

Child Support

by Linda Ostreicher
Thursday, July 14, 2005 12:00 AM

There are more than 600,000 children in New York City living in single-parent households. Nearly all have a second living parent, who is legally responsible for their upkeep until they turn 21. If all children were receiving support from both parents, fewer would live in poverty and need welfare or subsidized child care.

In recent years, both New York State and New York City have offered to families for free, or at low cost, [help in collecting child support payments](#) from an absentee parent who has not been meeting his or her (mostly his) legal obligation. The agencies help in various ways, even providing assistance in establishing paternity for children born to unmarried parents.

An entire system of child support enforcement has been built up that seems hard to beat. If a man named in a child support case denies being the father, he may have to go to court and take a DNA test. If it shows he's the father, he will be ordered to pay the child support (and also for the DNA tests). If he doesn't appear in court, he can be declared the father through a default judgment. If he leaves the state, once the total owed reaches \$5,000 or a year has gone by since he paid support, he can be charged with a federal crime. Deductions can also be made automatically from his paycheck or unemployment checks, and the government can seize an income tax refund, bank account, car, or lottery winnings. As a penalty for owing child support, the government can suspend a driver's license, refuse to grant a passport, or let credit bureaus know about the unpaid debt.

But for all that, enforcement has yielded mixed results. The New York State Division of Child Support Enforcement boasts of the \$1.3 billion in child support collected each year (more than double what was collected a decade ago). But in 2003 almost \$2 billion in court-ordered child support went unpaid in New York State. And the average amount of child support that was actually paid in 2001 was about 60 percent of the amount awarded, according to the United States Census Bureau.

In New York City, [an audit](#) (in pdf format) this month by the City Comptroller estimates that \$10.6 million in support payments for city children are owed by non-custodial parents that the Sheriff's Office failed to track down.

The child support enforcement system works differently for single parents on public assistance. Unlike other single custodial parents, for whom the service is voluntary, welfare mothers are

Child Support

by Linda Ostreicher

Thursday, July 14, 2005 12:00 AM

required to cooperate with the government's efforts, with any money collected winding up going to the government, to pay it back for the cost of public assistance.

Now, New York City is preparing to make it mandatory as well for the more than 30,000 working families who do not get public benefits, but qualify for child care subsidies because they earn less than double the poverty level. In 2005, a single mother with one child is eligible for subsidized day care if she earns less than \$19,040 a year.

The rules will work the way they already do in other parts of New York State: The single parent will be required to get a court order against the absentee parent -- or lose the subsidies that pay for child care.

Day care workers such as Nancy Kolben, executive director of Child Care, Inc, oppose the new rules. "We don't believe that access to child care subsidies should be dependent on a mother's ability to get a child support order," she says.

Fear Of Batterers Or Retaliators

Custodial parents, 84 percent of whom are female, are often grateful for government help in finding absentee parents and extracting child support from them. However, low-income families are as emotionally complex as any others. A mother may fear the father will abuse her or the child, and thus try to hide from him. She may dread "normal" outbursts of temper from a man who learns he is going to have chunks taken out of his paycheck until his child turns 21. Some non-custodial parents retaliate against a child support proceeding by demanding custody of the child themselves.

One divorced mother of three children recently found out she had to sue their father for child support. He has custody of two children; she has the third. According to Susan Antos, of the Greater Upstate Law Project, the divorce was so bitter that the mother knows, "Once he gets served with papers he'll turn around and counter sue her for child support," for the two children who live with him.

Absentee parents of low-income working families are often poor, unemployed, in prison, and/or have disabilities that prevent them from making a decent living. Many already take responsibility for a child by giving necessities, gifts, money, or their time on an informal basis. The new policy

Child Support

by Linda Ostreicher

Thursday, July 14, 2005 12:00 AM

may result in children trading the emotional support of a father who visits for a child care subsidy.

Makes Working Parents Take Days Off

Parents who use subsidized child care but are not on welfare must personally be the “plaintiffs” in their child support cases. Parents on welfare don’t have to take days off from work to go to court: they assign their child support rights to the state, which becomes the plaintiff in the support case.

“Parents who receive child care subsidies work in low-wage jobs where they can only take days off without pay, or at the risk of losing the job completely,” explains Susan Antos of the Greater Upstate Law Project. She works with parents in areas of New York State where the requirements are already in effect. “They have to prioritize their days off, saving them for doctor’s visits and days when their children are sick.”

To get a support order, a parent must take a day off to file a petition in Family Court. A second day is needed for the first return date. If the non-custodial parent doesn’t show up, or hasn’t brought all the right paperwork, the case will be adjourned. If the non-custodial parent objects to the order, or claims not to be the father, more court dates will be needed.

One mother told Antos that her employer warned, “You take another day off and you won’t have a job.” The mother had finally obtained a child support order, but had to file more papers when the father failed to pay as ordered.

Effect On The Day Care System

Pennsylvania used to require child support enforcement cooperation from working parents receiving a child care subsidy. They dropped the requirement in 2004, partly because a survey of local day care centers found that 28 percent of their children had left after the requirement went into effect. Parents withdrew their children for a variety of reasons:

- Immigrants feared that any court involvement could lead to deportation
- Working parents had to take too many days off to go to court
- For some, the legal system and red tape were too complicated to navigate.

Child Support

by Linda Ostreicher

Thursday, July 14, 2005 12:00 AM

A third of the children removed went from full-service child care programs into informal arrangements with neighbors or relatives. Ten percent of children were left alone at home, or in the care of siblings.

If New York City follows the pattern shown in Pennsylvania, once child support system cooperation becomes a requirement, individual day care centers may suddenly lose a large number of enrolled children. This coincides with a year when the funding system for day care centers has been overhauled, already jeopardizing the survival of many centers.

Linda Ostreicher, a former budget analyst for the New York City Council, is a consultant to non-profits, including the Day Care Council. She has been in charge of the Social Services topic page since November, 2001.Â