



Achieving Better Results for Families

A Customer-Oriented Approach to Meeting Child Support Enforcement Goals

By Joy Moses November 2013

Introduction and summary

In many ways, the country is a much different place than it was when President Lyndon B. Johnson initially declared the War on Poverty on January 8, 1964. As the 50th anniversary of this monumental event approaches in early 2014, some challenges have lessened, new ones have emerged, and, through trial and error, the nation's policymakers and other experts have since identified a multitude of best practices for alleviating and reducing poverty. These factors should be a part of the nation's 50th anniversary reflections while also lighting a path forward in key areas that are relevant to modern anti-poverty efforts. One of these areas is child support and visitation assistance for parents who have separated from one another and no longer live under the same roof.

During the early 1960s, 88 percent of children were living in two-parent households.¹ By 2012, that number had dropped dramatically to 68 percent.² Parents with the most-limited education—and therefore earnings capacity—are even more likely to be separated from their child's other parent. Clearly, times have changed. Shifting family arrangements, along with population growth, suggest that more and more families will at some point need assistance with issues related to co-parenting.

Unfortunately, many families are not getting the help they need. November 2013 data released by the U.S. Census Bureau suggest that government efforts have not evolved sufficiently to appropriately respond to changing family trends and dynamics. Only 53 percent of custodial mothers have a child support order.³ The Census numbers, which account for families with and without access to public benefits programs, are most dismal for those custodial mothers with characteristics associated with poverty—limited education and never-married status. What's more, a growing number of more-well-off women also do not have child support orders. When it comes to visitation, 35 percent of custodial parents report that their child has no contact with their other parent—largely fathers.

This is an under-addressed issue in public policy even though it lies in plain sight and affects the 20.9 million children living with only one of their parents.⁴ Too many families live with the norms of not having formal support arrangements, while they are at the same time in the dark about their legal rights and responsibilities—and not able to afford legal assistance even if they are aware of their rights.

For some parents, it may be hard to imagine a change in this status quo. But given the stakes involved, change must occur. Custodial mothers without child support orders lose out on financial assistance that, on average, represents 17 percent of the income of those who receive it.⁵ For poor custodial mothers who receive child support, these payments represent more than half—52 percent—of their income, making nonpayment of support a critical issue for the most disadvantaged children and families.⁶ Compounding the situation, too many noncustodial fathers have insufficient employment or child support orders that assume they can afford to pay more than they actually can—limiting their ability to contribute to mothers' incomes. They also have limited to no contact with their children, depriving children of a parent's love and guidance. And all family members could be unnecessarily involved in or exposed to conflict arising out of constant back-and-forth, informal negotiations about money and visitation.

Peaceful conflict resolution is the responsibility of the nation's courts; however, multiple entities, such as the American Bar Association, have declared that state courts are underfunded and in crisis, with such concerns existing even before the Great Recession of 2007 to 2009. A recent survey found that court administrators in 15 states believe that they are less able to provide access and timely justice than they were just four years ago. Given competing priorities—public education and public safety, for example—in the public sphere, various avenues for addressing the problem of adequate funding and access to justice must be explored, and this includes federal government interventions.

The Child Support Enforcement, or CSE, program, a partnership between the federal and state governments, is currently the most relevant existing program concerned with addressing these issues. Created as a means of reimbursing the government for its expenditures on public benefits programs, CSE's mission needs to evolve to have a greater focus on the best interests of families. Many states, for starters, have implemented pass-through policies that distribute greater collections to low-income women and children rather than keeping them for government coffers.⁷

CSE could take several more steps in this evolution by re-envisioning itself wholly as an agency that acts in the best interest of families, taking a customer-oriented approach, and aiming to provide services that help with family-law needs related to child support and visitation. In significant ways, this would not substantially change CSE's work; it would still be in the business of establishing support orders and doing collections. But it would operate with the additional mission of providing a service for families, requiring a new emphasis on customer service and evaluating success based on the outcomes achieved by families, including reaching economic security and children spending more time with a noncustodial parent, rather than how much money is captured by the state.

Not only would this new focus help reduce the pressure on the courts, evidence from model CSE programs suggests that shifts to more customer-oriented approaches improve compliance, increase the amount of child support money collected on behalf of children, increase the amount of time fathers spend with children, and promote positive co-parenting relationships. Finally, a customer-oriented CSE with more-attractive services may be able to secure greater voluntary participation rather than have to rely on participation requirements tied to public benefits programs.

Policy change aimed at a more customer-oriented approach should include:

- **Universally available mediation** or other forms of alternative dispute resolution, which support both parents in reaching their own agreements about child support and visitation
- **Visitation assistance** that extends the reach of CSE beyond its current focus on paternity establishments and child support orders
- **Making customer satisfaction a priority** by providing states with the tools to improve customer relations and regularly administer customer-satisfaction surveys. Good results should be rewarded and central to the mission of CSE.
- **Addressing fairness concerns** by ensuring that more of collected funds reach families—requiring pass-through policies in the states—and that men are not punished for being too poor to pay rather than just unwilling
- **Fulfilling talent-management needs** by allocating resources for the retraining that will be necessary to implement customer-oriented approaches

- **Creating and implementing a public relations campaign** designed to inform the public about the changes to CSE and the value of establishing formal child support and visitation orders and encourage compliance and voluntary participation

This would be a common-sense policy change designed to reflect the needs of families and of our nation, both of which have experienced significant transformation over the past five decades. Although some of these approaches would also result in cost savings to states, start-up costs will be needed. The federal government should help with these costs by temporarily increasing the amount of its CSE-funding match over a period of six years while expecting states to maintain their current levels of investment. The match should be 70 percent during the first four years—\$665 million per year in additional federal investments—and then start to phase out, amounting to 68 percent for an additional two years, or \$312 million per year in additional federal investments, before returning to the current level of 66 percent.

January 8, 2014, marks the 50th anniversary of the War on Poverty. On that date, President Johnson spelled out his vision to Congress, ushering in a period of sweeping legislative changes that ultimately led to an 8 percentage point drop in poverty in the 15-year period between 1963 and 1978.⁸

Certainly, major anniversaries are a good time for reflection, but while looking back it is important to consider the future and to use those reflections to inform the next era of action. We begin this new era in the shadow of welfare reform in the 1990s and the steady increases in poverty over more than a decade. These and other societal changes over the past half-century suggest the need for bold action in areas such as employment, family strengthening, cash assistance, and social services.

Reforms of this nature should be considered in tandem with reforms of the Temporary Assistance for Needy Families, or TANF, program. Since the time of welfare reform, TANF—a provider of cash assistance and other services—has been significantly focused on caseload reduction. Given TANF’s role as one of the largest federal programs targeting families living in poverty, this tack does not make much sense. Instead, TANF should be focused on poverty reduction and reformed in conjunction with other next-generation reforms that advance that goal.

Child support reform fits perfectly in this conversation for the following reasons:

- The dramatic growth in nontraditional families, including unwed births and divorces, over the past 50 years and the accompanying ineffective response of government systems
- CSE's proven ability to lift women and children out of poverty, especially those families in which fathers have stable employment and income
- CSE's history of being considered by Congress in tandem with TANF and child-welfare services in legislation, such as the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, or PRWORA

As we consider the next generation of CSE services in the upcoming text, let's first explore how we arrived in the place we are now.

Since the War on Poverty was declared in the early 1960s, the structure of the American family has significantly changed. The societal response has not sufficiently kept up with the changes, with certain indicators suggesting that more families could benefit from help with child support and visitation. The potential consequences of a lack of action include less income for childrearing, severed or hindered parent-child relationships, and unnecessary conflict. Unfortunately, while the issue generally falls within the jurisdiction of state family courts, they are experiencing funding and pro se representation challenges that limit their ability to respond.

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