

# CHILD SUPPORT

## Scope of the Problem and Indicators of Need

Child support is critical for low-income families. Not only does it help families meet their basic needs; it also enhances custodial parents' ability to maintain steady employment, especially low-income mothers leaving welfare.<sup>1</sup> The increased economic stability provided by regular support payments has been shown to aid custodial parents in finding jobs faster and staying employed longer than their counterparts not receiving regular payments.<sup>2</sup> In addition to strengthening custodial parents' participation in the work force, effective child support enforcement reduces the need for welfare and the likelihood that families will reenter after exiting the system.<sup>3</sup> Child support supplements low-wage earnings and helps families weather job loss or other financial crises.<sup>4</sup> Reliable child support also has a positive effect on children's achievement in school and appears to have a positive impact on children.<sup>5</sup> Child support payments lift more than a million Americans out of poverty. For many low-income families, receiving child support is the key to remaining economically self-sufficient.<sup>6</sup> In order to better understand whether New Jersey's budget provides adequate funding for child support efforts, the following information looks at the issue of child support in New Jersey. It begins with an overview of the ability of families to receive owed child support and then takes a closer look at child support among welfare recipients. It then investigates the impact of the Deficit Reduction Act on child support enforcement and ends with a discussion of the difficulties that many non-custodial parents face when they cannot afford to make their payments.

Unfortunately, many single parents are unable to collect any or all of the support due to them. In FY02, 22 percent of families in New Jersey's child support system were unable to get orders requiring the payment of child support.<sup>7</sup> For those who had child support orders, New Jersey collected 65 percent of the total current child support due that year. A smaller percentage was collected for families at lower income levels: the child

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<sup>1</sup> Roberts, Paula, *Beyond Welfare: The Case for Child Support Assurance*, Kellogg Devolution Initiative Paper, Center for Law and Social Policy, October 1999, [www.clasp.org/pubs/childassurance/CSAPaper.htm](http://www.clasp.org/pubs/childassurance/CSAPaper.htm).

<sup>2</sup> Formoso, Carl, *Child Support Enforcement: Net Impacts on Work and Welfare Outcomes Pre-and Post-PRWORA*, Washington State Division of Child Support, September 2000, pp. 2, 6. [www.wa.gov/dshs/dcs/cseimpacts.pdf](http://www.wa.gov/dshs/dcs/cseimpacts.pdf).

<sup>3</sup> *Ibid*, p. 6; Garfinkel, Irwin, Theresa Heintze, Chien-Chung Huang, *Child Support Enforcement: Incentives and Well-Being*, Joint Center for Poverty Research, February 2001, p.4. <http://www.jcpr.org/book/pdf/IncentivesGarfChap9.pdf>.

<sup>4</sup> CLASP – The Child Support Program: An Investment That Works by Vicki Turetsky, July 2005

<sup>5</sup> CLASP – The Child Support Program: An Investment that Works by Vicki Turetsky, July 2005

<sup>6</sup> National Women's Law Center – Congress Cuts to Child Support will Hurt Kids by Joan Entmacher. <http://www.nwlc.org/details.cfm?id=2593&section=newsroom>

<sup>7</sup> Calculations with data from *Child Support Enforcement: FY2002 Annual Statistical Report*, Office of Child Support Enforcement, US Department of Health and Human Services, November 2003, [http://www.acf.dhhs.gov/programs/cse/pubs/2003/reports/annual\\_statistical\\_report/](http://www.acf.dhhs.gov/programs/cse/pubs/2003/reports/annual_statistical_report/).

support enforcement units in New Jersey collected only 32 percent of the support due to current welfare recipients and only 55 percent due to former recipients.<sup>8</sup>

Child support can be a particularly important source of income for custodial parents living on welfare. Indeed, child support has been referred to as a “last safety net” for low-income, single-parent families on welfare. It is especially crucial given welfare’s five-year time limit.<sup>9</sup> Many welfare recipients, however, do not receive the child support collected from the non-custodial parent. Current law allows a state to recoup the cost of welfare benefits by retaining child support payments. While a family may receive some amount of the child support payment they may not receive all and, in some cases, they don’t receive any. Even after a family no longer receives welfare, the government can continue to keep a share of the child support payment to cover previous welfare costs.<sup>10</sup> Figures from 2003 show that nationwide only 41.6 percent of collections received were disbursed to families receiving assistance.<sup>11</sup> In 2004, states kept a total of \$2 billion in support payments collected on behalf of current and former TANF recipients.<sup>12</sup>

Recent research has suggested, however, that non-custodial parents are more willing to pay support if they know the money goes directly to their children. As a result, the Deficit Reduction Act of 2005 included regulations that create incentives for states to pass through more child support to current and former TANF recipients.<sup>13</sup> While these regulations don’t take effect until 2008, when they begin states will not be have the right to require families to sign over past-due payments that were due before they applied for TANF assistance. If a state passes through and disregards some or all child support payments, the federal government will waive a portion of its share of collections. Finally, states can direct all child support collected through the tax intercept mechanism to those families. If a state elects this option, the federal government will waive its share of those collections, with no limits.<sup>14</sup>

Child support enforcement programs, unfortunately, suffered under the same bill. Significant cuts in federal funding for state-level child support enforcement programs could limit the ability to collect child support from non-custodial parents. Research has found that for every dollar spent on child support programs \$4.38 in child support payments are collected.<sup>15</sup> The Congressional Budget Office estimates that even if states replace half of the lost federal funds with state funds, the reduction in federal funding for child support enforcement efforts will result in \$8.4 billion in child support going

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<sup>8</sup> *Ibid.*

<sup>9</sup> Low-Income Fathers and Child Support: Starting off on the Right Track by Paul Legler, Policy Studies Inc. Prepared for Annie. E. Casey Foundation, January 30, 2005.

<sup>10</sup> CLASP Policy Brief, Child Support Series – In Everybody’s Best Interests: Why Reforming Child Support Distribution Makes Sense for Government and Families, September 2005 (Brief No.1).

<sup>11</sup> Department of Health and Human Services: National Child Support Enforcement – FY 2005-2009.

<sup>12</sup> Implementing the TANF Changes in the Deficit Reduction Act: “Win-Win” Situation for families and States – Center on Budget and Policies Priorities & Center for Law and Social Policy, May 9, 2006.

<sup>13</sup> Implementing the TANF Changes in the Deficit Reduction Act: “Win-Win” Solutions for families and States – Center on Budget and Policies Priorities & Center for Law and Social Policy, May 9, 2006.

<sup>14</sup> Implementing the TANF Changes in the Deficit Reduction Act: “Win-Win” Solutions for Families and States – Center on Budget and Policies Priorities & Center for Law and Social Policy, May 9, 2006.

<sup>15</sup> CLASP – The Child Support Program: An Investment That Works by Vicki Turetsky, July 2005.

uncollected over the next ten years that would have been collected in the absence of these cuts.<sup>16</sup> According to the Center on Law and Social Policy, a non-profit think tank, these cuts in federal funding for state enforcement activities will result in the loss of more than \$300 million in child support for New Jersey's children in over a ten year period.<sup>17</sup> According to government estimates these provisions will generate a net federal savings of \$17 million.<sup>18</sup>

It is important to remember that some non-custodial parents don't pay their child support order simply because they cannot afford to. Recent research suggests that the child support program in its current form can drive low-income fathers burdened with unrealistic support obligations away from their children<sup>19</sup>. Because the law prohibits the retroactive modification of child support, non-custodial parents who do not appear at hearings, as well as some disabled and incarcerated non-custodial parents who fail to apply promptly to reduce child support payments, may end up with debts they can never satisfy.<sup>20</sup> A particularly serious problem exists for persons who are incarcerated. For many, child support arrears continue to accrue during their time in prison, when they are unable to draw an income, and upon exiting the prison system they face unreasonably large debts. Many poor fathers also suffer the same barriers to employment as welfare recipient mothers.<sup>21</sup> Many are likely to be less educated and therefore have fewer prospects within the employment field. Regardless of work barriers, poor fathers spend a larger share of their income on child support than non-poor fathers.<sup>22</sup> Many also face housing instability, lack of understanding about the law, inadequate knowledge about their rights and poor access to legal counsel such that it becomes difficult for them to modify their support obligations. In the end, enforcement policies are more effective when they distinguish between non-custodial parents who choose not to pay child support but otherwise can afford it and poor non-custodial parents who lack the basic means to provide such support.

Child support provides a vital source of income for low-income families in New Jersey, especially those living on welfare assistance. Access to the full amount of their child support payment can be restricted, however, particularly as current law allows the welfare program to retain a portion of payments. Legislative changes that will take effect in 2008 will increase the pass-through amount but will also weaken child support enforcement programs. This could restrict a family's ability to receive payments from a non-custodial parent. On the other hand, many non-custodial parents struggle to afford

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<sup>16</sup> CBPP & CLASP – Implementing the TANF Changes in the Deficit Reduction Act: “Win-Win” Solutions for Families and States, May 9, 2006.

<sup>17</sup> CLASP Estimates – Retrieved from [http://www.clasp.org/publications/incentive\\_payments\\_121405.pdf](http://www.clasp.org/publications/incentive_payments_121405.pdf)

<sup>18</sup> CLASP—Enacted and Proposed Changes to the Child Support Program: An Overview of Provisions of the 2006 Federal Budget and the 2007 Budget Proposal by Paula Roberts, February 9, 2006.

<sup>19</sup> Low-Income Fathers and the Child Support: Starting Off on the Right Track by Paul Legler, Policy Studies Inc. Prepared for Annie E. Casey Foundation, January 30, 2005.

<sup>20</sup> N.J.S.A. 2A:17-56.23a.

<sup>21</sup> Low-Income Fathers and the Child Support: Starting Off on the Right Track by Paul Legler, Policy Studies Inc. Prepared for Annie E. Casey Foundation, January 30, 2005.

<sup>22</sup> Policy Reforms are Needed to Increase Child Support from Poor Fathers by Elaine Sorensen and Helen Oliver, The Urban Institute, April 2002.

their support obligation. Many are unable to work for periods of time, such as while they are incarcerated, while others face employment barriers and unstable housing among other things, all of which make it difficult to provide this payment. The State must carefully weigh each of these priorities as it appropriates funds for these vital services.

## **Child Support Programs**

The structure and programs of New Jersey’s child support system are governed by Title IV-D of the Social Security Act (42 U.S.C. § 651 *et. seq.*). To receive federal funding for a state child support program, each state must follow federal laws and regulations, and be subjected to periodic federal audits and reviews for compliance. The federal government reimburses the state 66% of its administrative expenditures. Additionally, the federal government makes incentive payments each fiscal year based upon the efficiency of collection practices. In New Jersey, incentive payments are passed along to the county welfare agencies. The state Title IV-D agency also receives a share of the child support collected on behalf of TANF recipients, which is assigned to the county welfare agency.

In New Jersey, the Office of Child Support Services (OCSS) is the primary Title IV-D agency. OCSS is within the Division of Family Development (DFD), in the Department of Human Services (DHS). OCSS works closely with other agencies and entities to coordinate child support services, including county welfare agencies, the Administrative Office of the Courts (AOC), the County Family Divisions of the Superior Court, County Probation Division, and County Sheriffs’ Offices.

The AOC, through annual cooperative agreements with DHS, maintains responsibility for paternity and child support establishment and enforcement services. Child support hearing officers within AOC conduct hearings on child support cases and make recommendations regarding the propriety of establishing or modifying an order, the amount of support, and enforcement. The Family Division judges hear contested cases on child support and enter the child support and enforcement orders, including bench warrants for non-payment. The Probation Divisions of the Superior Court in each county have long been responsible for enforcement of child support orders.

When a family receives Temporary Aid to Needy Families/Work First New Jersey (TANF/WFNJ), the county welfare agencies assist in the establishment of support orders. The county welfare agencies also provide genetic testing services, assistance with locating the non-custodial parent, and legal representation in interstate support matters. The County Sheriffs’ Offices, through annual cooperative agreements with DHS, are responsible for executing bench warrants issued by the Family Division judges.

### Table of Contents

<b>New Jersey Office of Child Support Services.....</b>	<b>6</b>
<b>Administrative Office of the Courts (AOC) Child Support Program .....</b>	<b>8</b>

## Detailed Program Information

### New Jersey Office of Child Support Services

#### *Program Purpose and Description:*

The Office of Child Support Services (OCSS) is responsible for complying with federal child support requirements and collecting support for single parent families. The OCSS' IV-D system is responsible for all cases involving welfare recipients and for most non-welfare cases. Public assistance recipients automatically receive child support services, and are required to assign their child support rights to the state for the period during which they collect welfare benefits, although they are able to keep up to \$50 per month from support collected. Custodial parents who do not receive welfare may apply for child support services through the probation division, the county welfare agency or family court. OCSS' work includes locating non-custodial parents, establishing paternity and child support orders, collecting and distributing child support payments, reviewing support orders periodically to see if they are in need of modification, enforcing unpaid child support arrears through a variety of administrative collection programs, and collaborating with other states to enforce interstate support cases. State money for the OCSS is included in the budget for the Division of Family Development, but no specific amount is set out in the budget.

OCSS also runs a statewide child support hotline that provides automated information to callers about their child support cases through a toll-free number.

#### *Budget and Performance Trends:*

<b>Work First New Jersey Child Support Human Services Program Evaluation Data</b>				
	<b>Actual FY04</b>	<b>Actual FY05</b>	<b>Revised FY06</b>	<b>Estimated FY07</b>
50% gross Child Support collections (Coming through state collections) <sup>23</sup>	(\$28,664,585)	(\$28,716,938)	(\$26,936,984)	(\$26,936,984)
Child Support disregards	\$4,321,445	\$4,329,348	\$4,397,799	\$4,397,799
<b>Source: State FY07 Budget Book (p. D - 236)</b>				

Note: The bracketed amounts in the table above represent revenue collected by the State through child support collections, while child support disregards are collections paid directly to TANF/WFJ recipients and thus are not realized as revenue to the state. This information is duplicated in the evaluation data for WFJ-TANF in the Income Security chapter of this report.

<sup>23</sup> By federal legislation, 50% of child support collections for TANF/WFJ families must be returned to the federal government, while the remaining 50% is retained by the state, of which 5% must be given to counties. Information provided by DFD staff via phone conversation on December 10, 2004.

**Child Support  
Human Services  
Appropriations Data**

<b>Child Support</b>	<b>Orig. &amp; --Supple. FY05</b>	<b>Total FY05 Available</b>	<b>Expended FY05</b>	<b>FY06 Adjusted Appropriation</b>	<b>Request/Recommend FY07</b>	<b>Actual Approp. FY07</b>
Medical notice	\$2,135,000	\$1,891,000	\$482,000	\$2,135,000	\$1,664,000	\$1,664,000
WFNJ initiatives	\$10,032,000	\$11,386,000	\$8,857,000	\$10,032,000	\$10,578,000	\$10,578,000

**Source: State FY07 Budget Book (p. D-238) & Appropriations Bill S-2007 (p. 126)**

Note: There is a decrease in funding for Child Support medical notices of over \$2.7million from FY04 to FY05 & 06. The National Medical Support Notice (NMSN) was a requirement that began in 2003. OCSS contracted with Policy Studies, Inc., for a three year period beginning June 2003 to create and operate a system to conform to the NMSN requirements. It appears from the Notice of Award of the contract that there were several one-time costs associated with initiating the program, which account for the higher initial appropriation in FY04.

**Child Support Enforcement  
Department of Human Services  
Schedule 2 (denotes federal revenue)**

<b>Actual FY05</b>	<b>Estimated FY06</b>	<b>Estimated FY07</b>	<b>Actual FY07</b>
\$174,230,000	\$173,677,000	\$168,455,000	\$173,548,000

**Source: State FY07 Budget Book (p. C -28) & FY07 Appropriations Bill S-2007 (p. 14)**

Note: There was an increase in federal funding for Child Support Enforcement of over \$70 million from FY04-FY06. Some of the federal funding is based upon performance incentives. While the specifics of what standards were achieved are unclear, it is expected that funding changes reflect improved outcomes in collections.

***Additional Analysis:***

As discussed above, when a parent receives TANF/WFNJ, the parent must assign their rights to court-ordered child support to the county welfare agency. The child support is viewed as repayment or recovery of public assistance benefits expended for the children on the TANF/WFNJ grant. The federal government receives 50% of the recovered amount automatically. After that deduction is made, the state decides what amount of the disregard will be distributed. In New Jersey, the parent receives up to \$50 monthly of the child support collected, which is called the child support disregard. The remainder of the child support collected pursuant to a child support order for a TANF/WFNJ recipient is then divided between the state and federal government. The recovered payments are split in accordance with the percentage of federal reimbursement of Medicaid benefits (calculation based upon the Medicaid expenditure compared to the state's per capita income). New Jersey and other states with high per capita income, such as California and New York, receive the minimum federal reimbursement of 50 percent.

**Administrative Office of the Courts (AOC) Child Support Program**

***Program Purpose and Description:***

The AOC oversees the judiciary branch’s role in child support. It is responsible for establishing state Child Support Guidelines that provide a mechanism for calculating child support in each case and reviewing them every four years. Family courts establish, modify and enforce child support orders as well as establish paternity. County probation offices also assist in enforcing child support orders.

***Budget and Performance Trends:***

<b>Child Support &amp; Paternity – Title IV-D - Judiciary Evaluation Data</b>				
	<b>Actual FY04</b>	<b>Actual FY05</b>	<b>Revised FY06</b>	<b>Estimated FY07</b>
Child Support Cases	301,200	305,700	309,000	313,000
Collections	\$965,934,905	\$1,023,890,999	\$1,076,000,000	\$1,140,000,000
<b>Source: State FY07 Budget Book (p. D-476)</b>				

Note: Evaluation data on CS Title IV-D is reported with a slight difference in the budget book this last year. Last year there were three categories: Child Support Hearings, Collections, and Checks Distributed. This year there are only two categories: Child Support Cases and Collections. (FY05 Budget Book, p.D463 v. FY06 Budget Book, p.D464) The number of “cases” is almost three times the number of the “hearings” listed previously.

<b>Child Support &amp; Paternity – Title IV -D - Judiciary Appropriations Data</b>						
<b>Title IV-D</b>	<b>Orig. &amp; --Supple. FY05</b>	<b>Total FY05 Available</b>	<b>Expended FY05</b>	<b>FY06 Adjusted Appropriation</b>	<b>Request/ Recommend FY07</b>	<b>Actual Approp. FY078</b>
Family Court	\$7,866,000	\$10,262,000	\$10,262,000	\$9,957,000*	\$11,071,000	\$11,071,000
Probation	\$18,910,000	\$23,031,000	\$23,031,000	\$26,219,000*	\$23,197,000	\$23,197,000
<b>Source: State FY07 Budget Book (p. D-477) &amp; Appropriations Bill S2007 (p. 230)</b>						

Note: The Budget Book includes a note in language relating to these two line items that \$2.3 million has been reallocated from various salary accounts to the Child Support and Paternity Program -- Title IV—D in Family and Probation Courts (State FY07 Budget Book, p. D-478).

\*In addition to these two line items, the Appropriations Bill also appropriates \$1,908,000 for “Child Support and Paternity Program Title IV-D (Trial)” (S2007, p. 230).

**Judiciary Child Support & Paternity  
Interfund Transfers  
Schedule 1 (denotes state revenue)**

<b>Actual FY05</b>	<b>Estimated FY06</b>	<b>Estimated FY07</b>	<b>Actual FY07</b>
\$479,000	\$800,000	\$800,000	\$800,000

**Source: State FY07 Budget Book (p. C-16) & Appropriations Bill S-2007 (p. 8)**

## Recommendations

### Support for Former Welfare Recipients

- Increase support collections for the benefit of former welfare recipients, to assist in their transition from public assistance.

The Office of Child Support Services should devote more staff time to reviewing the cases of former welfare recipients to identify and eliminate barriers to collection. If child support collections are increased for former welfare recipients, more families will become self-supporting and fewer families will reenter the welfare system, resulting ultimately in savings for the state.

- Conduct exit interviews with families leaving welfare to maximize child support.

The state should hire legal advocates, at least on a pilot basis, to conduct exit interviews with families losing or about to lose their welfare benefits for any reason, in order to assess the family's child support situation, assist the family in obtaining and/or maximizing their child support income, and address any barriers to collection, such as the inability to locate the non-custodial parent. Exit reviews are recommended by the United States Department of Health and Human Services Office of the Inspector General (OIG), which strongly urges states to conduct exit reviews because they are likely to "contribute to the families' self-sufficiency when off welfare and help the government avoid the costs of further dependence on public benefits."<sup>24</sup>

- Provide a guaranteed minimum payment to families in the child support system when they leave welfare.

The state should provide a guaranteed minimum payment to low-income families participating in the child support system, to compensate for uncollected support and assist families in meeting their basic needs. For a start, the state should implement a program to ensure that families leaving welfare have income of at least 200% of the federal poverty level. For each month when a post-welfare family's earnings and all other income, including any child support collected, are under this threshold amount, the state would pay the difference so that families are guaranteed an income level of 200% of poverty.

### Support Orders

- Establish timely support orders so that collections begin promptly.

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<sup>24</sup> Gibbs Brown, June, *Review and Adjustment of Support Orders*, Department of Health and Human Services (HHS) Office of Inspector General, , March 1999, p. 16, <http://oig.hhs.gov/oei/summaries/b334.pdf>.

The state must ensure that adequate procedures and staff resources exist to guarantee that support orders are set up on the child support computer system immediately after an order is set by a judge or hearing officer, so that families do not face long delays before collection begins, as they too often do currently.

### **Customer Service**

- The state must place a high priority on quality customer service and provide adequate funds to staff customer service centers.

Currently, child support consumers as well as their advocates complain about the difficulties of reaching caseworkers and resolving problems and questions about child support cases. Too often, staff is unavailable, fails to respond to messages or is unable to address client problems. More staff time must be devoted to answering phone calls, so that clients can speak with someone who can assist in solving problems promptly.

- The Child Support Enforcement Units of the county probation offices should make available to both parties the possibility of notice of motions through that office.

Parents who have a change in circumstance requiring a modification in child support frequently encounter difficulty when they do not have contact information for the other parent. The probation offices maintain confidentiality of parent contact information. The family courts, generally, will not accept motions or summary applications for child support modification unless the parent seeking the modification provides the address of the other parent. The child support enforcement units should have a policy of mailing legal documents to a parent for service (without revealing the address of the served parent), as long as the appropriate documents, envelopes, and postage are provided. Any parent requesting the address of the other parent for the stated purpose of sending a motion or non-dissolution application to modify child support should be advised of this service.

### **Protections for Low-Income Child Support Obligor**

- Adjust the rate of wage execution for low-income child support obligors in certain situations.

Pursuant to 15 USCA 167-1677, between 50% and 65% of a child support obligor's income may be garnished to pay a child support order. This substantial garnishment can deter low-wage earners from working in the above-ground economy. The state must permit a lower threshold when necessary to enable low-income non-custodial parents to work, support themselves and pay child support. The Office of Child Support Services should consider instituting a policy of limiting garnishments to the portion of the paycheck that exceeds the federal poverty guideline for a family of one (which is currently \$179 weekly). This would consistently leave the obligor with at least a bare minimum income from which to pay for the obligor's living expenses.

- Compromise child support arrears owed to the state when necessary, to enable non-custodial parents to pay current support and achieve self-sufficiency.

Because the state keeps all but the first \$50 of monthly child support paid to a family currently receiving welfare, low-income non-custodial parents can owe substantial amounts of money to the state even after the custodial family has been paid. The state should develop guidelines for compromising this debt in situations where the non-custodial parent is unable to pay it and the debt interferes either with his current payments to his children or his ability to achieve self-sufficiency.

- Schedule child support review hearings upon learning that the obligor has been determined by an administrative agency to be disabled.

The case law is clear that an administrative determination that a parent is disabled creates a presumption for child support purposes that the parent is unable to earn income. In that situation, the parent's obligation for financial support to the child should be reduced or eliminated. When the Office of Child Support Services or the Child Support Enforcement Unit of a county probation office obtains new evidence of an administrative determination of the obligor being disabled, a hearing to review the child support obligation should be scheduled. Evidence may be gained by communication with either parent or from sources for locating the income available to the parents. The obligor's collection of disability benefits from the SSA, VA, or State Disability, and an exemption from Work First requirements due to disability, are all examples of such evidence. "New" means that the evidence of the administrative determination of disability has come to light since the last child support order was entered. Of course, both parents would be entitled to appropriate notice of the scheduled hearing, with an opportunity to be heard.

- The Office of Child Support Services and the Child Support Enforcement Units of county probation offices should not apply the extraordinary collection practices that are available for child support collections to child support that is owed to a state agency (e.g., DFD or DYFS).

Generally, debt collectors are bound by very strict laws detailing the practice of collecting debts. These rules protect debtors from debt collection that leaves the debtor without resources for daily living expenses. There are several exceptions made to debt collections law to secure child support obligations. For example, paycheck garnishments are limited to 10% of gross income for most creditors, generally; child support collection is 50 to 65%. SS Disability is not generally garnishable; child support collection of SS Disability benefits can be as high as 65% of the benefit.

### **Assistance for Incarcerated Child Support Obligor**

- Suspend the accrual of child support for prisoners who have no means to pay or schedule a child support review hearing upon notice of incarceration of the obligor. Unless an inmate has other resources to satisfy this debt, child support should be suspended during incarceration.

Child support obligations are not punitive. Instead, they are intended to allow children to share in the relative financial wealth of both of their parents. The support amount should reflect a reasonable amount that would be available for the children's care if the parents and children were all living together. When events interrupt the availability of income, such as a parent's disability, the children have reduced financial support whether or not the parents reside in one household. Incarceration of one parent should be viewed similarly. For parents who are married and living together at the time that one is incarcerated, the reduction in available family income results in reduced resources available for the children. There is no expectation of a child support obligation being imposed. However, for a parent who is separated from the custodial parent at the time of the incarceration and already has a child support order in place, there is currently an unrealistic expectation that child support should continue. When the income available to the incarcerated parent is reduced, the obligation should also be reduced.

- Establish a reasonable plan for payment of ongoing support and arrears at time of release.

Ensure that plans to pay off arrears owed after incarceration allow non-custodial parents to pay current support and achieve self-sufficiency.

### **Office of Child Support**

- Funding for the Office of Child Support Services should be a line item in the DHS budget.

Funding for the Office of Child Support Services is currently included in the general budget for the DFD without any specifically designated amount for child support services. The amount of funding allocated to child support should be set out in the budget both so that the public is aware of the level of state resources devoted to this important function and so that child support resources are not subject to change at the discretion of DFD or DHS.