies indicate that civil contempt is used frequently to jail indebted parents, more research using more varied research methods is needed to determine how often it is used and how it complicates reentry. The same is true for the other two policy areas reviewed in this section: To understand how restrictive modification practices and interest rate policies impede parents’ reintegration, more research is needed on the short- and long-term effects that might be unique to indebted parents with criminal records.

State and Federal Measures That Facilitate Reintegration and Repayment

Just as state policy can make the reentry process more difficult for returning parents, it can also facilitate their reintegration. In the past several years, states began to experiment with policy reforms designed to address the needs of indebted parents, especially those with criminal records.¹⁷ Because few of these reforms have undergone robust evaluations, less is known about their efficacy. Moreover, when policy evaluations are conducted, they often share the limitations discussed above; i.e., they tend to lack control groups and focus on the short-term effects of specific interventions. As such, these policies' long-term effects often remain unclear, as well as their differential effects on incarcerated parents. That said, a handful of state and local policies show promise in addressing the debt burden of this group of parents. They include the four policies discussed below.

1. Proactive Modification Assistance

As discussed earlier, research reveals that incarcerated parents receive very little assistance with their child support orders. Studies also show that order assistance is one of the most pressing needs of this group of parents (Mincy and Sorensen, 1998). A recent survey revealed that up to 86% of these parents claimed to need child support assistance; 30% of them reported it as their most pressing need, which is higher than the percentage claiming to need job training (Roman and Link, 2017). When it comes to knowledge about and assistance with adjudicating public-assistance orders, the need is even greater. Research has revealed that parents with government-owed debt know very little about this debt and need assistance to adjudicate it (Pate, 2016).

One of the key difficulties is that most modification policies require incarcerated parents to contact child support offices or courts to request modification — a requirement that ends up discouraging modifications. As previously discussed, even when child support officials try to initiate modifications, locating and contacting this group of parents can be a serious hurdle. For instance, an effort in Colorado to notify 213 incarcerated parents by mail to request they apply for a review or adjustment of their orders found that 41% could not be

¹⁷For an earlier review of these state policies, see U.S. Department of Health and Human Services, 2006.

located within the prison system (Griswold, Pearson, and Davis, 2001). Many states have begun to experiment with how to address breakdowns in the flow of information between the child support and criminal justice systems. These include a range of interventions: from cross-agency data sharing, to information sessions in prison, to videos on prison television, to booths at reentry forums, to outreach programs in child support offices. Although few interventions have been evaluated, it is important to note this range of possibilities (Griswold and Pearson, 2003, 2005; NCSL, 2019; Aharpour et al., 2020).

Given the barriers to reaching incarcerated parents about their child support, two promising policies take a proactive approach to modification. The first is an expedited (and even automatic) suspension of support orders for incarcerated parents. The idea is to bypass cross-system barriers to communication through an accelerated modification process. This approach has been tried in several states and counties, although few of these programs have undergone systematic evaluation.¹⁸ One exception to this is the Wisconsin policy: In 2005, Milwaukee County introduced the Prison Project, which targeted more than 20,000 child support cases with incarcerated parents (Cancian et al., 2009; Cancian, 2017). The Prison Project created simplified modification forms and proactively sent them to both custodial and noncustodial parents, asking them to indicate if they would like their child support order suspended during incarceration. If they both agreed, the order was suspended until 60 days after their release date.

In the policy evaluation of this program, Cancian and colleagues (2009) and Cancian (2017) compared the Prison Project cases to those in Wisconsin counties that did not proactively modify orders. The results were impressive: Proactive suspension was associated with a significant decline in parents' arrears and order amounts. It also correlated with significant increases in the rate of support payment, the amount of support payment (in the first year), and order compliance in the two years following release from prison. Although no effect on post-prison employment was found, the study is the first to use a "natural experiment" within a state to assess proactive suspensions.

Another promising form of proactive modification is the administrative modification used in some states. Most states that offer modifications for incarcerated parents require legal hearings and adjudication, which can create insurmountable barriers for parents. These barriers have prompted a few states to introduce administrative modifications, which allow child support officials to modify a support order through administrative channels if the NCP is shown to be incarcerated. Because these modifications are very recent, no systematic research has been done on their effects. However, a collaborative research project I conducted with the California DCSS indicates promise (Haney and Link, 2017). In 2016, California enacted SB 1355, which allowed for the administrative suspension of child support orders for most incarcerated parents. In preparation for the bill's sunset in 2020, DCSS compiled data to assess its effects and discovered that administrative order suspension correlated

¹⁸Another example of proactive order modification is Maryland's 2012 Senate Bill 720, which suspended child support orders upon incarceration for obligors who request such suspensions (Broome and Hatcher, 2012).

with increased access to modifications from prison and a lower overall debt for incarcerated parents.¹⁹ The internal DCSS evaluation did not study effects on repayment or compliance after release from prison.

2. Coordinated Reentry and Child Support Assistance

Another approach to address parents' need for assistance with orders and debt is to locate such support within the reentry framework. Programs with positive effects on parents seem to be those that are coordinated with reentry programs, as opposed to those run by child support offices alone. There are many possible reasons for this, including the stigma associated with child support debt and parents' reluctance to enroll in programs based in child support offices. In addition, as discussed previously, the needs of these parents interconnect across systems, so the most effective way to address them may be through similarly integrated services. Although few programs have undergone systematic evaluation, many show impacts on several dimensions.

For instance, in a multistate evaluation of coordinated service programs, researchers completed a three-year assessment of eight reentry sites with a sample of 1,600 noncustodial parents (Pearson, Thoennes, and Davis, 2003; Pearson, 2004; Griswold et al., 2004). All of the sites offered extensive reentry and child support services, integrating both employment and child support into their programs. Because over 65% of participants had criminal records, the assessment centered on post-prison reintegration, as well as a range

of other outcome measures. The study found statistically significant increases in participants' employment rates and wages as well as increases in the amount and frequency of child support payments. It also found more parental involvement with children; almost 30% of fathers reported more contact with their children.

These positive outcomes seem to be particularly pronounced for the subsample of parents with criminal records. For instance, one of the study sites was Denver's Work and Family Center (WFC), which included over 350 paroled and released persons convicted of crime. WFC combined employment, child support, and family services in one setting (Pearson, Thoennes, and Davis, 2003; Pearson, 2004). Based on a six-month evaluation study of the program, researchers found the following:

- Employment rates rose for WFC parents, from 43% to 71%.
- Average quarterly earnings among employed clients increased by 20%.
- Child support payments were higher, with WFC parents paying 23% more of what they owed in child support (40% vs. 17%).
- Rates of nonpayment of child support were cut by more than half, from 60% to 25%.
- Recidivism rates were lower among WFC parents, with 28.6% of them returning to prison after the first year as compared to the Department of Corrections rate of 40% (Pearson, 2004).

¹⁹The DCSS data are not public. The state legislature is set to debate another version of this bill (AB 2325), which will extend the use of administrative suspensions, and it is likely the data will be presented during those hearings.

More recently, several court programs have emerged to coordinate child support assistance with reentry services. These programs are less likely to have been evaluated, at least in part because they are overseen by government agencies without the tools or resources to conduct robust evaluations. However, many of their results are revealing. For instance, the Texas Choices Program (NCP Choices Program)²⁰ diverts NCPs from court and support enforcement while helping them find and maintain employment (Schroeder and Doughty, 2009). Participants devote 30 hours/week to job searches and comply with child support counseling services. An evaluation of the pilot program, based on a quasi-experimental design using 93 parents in NCP Choices and 93 parents who were not in the program, found the following (Schroeder and Khan, 2011):²¹

- An increase in the frequency and size of support payments, with participants paying support 47% more often for a 51% increase in total collections. These results continued for up to four years after program completion.
- Participants paid their child support 50% more consistently over time
- Employment rates increased 21% more among participants as compared to nonparticipants. This effect persisted for up to four years after the program.
- Use of public assistance (TANF) declined by 21% among custodial parents in the first year after the

program and by 29% two to four years after the program.

In addition to diversion programs, several states and counties have created court-based pilot projects for parents with support debt who are at risk of reincarceration. These programs tend to operate like problem-solving courts that address issues of poverty and child support together. For instance, Georgia has a series of courts, called Parental Accountability Courts, to address barriers to nonpayment of child support and to keep parents out of jail for failure to pay. These courts connect at-risk parents to community networks and resources, and train child support judges to conduct effective oversight of participants. For example, in 2015 Georgia HB 310 created a diversion center for parents sentenced to contempt of court for failure to pay child support. Participants reside in the center, traveling to and from work, for the duration of the sentence. Parents also participate in educational and counseling programs and are linked with community resources.²² Although the program has not undergone external evaluation, a state-sponsored study estimated that the program helped 4,000 parents avoid jail and pay \$10 million in child support (Georgia Department of Human Services, 2019).

Although more systematic evaluations with controls and comparison groups are needed to assess coordinated programs and court projects, the existing programs seem to go a long way in addressing the intersecting reentry needs of parents with child support debt. This is particularly true when it comes

²⁰See NCP Choices Program for more information about this program.

²¹See also Virginia's Intensive Case Monitoring Program, which had collected over \$3 million through December 2011 and showed significant increases in monthly child support payments among participants.

²²There is a punitive component to these centers because they require parents to make all support and arrears payments while in residence. Any additional funds that might be available from these payments then go toward reimbursing the center for the cost of maintaining the parent. Also, other methods of incarceration come into play if the parent fails to comply with the requirements.

to employment and payment compliance. So far, however, no studies have been done on how these programs affect familial reintegration or well-being.

3. Public Assistance Payback Orders and Increased Pass-Throughs

Public assistance payback policies are one of the most underacknowledged areas of child support policy. The general public often does not know about the existence of these policies, even though both caseworkers and indebted parents find them to be especially counterproductive (Vogel, 2020a, 2020b). Moreover, relatively little is known about how they are administered across states and how they affect parents' debt and reentry. In most states, up to 65% of indebted parents' paychecks can be garnished to repay welfare debt, thus taking valuable funds away from families. Because 73% of children who receive public assistance are children of color, this form of debt affects them more often. This disparity is one reason why abolishing payback policies surfaced as a central recommendation of a recent government panel tasked with proposing reforms to transform the child support system into a more family-oriented system, particularly for low-income parents of color (Hahn, Edin, and Abrahams, 2018).²³

As discussed in previous sections, there is enormous variation among states in how public orders are set, adjudicated, and enforced. An additional way that payback policies affect public debt relates to how much government-owed support is passed

through to families. For years, states claimed the full amount of child support payments in public assistance cases, which often discouraged NCPs from paying support and getting out of debt (Pirog and Ziol-Guest, 2006). Recently, Colorado, Minnesota, and Vermont ended this practice, while other states experimented with increasing pass-throughs to families in amounts ranging from the first \$50 received to 100% of support paid (Hahn, Edin, and Abrahams, 2018). Appendix 7 includes a state map of pass-through amounts.

Many states have sought data on the effectiveness of these pass-through policies and evaluations of their programs. Several states have completed studies to examine their child support pass-throughs and disregard policy, including California, Connecticut, the District of Columbia, Georgia, Minnesota, Vermont, and Wisconsin. These evaluation studies vary by data and methodology; some use an experimental design while most other studies rely on administrative data. Although experimental design is often thought to be the gold standard, there are advantages to using administrative data, including the ability to carry out cross-state comparisons and to frame findings as more generalizable.

Interestingly, the results of studies using these different designs and data are strikingly consistent: They all find that increased pass-throughs are correlated with increased payment frequency and amount. For instance, using data from the Current Population Survey, two early studies found large and statistically significant effects of increasing pass-through amounts on

²³In response to some states' concerns about how they will make up these funds, Cancian and Meyer (2018) proposed a guaranteed family support policy in which all children were guaranteed a fixed amount of support (\$150) and all parents had a set maximum obligation per child (12% of wages). When there is a gap between the two, or when an NCP cannot pay (as in cases of incarceration), public resources bridge the gap. Although the precise amounts are open to revision, the logic is to mix public and private support to address the needs of poor children.

mothers' receipt of support (Cassetty, 2002; Sorensen and Hill, 2004). However, these studies were unable to determine if this change reflected a real increase in payment, or if it was simply the byproduct of more effective pass-through measures to distribute more support to mothers.

This issue was resolved in more recent research on the Washington, DC, pass-through policy introduced in 2006 (Legler and Turetsky, 2006; Lippold, Nichols, and Sorensen, 2013). In perhaps one of the most detailed pass-through evaluation studies, Lippold, Nichols, and Sorensen (2013) tracked the policy over a three-year period. In addition to finding that over \$4 million was passed through to families, they discovered the following effects on support payment:

- Noncustodial fathers paid 5.6% more child support in the first year and 10.8% more by the third year as a result of the pass-through policy.
- Noncustodial fathers were 1.8% more likely to pay some child support in the first year and 3.2% more likely to pay by the third year.
- The effect of the pass-through policy was especially strong in cases with a current TANF support order — where parents paid 19.7% more in child support and were 7.4% more likely to pay a portion of what they owed.

Together, these results suggest that pass-through and disregard policies might play an important role in increasing child support payments of low-income and formerly incarcerated parents.

Similar findings have emerged from studies using experimental designs. One of the most comprehensive of these was a Wisconsin study where an experimental design was used to analyze a 100%

pass-through and disregard policy that was introduced in 1997. The researchers were able to leverage variation in Wisconsin counties to test the effect of the full pass-through relative to a more limited pass-through (Cancian, Meyer, and Caspar, 2008). The study found the following:

- Fathers whose children received the full pass-through were 5% more likely to pay child support during the first year, which was statistically significant. By the third year, the fathers were 8% more likely to pay child support.
- Fathers also paid higher amounts of child support. By the third year, they paid 19% more than those in the control group.
- Pass-throughs had more of an effect on families new to TANF or who had current public assistance cases. These fathers paid 18% more in the first year and 24% more by the third year.
- Fathers had to know about pass-through changes for them to have these effects.

Finally, a recent policy brief drafted by a San Francisco-based consortium reviewed all of these findings on public assistance debt and pass-throughs (Financial Justice Project, 2019). Drawing on interviews with policy experts and social scientists from across the country, the policy report makes a few broad conclusions: increased pass-throughs have a positive effect on support payments, increased pass-throughs lead to more resources for children, small pass-throughs on welfare debt have negative effects on low-income parents of color, and welfare debt has particularly negative effects on incarcerated parents. The report makes a more tenuous link between pass-throughs and familial well-being, suggesting that payback policies drive families apart and lead to less paternal engagement with children.

4. Debt Relief and Compromise Programs

The final policy that shows an impact on this population of parents is debt relief. In the past few years, there has been considerable interest in these programs for both low-income and incarcerated parents. In 2007, 20 states operated some type of child support debt compromise program; by 2011, the number had more than doubled to 44 states (OIG, 2007; OCSE, 2011, 2018). Counties also launched their own debt forgiveness programs.²⁴ For instance, the Baltimore Center for Urban Families and the state child support office jointly run a child support course with a payment incentive: NCPs receive a 50% reduction in state-owed arrears if they stay current on their orders for 12 months, while arrears are eliminated altogether if they stay current for 24 payments (National Fatherhood Initiative, 2018).

Debt relief programs vary considerably in size and scope. Some programs focus on all indebted parents, while others target those who meet specific eligibility criteria or have government-owed debt. Yet, most of them are limited to debt accumulated during prison, so as not to provide an “incentive” for parental nonpayment. Like other pilots, debt relief programs are rarely evaluated in systematic ways.²⁵ They also tend to mix incarcerated and nonincarcerated parents in their studies, so the effects on the former group are not always clear. That said, the best research looks at a single state program in depth

or compares programs across states and counties, thus offering more generalizable findings. All of these evaluations find that debt relief is associated with consistent and higher support payments and improved family relationships. Some have also found reduced stress and reduced barriers to employment for parents.

One of the earliest of these evaluation studies was for Colorado’s debt relief program (Pearson and Davis, 2002; Pearson, Thoennes, and Kaunelis, 2012). The program offered debt compromise in two counties in exchange for participants’ regular and complete payment of their child support obligations. Like other sites would discover, Colorado found participation to be a challenge: Eligible NCPs were mailed an offer to join the program, but few responded because they were suspicious the program was a “sting” operation.²⁶ Those who participated tended to have higher incomes, and those who succeeded in making the required payments and receiving debt relief had consistent employment and higher earnings. Researchers also learned that debt-forgiveness opportunities seem to attract partial payers rather than nonpayers. In sum, they found it challenging to reach those NCPs who could benefit most from the program. Nevertheless, early findings showed increased payments for those parents who participated in the program.

More recent studies have been designed to address these challenges. For instance, in one of the most systematic studies of

²⁴Some of the local programs cited most often include those in Richmond, California; Minneapolis, Minnesota; and Baltimore, Maryland. For a list of some of these local programs, see National Fatherhood Initiative, 2018.

²⁵For a discussion of the methodological problems plaguing many of these studies — particularly their difficulty knowing if outcomes were related to debt forgiveness or some other factor — see Cancian, 2017.

²⁶This tactic of child support “offers” being used as sting operations, to get fathers into support offices where they are then arrested, was reported by fathers in Vogel’s (2020b) interview study. Many of the indebted fathers she interviewed reported being arrested for their support debt — and brought in through such sting operations.

debt programs, researchers evaluated Wisconsin's Families Forward debt reduction program in Racine County (Heinrich, Burkhardt, and Shager, 2011). The study used control groups, randomly assigning half of the sample of 5,000 cases to the control and experimental groups. It also restricted eligibility to noncustodial parents with at least \$2,000 in arrears and with a recent history of nonpayment. The Wisconsin program is unique in its inclusion of debt owed to custodial parents: Most debt-relief programs have focused only on government-owed debt, so less is known about their success with private child support debt. Families Forward included relief for both types: The program reduced state-owed debt by 50 cents for every dollar paid and did the same for debt owed to custodial parents, with their consent. The program showed effects with forms of debt relief. Parents in the debt-forgiveness program paid \$70 more per month than those who were not in the program. The frequency of their payments was also higher than those who did not receive debt relief.

Although studies of single-state policies can be revealing, those based on a comparative design also offer insights. One of the most comprehensive is a 2012 study of debt forgiveness in five locations: California, Illinois, Maryland, Minnesota, and Washington, DC (Pearson, Thoennes, and Kaunelis, 2012). Although the specific studies adhered to different methodologies and sampling criteria (some included government and private debt and others included government debt only), bringing them together into one analysis led to some powerful findings, including:

- Parents in debt programs paid more of their support obligations. This difference was significant in four of the five locations: California, Illinois, Maryland, and Washington, DC.
- Over a two-year period, the average payment increase was 32% in Washington, DC, 27% in Maryland, 23% in California, and 14% in Illinois.
- Parents' support debt was lowered in all locations. State-owed debt was reduced the most in Illinois (83%) and California (72%), while parents in Minnesota wrote off 59% of their state-owed arrears and parents in Maryland wrote off 32%.
- Programs in all states struggled with low participation.
- Program compliance was lowest for those parents with high arrears (more than \$20,000).

Finally, while nearly all of the evaluation studies have limited their analysis of outcomes to the size and frequency of payments, one recent study examined a broader range of outcome measures (Hahn et al., 2019). The study was a pilot test of California's Compromise of Arrears Program (COAP), which enters into payment plans with NCPs to reduce their debt. The study size was very small; it included only 32 parents with public debt. Like other evaluation studies, researchers found that COAP participants increased their support payments, paying 18% to 28% more of their child support, depending on the month. Yet, the particularly innovative

aspect of the study was the inclusion of measures to gauge the additional effects of COAP, including:²⁷

- Participants who received debt relief reported reduced barriers to employment.
- Participants improved their credit score and housing status.
- Participants reported less stress and more control over their finances.
- Participants had improved relationships with their children and less familial conflict.

In summary, although more systematic evaluations are needed to assess the long-term effects of policy interventions on parents with criminal records, the four

policies reviewed here show promise in easing these parents' reentry challenges and, in many cases, in improving outcomes for children and families. Proactive order suspensions show promise in overcoming the bureaucratic barriers incarcerated parents face in modifying child support orders — they are associated with lower arrears, higher support payments, and increased compliance after prison. Coordinated reentry services also go a long way in addressing the intersecting needs of parents with child support debt, particularly when it comes to employment and payment compliance. The same is true of policies that curtail public assistance debt, either through increased pass-throughs to families or expanded debt-relief programs, both of which are associated with lower debt, more consistent payments, and improved family relationships.

²⁷More information on the project is available at <https://truthandjusticeinchildsupport.org/the-truth-about-child-support-video/>.

Considerations for Future Research and Policy

Research on the relationship among child support, criminal justice, and reentry is still emerging. More research is needed in several areas; one of the most pressing areas is research that links the institutional processes of reentry to effective policy interventions. The final section focuses on research needed to inform such policy interventions.

I. Research

Although many questions related to reentry and child support debt need further study, there are several data issues that should be addressed before those questions can be examined adequately. At the substantive level, there are three key areas in which additional research will make important contributions to policy reform: research on patterns of debt accumulation, the effects of custodial sanctions, and the racial disparities in reentry.

1. Data Issues

For a variety of reasons, the data available to researchers have often been limited, particularly administrative data from state child support offices. Therefore, researchers must use datasets that are not ideal for studying national-level state processes. For quantitative researchers, analysis often relies on datasets that, while excellent in many respects, are limited for this topic. These datasets tend to be restricted to specific states and cities and are thus problematic for examining national trends. They also often rely on self-reporting from parents, which can be problematic when it comes to information on support payment and debt. Although qualitative research has provided nuanced accounts of institutional processes and reentry obstacles, this work is limited to small sample sizes and state case studies. To address both data issues, it is recommended that:

- State administrative data become more widely available and accessible.
- Research using experimental designs with control groups be prioritized.
- Robust, systematic evaluations of pilot programs and experiments be conducted.
- Qualitative research with larger sample sizes and state comparisons be prioritized.

2. Research on Patterns of Debt Accumulation

There are critical gaps in research on the accumulation of debt for incarcerated parents at the national level and as it relates to recidivism. Research is needed on the following questions:

- Who owes how much child support debt, by age, household type, and sentence length?
- What are the patterns of debt accumulation before, during, and after prison?
- What interventions have the strongest effects on debt before, during, and after prison?
- Does debt have long-term negative effects on parental employment and family relationships, and do these effects relate to recidivism?

3. Research on Patterns of Custodial Sanctions and Contempt Actions

Despite the far-reaching effects of jailing parents for support debt, little is known about patterns in the use of contempt. More research is needed to test preliminary findings on how the use of jail complicates reentry for indebted parents, including consideration of the following:

- What is the demographic makeup of parents held in contempt?
- What are cross-county and cross-state patterns in the use of contempt?
- Do contempt actions lead to job loss, housing instability, familial tension, and recidivism?

4. Research on Racial Disparities

Very few studies examine race as a factor shaping the experiences of reentering parents with support debt. Given what is already known about racial disparities in incarceration and child support involvement, key questions remain about the effects of race in this area, including:

- Are there racial differences in the accumulation of parental debt?
- Are there racial differences in how debt relates to employment and recidivism?
- Are there racial differences in the use and consequences of custodial sanctions?

II. Policy Reform

Despite the need for more research, some policy reforms have been shown to make significant improvements in the lives of indebted parents and their families. These reforms address the two main barriers facing these parents and families: the accumulation of support debt and related enforcement measures. Such reforms could work together across levels of government, as discussed below.

Federal Reforms

The federal government is often downplayed in research on child support, yet it has a long-standing role in this policy arena. The federal government has strong oversight powers and creates the framework within which states operate, both of which could be harnessed to address the variation in state provisions. In particular, three reforms could achieve this:

1. Expand the Final Rule

One of the most important set of reforms enacted at the federal level was the 2016 Final Rule. By ensuring that all states allow for at least the possibility of order modification, it addressed parents' *eligibility* for modification. Given the existing state variation in modification policies, it should be elaborated and extended to address *accessibility* by considering the following:

- Strengthen the directives and modification guidelines given to states.
- Create incentives for states to modify the support orders of institutionalized parents.
- Regulate state discretionary practices in the handling of modification cases.
- Advance guidelines and incentives to curtail the use of custodial punishment for debt.

2. Expand Exemptions to the Bradley Amendment

Research points to severe barriers to communication across the child support and criminal justice systems. Given the obstacles that incarcerated parents face in accessing information, some debt will likely accumulate for these parents even with new modification guarantees. A mechanism should thus be created to give institutionalized parents the right to have this debt forgiven retroactively, which the Bradley Amendment curtails. One clear reform could secure this:

- Waive institutionalized parents from restrictions on retroactive modification.
- Ensure this exemption is consistent across states and no longer subject to local discretion.

3. End Public Assistance Payback

Research consistently reveals that public assistance payback is a main source of debt accumulation for low-income parents, leading many policy experts to call for its repeal. The effect of such a repeal would be especially significant for incarcerated parents, who cannot work for livable wages. Data show that these recovered funds rarely reach poor children, but what children might lose could be bridged by a minimum support guarantee through the following:

- Waive public assistance payback for institutionalized parents.
- Introduce a minimum support guarantee for all children and commit to use public resources to meet this minimum when parents cannot do so (due to institutionalization).

State Reforms

Given that child support and criminal justice policy remain under the purview of individual states, they play a large role in reform. This is true of policies that affect the accumulation and the enforcement of debt. Three sets of reforms would have an impact on reentering parents:

1. Implement \$0 Incarceration Orders

Research shows that proactive order modification curtails the accumulation of arrears that derail so many reentering parents. With the Final Rule extended to mandate eligibility, states can address the gap between official eligibility and actual accessibility through two reforms:

- Institutionalized parents should have a right to \$0 incarceration orders.
- Incarceration orders should be set administratively and discretionary practices should be curtailed.

2. End Interest Charges on Support Debt

Interest charges are a primary way support debt reaches uncollectible levels. These charges do not encourage repayment and are associated with future noncompliance. The small amount of charges that are repaid is offset by the costly barriers for indebted parents. To address this:

- In states where state directors of child support services set interest rates, they should be 0% for institutionalized parents.
- In states where the state constitutions set interest rates, amendments or statutes should exempt institutionalized parents from such charges and fees.

3. Restrict Custodial Sanctions for Debt

Research shows that sending reentering parents back to jail or prison because of support debt creates economic, familial, and legal obstacles. Data also reveal enormous disparity in how states and counties use contempt orders and suggest that poor parents of color are more likely held in contempt and jailed for their support debt. To address this:

- Introduce statewide protocols to be followed in all contempt cases.
- Use alternative-to-incarceration programs in all contempt cases.
- Set clear limits on the amount issued to purge out of contempt of court.
- Create independent oversight committees to review all cases of custodial punishment.

Local Reforms

Many of the most innovative policy reforms have been enacted at the local level by cities and counties dedicated to

improving reentry. In addition to evaluating pilots more systematically, locales should be supported as they implement such programs. This includes the following:

1. Create and Extend Partnerships between OCSE and DOC

- Expand and increase the accessibility of assistance with child support orders.
- Coordinate assistance with support orders across criminal justice institutions.
- Establish coordinated data sharing between child support and jails/prisons.

2. Expand Debt-Relief Programs

- Establish which debt-relief programs are most effective for incarcerated parents.
- Ensure programs do not merely address payment, but also family ties and well-being.
- Recruit community-based organizations to administer debt-relief programs.

3. Ensure Court Practices Follow Due Process Standards

- Make public the rate of contempt actions, both by county and by judge.
- Oversee locales with high rates of noncompliance and contempt filings.
- Recruit community organizations to evaluate court enforcement practices.

In the end, all of these child support reforms should be considered as key parts of criminal justice reform. Given that one of the main goals of criminal justice reform is to find innovative ways to address the challenges of reentry and their link to familial disadvantage, there are few better places to start than with child support obligations and debt.

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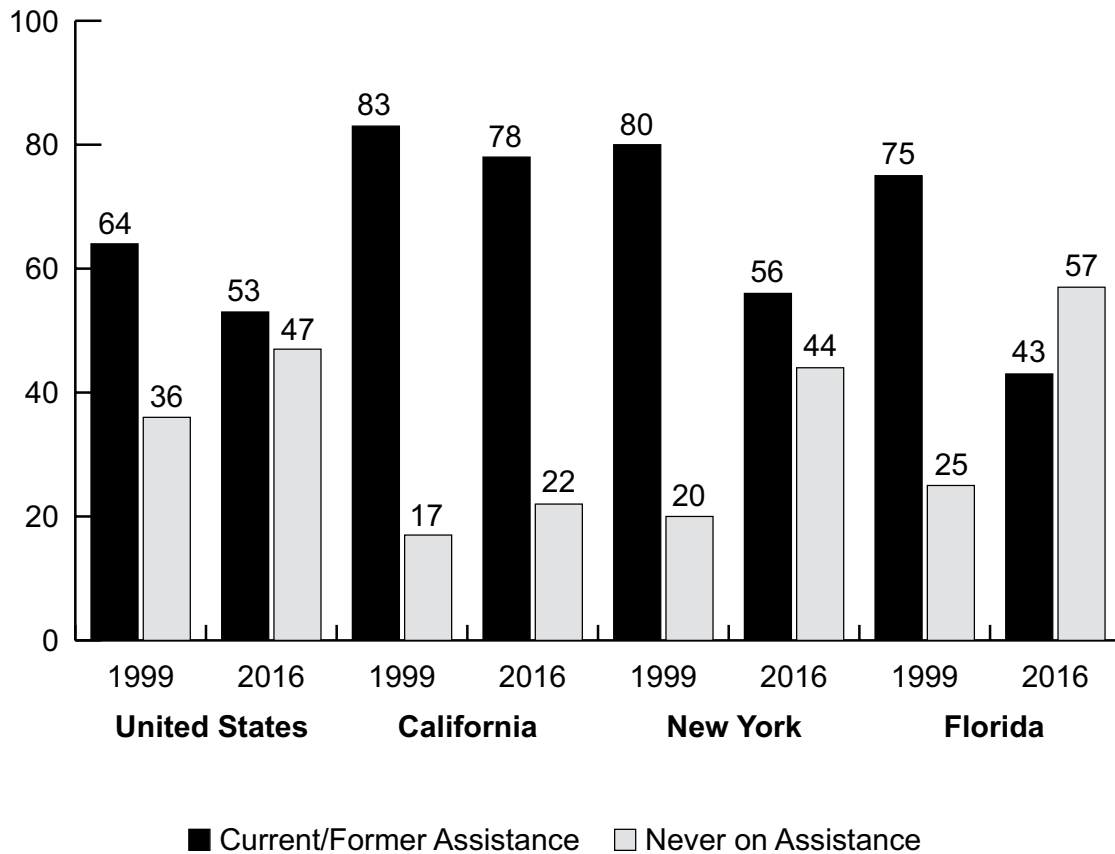
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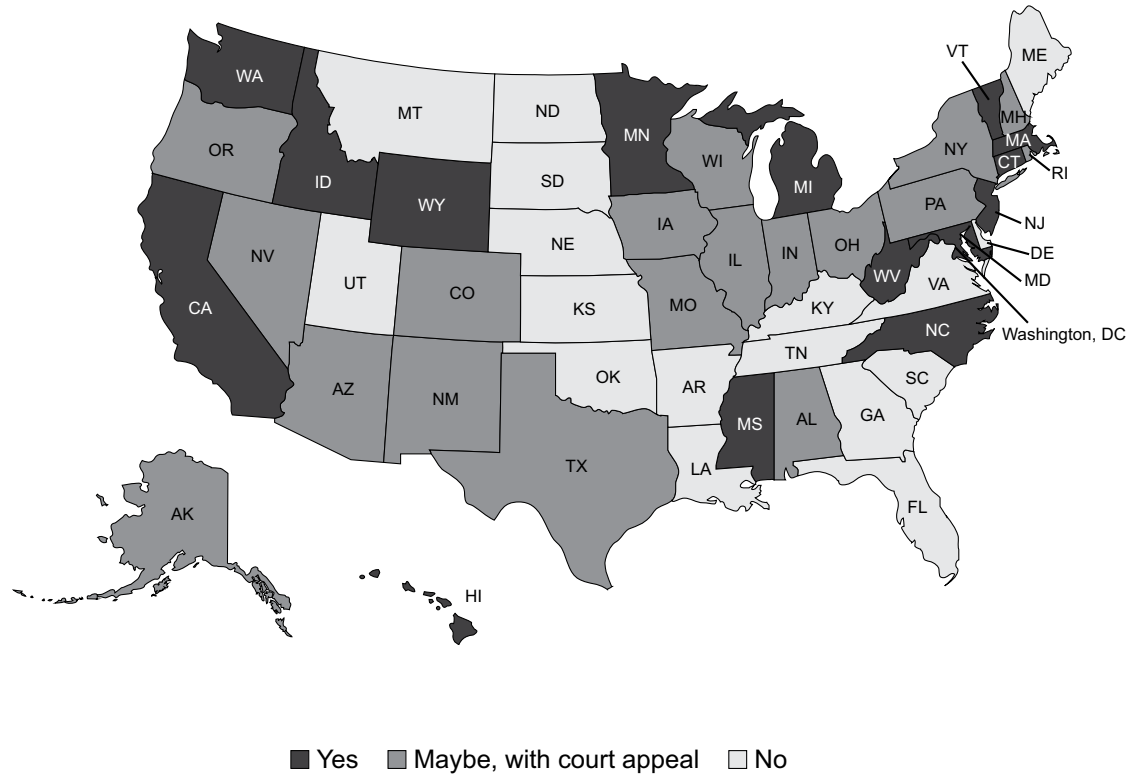
Appendix 1: Percentage of Obligor With and Without Public Assistance Cases, 1999 and 2016



Source: Sorensen, 2019.

Appendix 2: Eligibility for Order Modification During Incarceration (Before 2016)

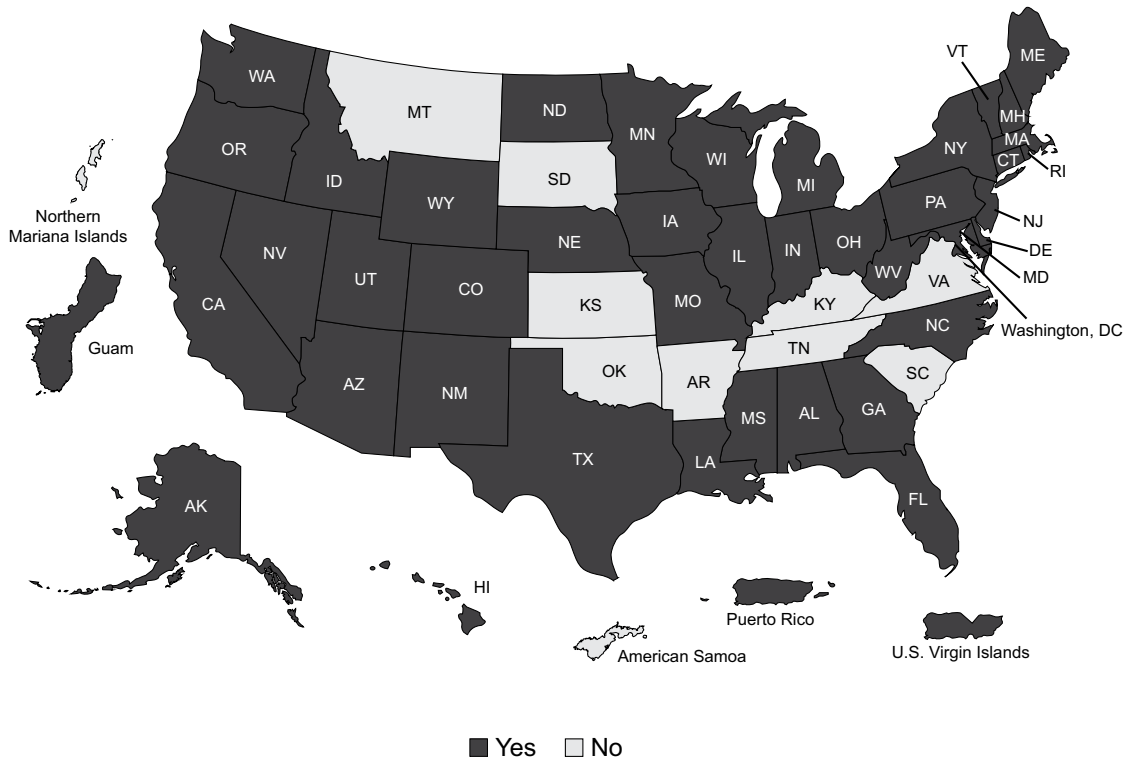
Is modification or suspension of child support orders allowed during periods of incarceration?



Source: National Conference of State Legislatures, 2016.

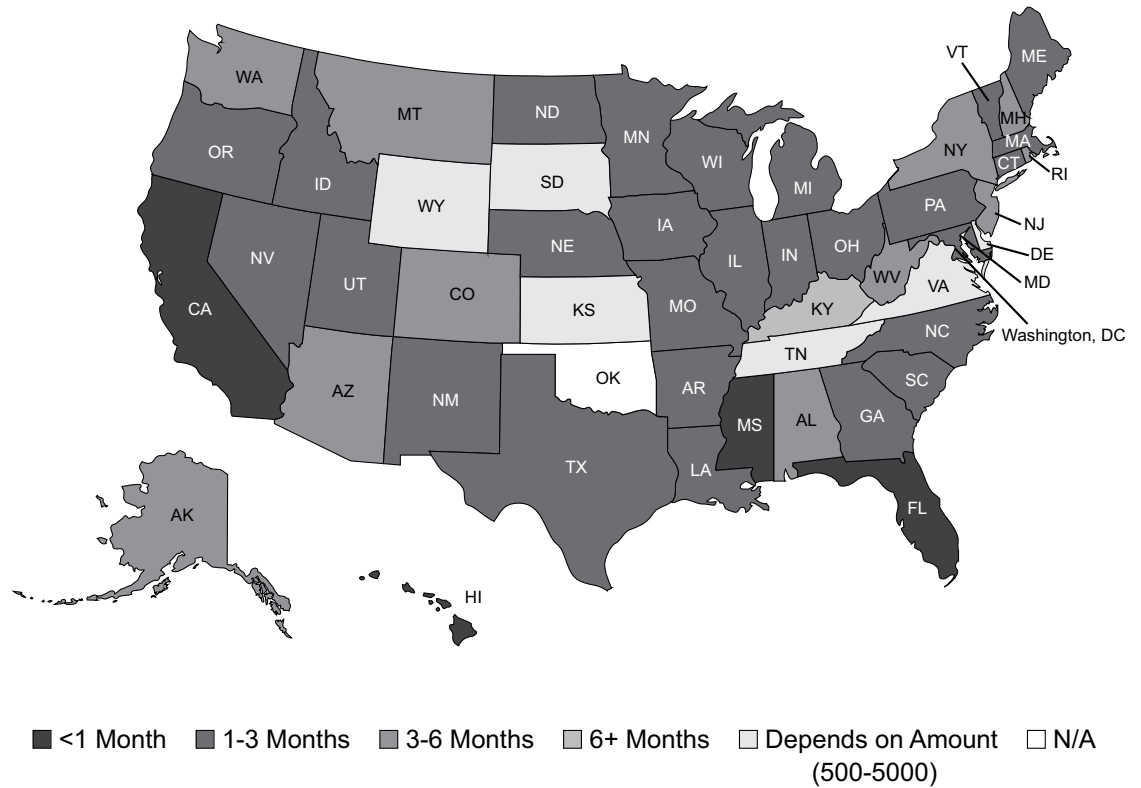
Appendix 3: Eligibility for Order Modification During Incarceration (After 2016)

Is modification or suspension of child support orders allowed during periods of incarceration?



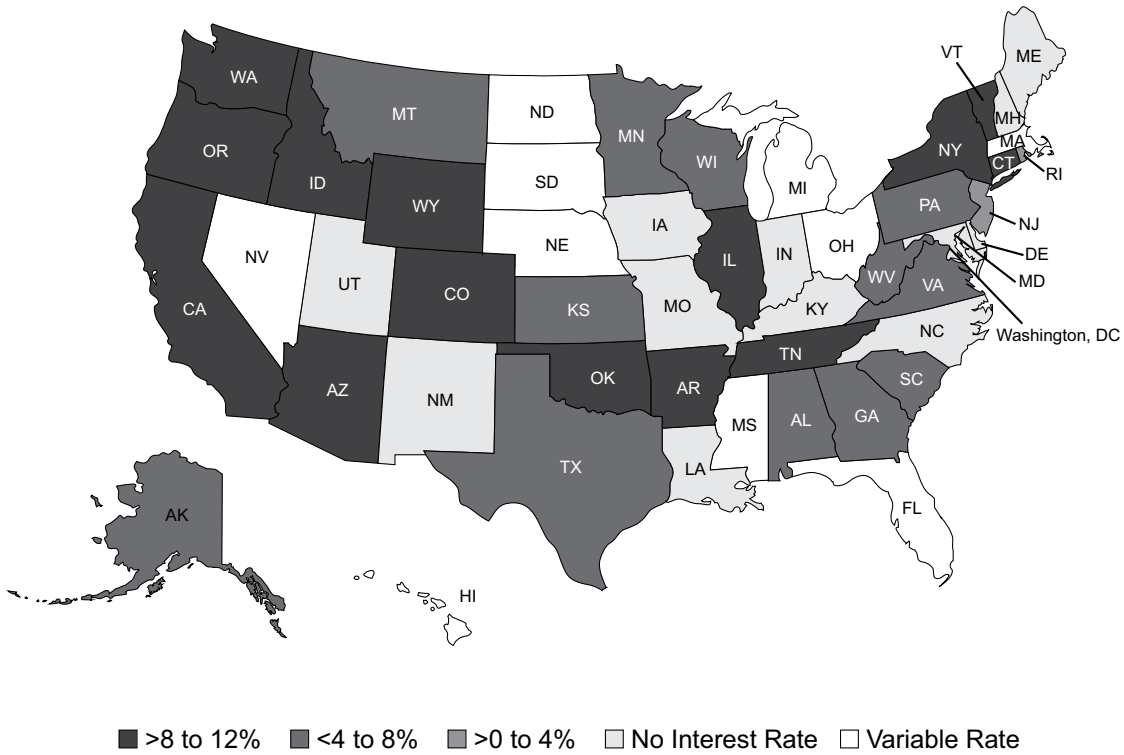
Source: National Conference of State Legislatures, 2019.

Appendix 4: State Laws on License Suspension, Nonpayment Time Trigger



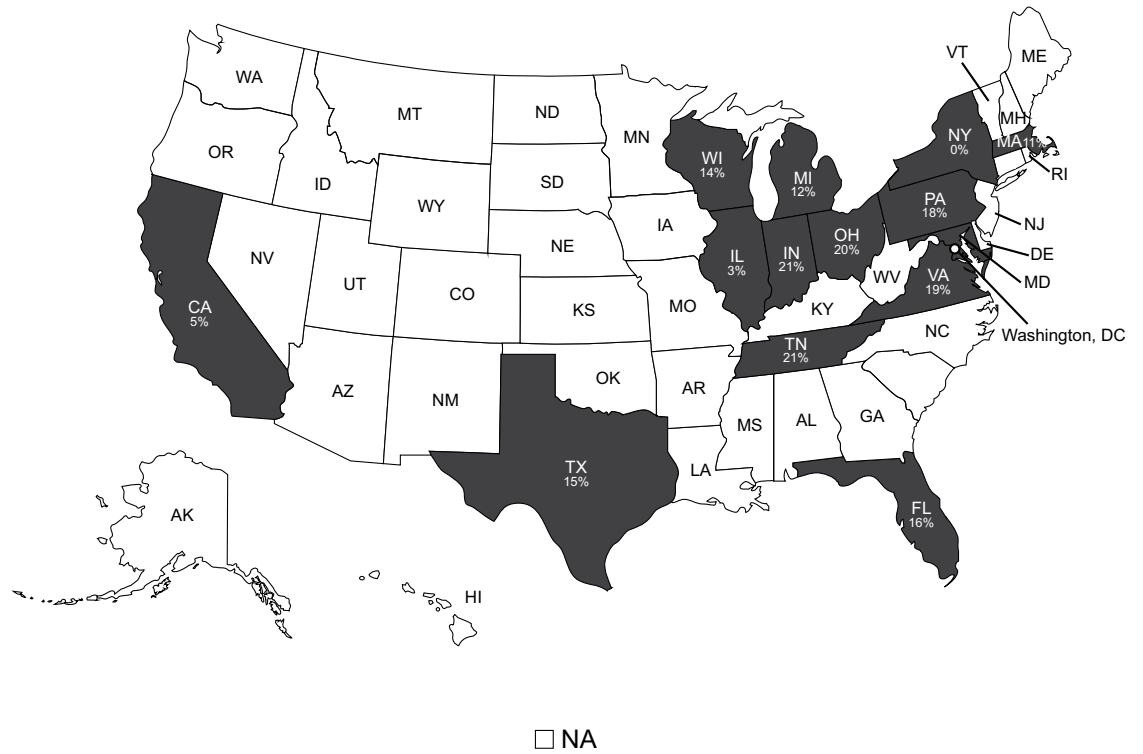
Source: National Conference of State Legislatures, 2020; Haney, Forthcoming.

Appendix 5: State Interest Rates on Child Support Debt



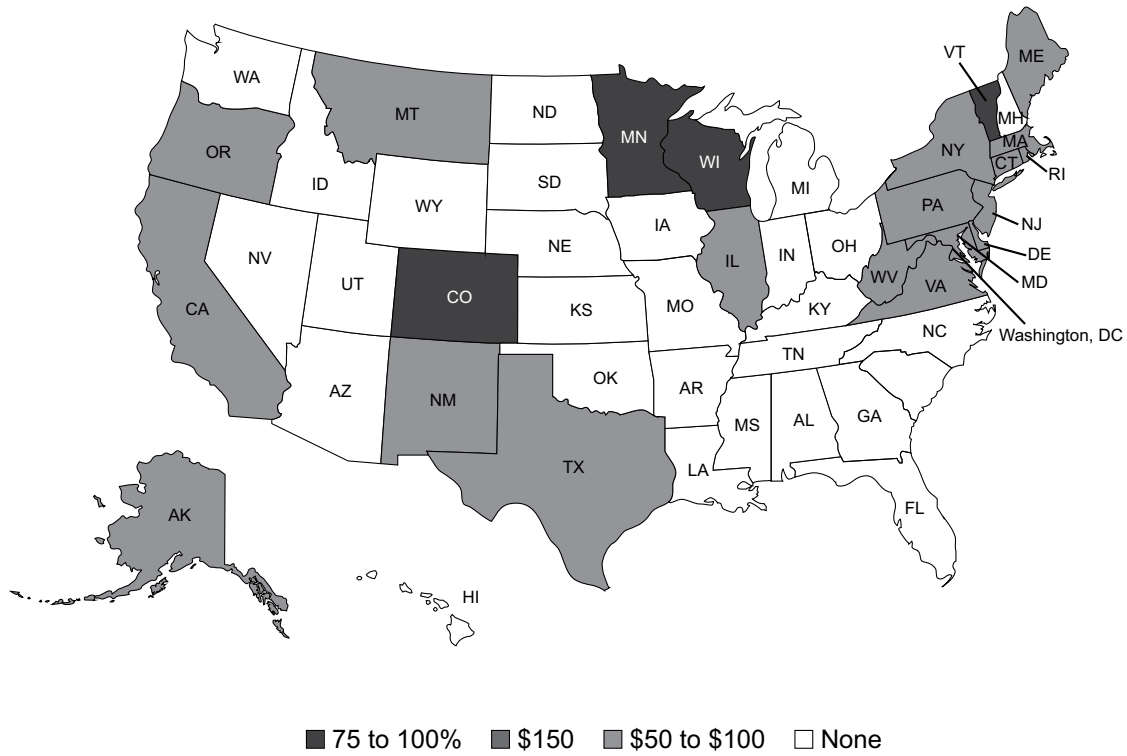
Source: National Conference of State Legislatures, 2019; Haney, Forthcoming.

Appendix 6: Percentage of Noncustodial Parents Held in Contempt



Based on a survey of 1,894 indebted, noncustodial fathers from 20 U.S. cities.
Source: Cozzolino, 2018.

Appendix 7: Amount of Government-Owed Support Passed Through to Families



Source: Financial Justice Project, 2019; Haney, Forthcoming.

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