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## **When Child Support Is Due, Even the Poor Find Little Mercy**

By **LESLIE KAUFMAN**

Donald Gardner owes \$119,846 in back child support to his former wife, but there is little chance he will pay it soon - or ever.

After failing to pay support for his two children for much of the early 1990's because he felt the payments were too high, Mr. Gardner broke 27 bones in a car accident in 1997. Being in and out of hospitals for three years left him penniless, and when he tried to return to work he found that the state had suspended his driver's license because of his accumulated child support debt.

That prevented him from going back to work as an interstate truck driver.

"I've decided that I'd like to get this behind me and pay the support," said Mr. Gardner, 47, who now lives in a homeless shelter in Harlem, "but if I can't drive I can't pay. It is like a Catch-22."

Everybody loves to hate the so-called deadbeat dads. After a spate of press accounts of a few flagrant shirkers in the mid-1990's, civic fury rose to a boil. Legislators in many states across the country passed tough measures that allowed for, among other things, revocation of any state license and direct access to bank accounts of men not meeting their payments. Child support collections skyrocketed.

But because the laws made little effort to differentiate between the wealthy and the out-of-work and incarcerated, the laws have produced consequences for poor men that are vexing local and national policy makers.

Around the country, child support arrears have been piling up at a staggering rate since the enactment of these laws. A decade ago the federal government said fathers owed \$31 billion in back child support; as of 2003, the last year for which data was available, the total had more than tripled to reach \$96 billion. Changes in reporting may account for a portion of the increase.

About 70 percent of the debt is owed by men who earn \$10,000 a year or less, or have no recorded wage earnings at all, according to the Federal Office of Child Support

Enforcement. Less than 4 percent is owed by men with incomes of more than \$40,000.

And the poorer men are getting caught in a vicious circle. Their debts have become obstacles to getting licenses for jobs to help them produce wages to pay down the debts.

Recent research by the Urban Institute, a think tank in Washington, found that aggressive collection of debts played a crucial role in pushing low-income black men ages 25 to 34 out of lawful employment, the opposite effect policy makers might have desired.

"Child support enforcement has a lot of powerful tools at its disposal and tends to assume the ability of the men to pay," said Elaine Sorensen, a senior researcher at the Urban Institute. "But sometimes men can't pay because they are in prison or don't have the money. Child support policies need to be more flexible to distinguish between those who won't pay and those who can't."

New York has gentler policies than many states in demanding child support from poor men. The state allows men to go to court when child support is first determined, offer tax records showing that they have no income and no assets, and receive a cap of \$500 on the total amount they can owe. Men who apply to the court after the arrears have started adding up can get their monthly payments reduced to as little as \$25.

But reductions are not automatic. They are largely at the discretion of the family court magistrate, and can take months to put in place even when they are granted.

Many states do not allow judges leeway, automatically assigning men a child support figure equal to the amount the mother may receive from welfare, or hundreds a month - regardless of ability to pay. That is the case in Texas, where unpaid child support amounts have grown by \$2.5 billion in the last four years, to \$9.1 billion. In California, where interest is charged on support owed, amounts have grown to \$18.4 billion.

But even in a system like New York's, so few low-income men know of the court option that many do not go to plead for leniency. Others are leery of dealing with the court system. As a result, child support owed in New York has jumped \$800 million in the last five years, and at least 35 percent is owed by men with income of \$12,500 or less, according to state officials.

Earlier this month Gov. George E. Pataki proposed a tax credit for parents who do not have custody of their children - mostly fathers - and who have incomes under \$12,000 and who are current on their child support payments. The idea behind the credit was to reward the roughly 10,000 low-income men who are paying their support and to entice men who have ducked their responsibilities to go to court and work out a deal. But as state officials acknowledge, there are thousands of men who will not benefit because their arrears are formidable.

Policies of forgiving or reducing child support arrears are unpopular, even in New York. Governor Pataki's tax credit proposal did include a provision for suspending the

collection of child support arrears for men who marry the mother of their children. But Robert Doar, commissioner of the state's Office of Temporary and Disability Assistance, said that the state should not go further in reducing arrears.

Mr. Doar said that he doubted that aggressive child support collection is the primary reason that poor fathers leave the work force, noting that many low-income men without child support debt do not work legally. But he said the law had increased collections and reduced out-of-wedlock births, and had enough bend in it for those who really cannot afford to pay.

"The system is pretty forgiving to those who make an effort to pay something," Mr. Doar said, "but if they do not even make an effort to start making payments on a regular basis we will pursue child support mechanisms very aggressively. We don't want to send a signal that if you just wait long enough all will be forgiven."

Still, many of those who help poor men get back into the work force insist that the courts are not always reliable. Even when men go to court to have their payments reduced, the decisions of judges vary widely, said Bonnie Holtzman, senior manager for job development for the Doe Fund, which operates shelters and work training programs for homeless men.

Mr. Gardner, for example, said he had been to court to get his driver's license back on the condition that he started paying his former wife. But the court would not agree to the arrangement, he said, because it could not locate his wife.

"In theory you are supposed to be able to go into court and you are supposed to be able to get modifications," Ms. Holtzman said. "But in reality, there are a lot of judges who are sick and tired of dads who haven't paid child support. They don't want to hear you had a drug problem or were in prison. They just want the money and they don't even care if you can't pay it."