

# WHO PAYS CHILD SUPPORT? NONCUSTODIAL PARENTS' PAYMENT COMPLIANCE

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## EXECUTIVE SUMMARY

Child support is a crucial income source for children and their custodial parents or caregivers. Poor families, in particular, depend on child support to maintain self-sufficiency. The public child support system, which aims to secure financial support for children, is one of the largest child-serving programs in the United States, serving one out of every four children, or about 17 million children nationwide (Sorensen, 2010; OSCE, 2014). The foundational principle of the program is that both parents should financially support their children in common and contribute to meeting those children's basic needs. One critical and continuous challenge, however, is ensuring that all noncustodial parents (NCPs) contribute financially to their children.

Maryland takes the incomes of both parents into account when calculating the total parental support obligation amount. This approach, known as the income shares approach, seems fair because, all else equal, a parent's share of the total parental support obligation equals his or her share of total combined income. However, in the case of some parents—especially those with limited attachment to the formal labor market—there can be a real disconnect between their order amounts and their ability to pay. The evidence is mounting that this disconnect is especially prevalent in cases where NCPs' actual support obligation amounts are based on imputed or 'phantom' incomes.

In these cases, an NCP's 'phantom' monthly income is attributed to full-time work at the prevailing minimum hourly wage. The unstated assumption that all adults should be able to find full-time work and command at least minimum wage for each hour worked underlies this practice. Securing gainful employment, however, may be a challenge for many NCPs, especially among younger adults, persons of color, those with less education, and those with fewer in-demand skills. Although some parents are unwilling to contribute financially to their children, there are many parents who would

like to and are simply are unable to do so.

To better understand patterns of NCP payment compliance, this study builds on what has already been documented about the Maryland public child support caseload and provides a first-ever, systematic look at the question of who pays current support, how much they pay, and how this relates to NCPs' demographic characteristics, employment patterns, and earnings levels.

For this study, we utilized a sample of 4,652 NCPs who owed current support on at least one public child support case in Maryland between July 2010 and June 2011. Each of the NCPs in our sample were categorized into one of six payment compliance categories ranging from 0% to 100%, based on the percentage of current support that was actually paid. Key findings are summarized below.

### **The majority of NCPs are either partially or fully compliant with their current support order.**

Eight out of every ten NCPs in our sample paid at least some current support during the one-year period. About one in five paid all of their annual current support and another one in four paid between 76% and 99% of what they owed. Only 20% of NCPs paid nothing towards current support during the one-year period.

### **Several demographic and case characteristics are associated with a higher rate of payment compliance.**

In particular, men under the age of 30 were significantly more likely to have paid no current support during the one-year study period while older men were more likely to have paid all of the current support due. This is not surprising, given that younger men tend to have lower incomes than older men, based on work experience and education.

Additionally, having multiple child support cases is associated with lower payment compliance. About half of NCPs who paid less than 25% of their obligation had more than one child support case. In stark contrast, less than one-quarter of NCPs who paid 100% of support due had more than one case.

Perhaps not surprisingly, owing arrears is associated with a lower degree of payment compliance. Virtually all of the cases that had zero current support paid had an arrears balance. On the other hand, of NCPs who paid 100% of current support, just over one-third owed any arrears.

**NCPs who comply with current support orders were more likely to be employed and to have significantly higher earnings.**

Employment was extremely low among NCPs who paid none of the current support during the one-year period. Only one in seven (15.1%) were employed in a job covered by Maryland Unemployment Insurance at some point during the study year and even fewer (3.0%) were employed during all four quarters. Conversely, three-fifths of NCPs that paid the full amount of current support were employed at some point during the one-year study period and more than half were employed during all four quarters.

As might be expected, annual earnings during the study year were also lowest among NCPs who paid none of their current support. These NCPs averaged roughly \$7,000 during the year. As earnings increased, payment compliance increased. NCPs who paid 100% of their current support earned an average of approximately \$42,000 during the year.

**NCPs are significantly more likely to comply—and to comply fully—with support orders when the order amount is consistent with their actual ability to pay.**

NCPs who paid nothing towards their current support in the study year had average order-to-income ratios of roughly two-thirds of their total earnings. That is, they were expected to pay 68% of their actual earnings towards current child support. At the other extreme, NCPs who paid 100% of current support during the study year were expected to pay only 18% of their total actual earnings and actually paid 19% of their earnings, on average. Regardless of how much an NCP was expected to pay, those who paid any of their obligation were able to pay between 20% and 30% of their actual earnings towards current support.

The key findings in this report confirm several points that have been made by researchers in other states, in our own studies, and by the federal Office of Child Support Enforcement (OCSE). The most important take-home message is that most NCPs do want to provide for their children and most of them do pay some formal support in the course of a given year. However, for some, the incongruence between what they formally earn and what they are expected to pay precludes them from making payments. It is imperative that “right-sized” orders be established, consistent with the NCPs’ ability to pay. Furthermore, we must pursue policies that are responsive to the changing financial circumstances of NCPs. Such policies will allow caseworkers to better serve the children in the public child support caseload, particularly those with low-income fathers who are struggling to make payments.

## INTRODUCTION

Maryland's child support program, one of the largest child welfare programs in the state, has accomplished much on behalf of nearly 230,000 of our state's children (OCSE, 2014). In fiscal year 2013, for example, the program distributed more than \$500 million to families and helped more than 25,000 children to establish legal paternity (OCSE). The program is also cost-effective: for every dollar spent on the child support program in fiscal year 2013, Maryland collected \$4.65 on behalf of children.

The program has many achievements, but also persistent challenges. One challenge is trying to ensure that all noncustodial parents (NCPs) contribute financially to their children, the ultimate goal of the public child support enforcement program. In essence, there are three types of NCPs: those who pay no support, those who pay partial support, and those who pay the full amount of support that is due. In terms of these three broad payment compliance categories, the data show that most NCPs in Maryland fall into one of the latter two groups. That is, the majority is in some degree of compliance with their child support orders, making either partial or full payments (Kolupanowich, Williamson, Saunders, & Born, 2010). Others, however, pay nothing or very little—some because they are unwilling to pay, and others, because they are unable to pay.

There are a wide range of things that the child support agency can do to try to remedy non-payment. Some of the available tools are punitive in nature, such as suspending drivers' or professional licenses, garnishing wages, seizing bank accounts and other assets, or intercepting tax refunds and lottery winnings. Others focus on helping NCPs find work or develop marketable skills so they will have the financial resources to meet their support obligations. Payment compliance may also increase with proactive case review to ensure that support order amounts are

reasonable given NCPs' current incomes and with limited use of imputed or 'phantom' incomes to set order amounts.

On the front-lines of child support case management, the practical challenge is to use the right techniques at the right times in the right cases, taking into account the circumstances of the children, custodial parents, and NCPs. The ability to do this, in turn, rests heavily on having reliable, empirical information about the characteristics and circumstances of NCPs that may affect their ability to comply with their child support orders. Currently, Maryland child support program managers are engaged in a number of strategic program improvement efforts. A central focus of this work is to improve payment compliance; this includes trying to ensure that, especially for lower-income obligors, support obligation amounts are reasonable. It has been repeatedly shown that for the low-income population, support is more likely to be paid when the ordered amount is perceived as fair and just (Ha, Canican, Meyer, & Han, 2008; Huang, Mincy, & Garfinkel, 2005; Roberts, 2001; Turetsky, 2000).

Today's research report informs Maryland's ongoing payment compliance and other program performance improvement efforts and provides a yardstick against which future years' outcomes can be measured. It achieves these objectives by providing a baseline profile of Maryland NCPs and their support payment compliance patterns. Specifically, this report uses a random sample of 4,652 NCPs who had active Maryland public child support cases in July 2011 and who had current support obligations during the preceding year (July 2010 – June 2011). We address the following straightforward, but important research questions:

1. What are the payment compliance patterns among Maryland NCPs? How many of them paid all, some, or none of

their current child support obligation in the previous year?

2. Do NCPs' demographic and case characteristics vary by payment compliance?
3. Do NCPs' employment patterns and earnings vary by payment compliance?
4. What percent of NCPs' actual earnings were expected to be paid toward current support (order-to-income ratio)?
5. What percent of NCPs' actual earnings were paid toward current support (payment-to-income ratio)?

The answers to these questions will provide a basic profile of NCPs and payment patterns in Maryland. More importantly, however, they may reveal potentially actionable information about if and how fully compliant, partially compliant, and non-compliant NCPs differ. This information should be of great value to policymakers and program managers by providing a more nuanced picture of NCPs in Maryland public child support cases and facilitate more targeted use of various remedies available.

## BACKGROUND

The public child support enforcement program is an inter-governmental partnership between the federal government and states, established in 1975 as Title IV-D of the Social Security Act (2012). It is one of the largest child-serving programs in Maryland and in the United States, serving one out of every four children, or about 17 million children nationwide (Sorensen, 2010; OSCE, 2014). The foundational principle of the program is that both parents should financially support their children in common and contribute to meeting those children's basic needs. This principle is evidenced in the program's primary goal, to "enhance the well-being of children by assuring that assistance in obtaining support, including financial and medical support, is available to children through locating parents, establishing paternity and support obligations, and monitoring and enforcing those obligations" (OCSE, 2009).

Child support, indeed, is a critical income source for children and their custodial parents or caregivers. Poor families, in particular, depend on child support to maintain self-sufficiency. Sometimes it means the difference between a family living in a low-income household rather than in an impoverished one. For example, a study using Current Population Survey data found that more than one million Americans—625,000 children and 413,000 adults—would have been poor in 2008 had they not received child support (Sorensen, 2010). Furthermore, without child support, most would have been living in deep poverty with incomes less than one-half of the federal poverty level. In a perfect world, all families would receive their full court-ordered child support each month, but in the real world of public child support, there are myriad reasons that this ideal is not achieved. Still, it is indisputable that child support is a vital income support, even when only partially or even irregularly received (Ha, Cancian, & Meyer, 2011).

In terms of collecting support for children, the advent and subsequent expansion of an

array of automated tools has been a benefit to public child support agencies, especially with regard to collecting support from NCPs who participate in the formal labor market. Automatic wage withholding, in particular, has been very cost-efficient and successful with employed obligors, accounting for more than 70% of all support collections nationwide (OCSE, 2012).

Most noncustodial parents are at least partially compliant with their child support orders, and compliance rates, in general, remain stable over time. A well-designed Wisconsin study documented the importance of consistent employment to payment compliance. The study found that, over a six year observation period, more than 8 of 10 fathers made full or partial payments toward their child support (Ha et al. 2008). Additionally, in cases where the parent earned at least \$20,000 annually and did not experience a change in employment or support order, the full amount of support due was most likely to be paid.

For some noncustodial parents—especially those who do not participate in the formal labor market, those who change jobs frequently, and those who have lapses in employment—automatic wage withholding is rarely an effective method of collecting child support. These parents are also likely to possess other characteristics that may also affect their ability or willingness to pay. Thus, any attempt to improve support outcomes for families as well as federal program performance measures, must also make an effort to ask and answer important "who" and "why" questions about the minority of parents who pay very little, if any, of the child support they owe. In particular, it is imperative to appreciate that some parents are not unwilling to pay, but are simply unable to do so. This is not surprising given the devastating and lingering effects of the Great Recession. As has been well documented in myriad forums, millions of jobs have permanently disappeared and unemployment rates remain elevated, especially among younger



adults, persons of color, those with less education, and those with fewer in-demand skills (Bureau of Labor Statistics, 2014; Jacobs, 2014). Moreover, involuntary part-time employment remains stubbornly high, wages have been generally stagnant, and many Americans, including those who have child support obligations, are struggling mightily to get by. Thus, it is more important now than ever that child support policy-makers and program managers have access to information about an NCP's ability to pay so that any needed changes to program policy and front-line practice can be developed and expeditiously implemented.

### **Noncustodial Parents' Ability to Pay**

Maryland, like 37 other states, takes the incomes of both parents, noncustodial and custodial, into account when calculating the total parental support obligation amount. The resulting dollar amount is then apportioned to the parents based on their respective shares of combined adjusted gross income.

Nominally this income shares approach seems fair because, all else equal, a parent's share of the total parental support obligation equals his or her share of total combined income.<sup>1</sup> However, in the case of some parents—especially those with limited attachment to the formal labor market—there can be a real disconnect between their order amounts and their ability to pay. The evidence is mounting that this disconnect is especially prevalent in cases where NCPs' actual support obligation amounts are based on their potential incomes. That is, if the NCP fails to appear for agency or court proceedings, does not provide adequate financial information, or no earnings can be confirmed, income is often imputed, even when the NCP participates in the establishment process (Morgan, 2013; Passarella & Born, 2014; Roberts, 2001; Turetsky, 2000). Typically in

these cases, an NCP's 'phantom' monthly income is attributed to full-time work at the prevailing minimum hourly wage. Underlying this practice appears to be the unstated assumption that all adults should be able to find full-time work and command at least minimum wage for each hour worked.

The validity of this assumption is questionable at present, given stubbornly high post-recession realities, including one million fewer jobs available, 3.1 jobseekers per job opening, and large increases in part-time work and involuntary unemployment (Bureau of Labor Statistics, 2013a; Valletta & Bengali, 2013). Moreover, today's fiercely competitive job market is particularly challenging for adults with limited education, especially adults of color. In 2012, to illustrate, the unemployment rate for adults 25 and older with a college degree was 4.0%, three times lower than the rate (12.4%) among those with less than a high school education (Bureau of Labor Statistics, 2013b). Among African Americans without a high school degree, one in five was unemployed in 2012. Importantly, too, Census Bureau data show that, even two years after the recession, one-third of men had earnings below 200% of the one-person poverty level (\$22,968), and that male median earnings were continuing to decline, as they had each year since 2006 (DeNavas-Walt, Proctor & Smith, 2012).

These national trends have played out in the child support program. Wisconsin, for example, documented increases in NCP unemployment, greater numbers of cases with earnings disruptions or decreases as a result of the recession, and declines in both the amount and frequency of support payments (Kaplan, 2010). Most notably, public child support program collections nationwide actually decreased during the recession—for the first time ever in the program's history (OCSE, 2013). Furthermore, the most recent data available indicate that the program is still in recovery mode, with only small increases in collections having occurred since 2010 (OCSE, 2014). These statistics are relevant

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<sup>1</sup> It should be noted, however, that child support guidelines models are inherently regressive; proportionately, support obligations represent a larger percentage of income for low-income obligors than they do for higher-earning obligors.

to the topic of payment compliance (and to that of income imputation) because, there is a lack of congruence between support order amounts and actual income when the NCP is of limited means and the order is based on 'phantom' income.

### **The Current Study**

To better understand patterns of NCP payment compliance—and perhaps how income imputation may contribute to current patterns—the Maryland Child Support Enforcement Administration needs programmatically relevant information derived from empirical data. It has already been documented that most Maryland

NCPs pay at least some of their child support and that, on average, nearly three-fifths of current support due is paid by Maryland NCPs. However, some NCPs do not pay at all and still others pay very little of what they owe. It is important to expand our understanding of this population so that the appropriate interventions can be utilized in each case, depending on its specific circumstances. The present study builds on what has already been documented about the Maryland IV-D caseload and provides a first-ever, systematic look at the question of who pays current support, how much they pay, and how this relates to NCPs' demographic characteristics, employment patterns, and earnings.

## METHODS

This chapter briefly describes the methodology used to carry out this study. We describe the method of sample selection and summarize our data sources and the analysis techniques used.

### Sample

For this study we drew a three percent random sample from the universe of Maryland public child support cases active in July 2011. This resulted in 7,270 unique cases and 7,182 unique noncustodial parents (NCPs). The unit of analysis in this study of payment compliance is the NCP. Thus, NCPs who did not owe current support at any time during the observation period (July 2010 – June 2011) were excluded. Our final sample consists of 4,652 NCPs who owed current support in a Maryland IV-D case in one or more of the 12 months in our observation window.

Each of the 4,652 NCPs in our final study sample were categorized into one of six payment compliance categories, based on the percentage of current support due in the previous year that each had actually paid. The six categories and their operational definitions are:

- **Zero:** No current support due in the past 12 months was paid
- **1% to 25%:** .01% to 25.49% of support due in past 12 months was paid
- **26% - 50%:** 25.50% - 50.49% of support due in past 12 months was paid
- **51% - 75%:** 50.50% - 75.49% of support due in past 12 months was paid
- **76% - 99%:** 75.5% - 99.49% of support due in past 12 months was paid
- **100%:** 99.50% or more of support due in past 12 months was paid<sup>2</sup>

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<sup>2</sup> Mainly due to issues related to the timing and methodology of payment data collection, some NCPs appeared to have paid more current support than had been due. All such cases were top coded at 100% and included in the 100% compliance group.

### Data Sources

Study findings are based on analyses of administrative data retrieved from computerized management information systems maintained by the State of Maryland. Child support data were obtained from the Child Support Enforcement System (CSES). Employment and earnings data were obtained from the Maryland Automated Benefits System (MABS).

#### CSES

The Child Support Enforcement System (CSES) has been the statewide automated information management system for Maryland's public child support program since March 1998. CSES contains identifying information and demographic data on children, noncustodial parents, and custodial parents receiving services from the IV-D agency. Data on child support cases and court orders including paternity status and payment receipt are also available. CSES supports the intake, establishment, location, and enforcement functions of the Child Support Enforcement Administration.

#### MABS

Our data on quarterly employment and earnings come from the Maryland Automated Benefits System (MABS). MABS includes data from all employers covered by the state's Unemployment Insurance (UI) law and the unemployment compensation for federal employees (UCFE) program. Together, these account for approximately 91% of all Maryland civilian employment. Independent contractors, commission-only sales people, some farm workers, members of the military, most employees of religious organizations, and self-employed individuals are not covered by the law. Additionally, informal jobs—for example, those with dollars earned “off the books” or “under the table”—are not covered.

The MABS system only tracks employment in Maryland. However, the state shares borders with Delaware, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and out-of-state employment is relatively common. Overall, the rate of out-of-state employment by Maryland residents (17.5%) is over four times greater than the national average (3.8%)<sup>3</sup>. Out-of-state employment is particularly common among residents of two very populous jurisdictions (Montgomery County, 29.8%, and Prince George's County, 42.4%), which have the 4<sup>th</sup> and 2<sup>nd</sup> largest active child support caseloads in the state. Out-of-state employment is also common among residents of two smaller jurisdictions (Cecil County, 31.1%, and Charles County, 34.6%).

Finally, because UI earnings data are reported on an aggregated, quarterly basis, we do not know, for any given quarter, how

much of that time period the individual was employed (i.e. how many months, weeks, or hours). Thus, it is not possible to compute or infer hourly wages or weekly or monthly salary from these data. It is also important to remember that the earnings figures reported do not necessarily equal total household income; we have no information on earnings of other household members, if any, or data about any other income (e.g. Supplemental Security Income) available to the family.

### **Data Analysis**

We use univariate statistics to describe findings for NCPs, including demographics, employment, and child support payments. When appropriate, comparisons are made with chi-square and ANOVA tests.

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<sup>3</sup> Data obtained from U.S. Census Bureau website: <http://www.factfinder.census.gov> using the 2008-2010 American Community Survey 3-Year Estimates for Sex of Workers by Place of Work—State and County Level (B08007).

## FINDINGS: DEMOGRAPHIC AND CASE CHARACTERISTICS

Maryland's child support program has been on a path of steady improvement such that, it now collects more than one-half billion dollars each year on behalf of nearly one-quarter million children, the majority of whom reside in Maryland. Over the course of any given year, most noncustodial parents (NCPs) of these children do pay at least some portion of their court-ordered current support obligations, and many pay all that is due (Kolupanowich et al. 2010). Others, however, pay very little, and some pay nothing at all. Our task, in this study, is to provide state policymakers with empirical information about payment compliance patterns and what, if any, NCP characteristics and circumstances are associated with different compliance levels. This type of information, in turn, can serve as the basis for new or amended data-driven policies and front-line case management practices.

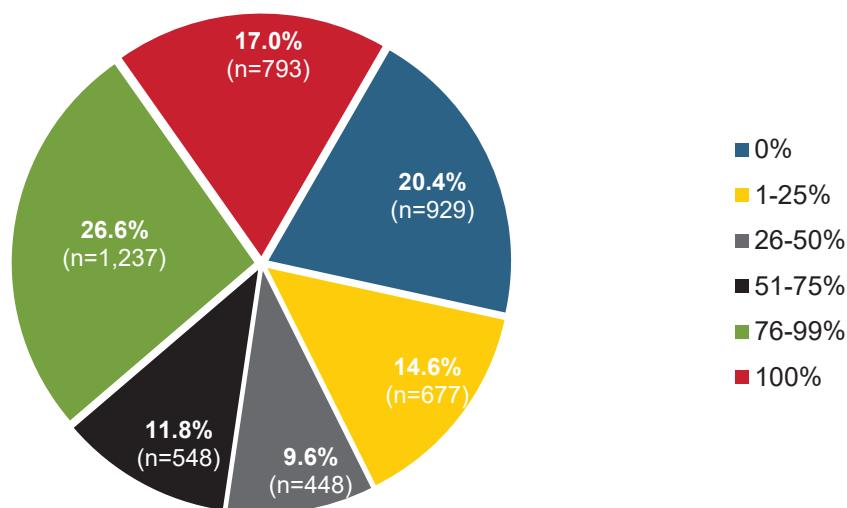
This chapter begins by providing the payment compliance rates of the NCPs in our study sample. We then profile the demographic characteristics of NCPs and their child support cases and discuss how these profiles differ across the various payment compliance categories.

### Payment Compliance

For purposes of this study, each NCP in our sample was assigned to one of six payment compliance categories based on the percentage of current support due that was actually paid in a one-year period. We use these six payment compliance categories throughout the report to present research findings. The categories are all inclusive and mutually exclusive—from 0% (no current support due was paid) to 100% (all current support due was paid).

Figure 1 shows the number and percentage of NCPs that fall into each of the six payment compliance groups. At the most general level, Figure 1 paints a positive picture: the large majority (79.6%) of NCPs in the sample paid at least some current support during the study year. About one in five (17.0%) paid all of their total annual current support obligations, and another one in four (26.6%) paid between 76% and 99%. At the other extreme, about one in five NCPs (20.4%) paid nothing in the one-year period, a percentage that has remained relatively stable in Maryland over the past several years (see, for example, Kolupanowich et al., 2010; Ovwigho, Head & Born, 2008).

**Figure 1. Percentage of Current Support Paid**  
July 2010 – June 2011



**Note:** Payment compliance refers to the percent of current support due for the period July 2010 through June 2011 that was actually paid. Valid percentages are reported.

## Demographic Characteristics

Table 1 presents the demographic profile of NCPs by payment compliance category. For the entire sample, the vast majority of NCPs are male, about three-quarters live in Maryland, roughly two-thirds are African American, and just under half are over the age of 40 years. As illustrated in the table, there are no significant differences on gender or Maryland residence by payment compliance category. Age and ethnicity differ, however. Younger men, particularly those aged 30 and under, and African American men are significantly more likely to have paid no support during the study year.

To some extent, these findings are not surprising given that African American men tend to have disproportionately lower incomes than white men, and younger men tend to have lower incomes than older men, simply based on work experience and education (Austin, Hamilton, & Darity, 2011; Bureau of Labor Statistics, 2014). This is not to say that low income is necessarily endemic among younger or minority NCPs in our sample. This is certainly not the case for African Americans because, at the other end of the payment compliance spectrum, the majority (64.7%) of NCPs who paid 100% of current support was also African American. In terms of age, however, almost all (87.9%) NCPs who were 100% compliant were over the age of 30. All else equal, these findings suggest that younger fathers, in particular, may warrant special attention.

## Case Characteristics

Any attempt to understand child support payment compliance must also include at least some information about the NCP's case(s). Findings, also in Table 1, support the notion that case-related factors are associated with payment compliance. The first finding is a commonsensical one, but important to note nonetheless. That is, having only one child support case is associated with paying more than 75% of current support due, whereas having two or more cases is associated with paying little or none of it. To illustrate, about one of

every two (48.3%) NCPs who paid nothing and half (52.0%) of those who paid between 1% and 25% had more than one child support case. In stark contrast, only 22.3% of NCPs who paid 100% of support due had more than one case; among those who paid between 76% and 99% of their obligation, fewer than one in three (29.9%) had two or more cases.

Secondly, and not surprisingly, there are sizable differences across payment compliance group with regard to the percent of NCPs in each group who had an arrears balance. The nature of the differences is as one would expect. The larger the percentage that was paid, the less likely the case had arrears owed. Virtually all of the NCPs that paid less than 100% of their obligations had an arrears balance. Among NCPs who paid 100% of their support, fewer than two in five (35.7%) owed any arrears.

Table 1 also presents the mean and median amounts of total current support due during the study year as well as the mean and median amounts that were paid by payment compliance. While not shown in the table, we found that most NCPs owed support during most of the one-year study period, ranging from an average of 10 months among the 0% payment compliance group to 12 months among the 100% payment compliance group. We point this out to illustrate that payment compliance was based on obligations that were due nearly the entire year rather than a single month in which the NCP could pay 100% for that month and be in the 100% compliance group.

Higher payment compliance is associated with a higher average of current support due and a higher average of support dollars paid. Averages, however, can be quite skewed by very high or very low values, so median figures are also reported and paint a somewhat different picture. The pattern of support due and paid is consistent between averages and medians, but the median amounts are substantially lower.

NCPs who paid very little (1-25%) of what they owed had an average total of \$4,862 due, with a median of \$3,852. However, on average, they paid \$550 towards the current support due. On the other hand, NCPs who paid all of what they owed had an average total of \$5,412 due, with a median of \$4,663. Not surprisingly, these NCPs paid \$5,581 towards the current support due, on average.

Thus far, we have established several important characteristics of Maryland NCPs who have public child support cases. The first and most important is that the large majority of NCPs—almost all of whom are men, predominantly African American, middle-aged, Maryland residents—made at least some effort to pay child support in the one-year study period. Admittedly, about one in five made no payments, but these NCPs tended to be younger males, half of whom had more than one child support case. Unaddressed so far, however, is the fact that payment compliance, in many cases, is at least partially a function of payment capacity. We look at the question of capacity in the next chapter, which focuses on employment and earnings among the NCPs in our study sample.

**Table 1. Selected Demographic and Case Characteristics of NCPs by Payment Compliance**

	0% (n=929)	1% - 25% (n=677)	26 - 50% (n=448)	51 - 75% (n=548)	76 - 99% (n=1,237)	100% (n=793)
<b>Gender (% male)</b>	92.2% (871)	93.5% (628)	95.3% (426)	94.8% (515)	94.9% (1163)	94.0% (741)
<b>Race***</b>						
African American	77.0% (650)	72.0% (442)	65.4% (268)	61.3% (307)	59.4% (644)	64.7% (450)
Caucasian	19.4% (164)	24.8% (152)	29.0% (119)	32.5% (163)	34.3% (372)	30.4% (211)
Other	3.6% (30)	3.3% (20)	5.6% (23)	6.2% (31)	6.4% (69)	4.9% (34)
<b>Age***</b>						
25 and younger	7.0% (66)	6.5% (44)	5.6% (25)	8.0% (44)	4.8% (59)	3.3% (26)
26 – 30 years	15.2% (144)	16.2% (110)	15.4% (69)	13.3% (73)	11.1% (137)	8.8% (70)
31 – 35 years	20.9% (198)	24.7% (167)	21.0% (94)	21.4% (117)	17.8% (220)	19.0% (151)
36 – 40 years	22.4% (213)	21.0% (142)	22.8% (102)	22.6% (124)	25.6% (317)	21.1% (167)
41 – 45 years	15.4% (146)	16.4% (111)	15.4% (69)	16.1% (88)	20.7% (256)	21.7% (172)
46 and older	19.2% (182)	15.2% (103)	19.9% (89)	18.6% (102)	20.0% (248)	26.1% (207)
Average Age*** [Standard Deviation]	38.20 [8.41]	37.52 [8.23]	38.43 [8.46]	38.18 [8.66]	39.43 [7.91]	40.93 [8.46]
<b>Resides outside of Maryland**</b>	22.1% (139)	19.5% (90)	25.3% (84)	19.5% (81)	18.8% (187)	26.0% (169)
<b>% of NCPs with Multiple Cases</b>	48.3% (458)	52.0% (352)	44.6% (200)	38.9% (213)	29.9% (370)	22.3% (177)
<b>% Owed Arrears***</b>	96.3% (914)	97.0% (657)	97.3% (436)	92.0% (504)	79.3% (981)	35.7% (283)
<b>Average Total Current Support Due***</b> [Median]	\$3,652 [\$3,000]	\$4,862 [\$3,852]	\$5,032 [\$4,080]	\$5,195 [\$4,575]	\$5,986 [\$5,040]	\$5,412 [\$4,663]
<b>Average Total Distributions***</b> [Median]	-- --	\$550 [\$400]	\$1,904 [\$1,482]	\$3,298 [\$2,863]	\$5,417 [\$4,553]	\$5,581 [\$4,800]

**Note:** Counts may not sum to actual sample size because of missing data. Valid percentages are reported. In some cases, NCPs paid more towards current support than was due. This can happen if the NCP pays a weekly amount on a monthly support order, if communication between local agencies is delayed in cases of out-of-state modifications, or if there are administrative errors. \* p<.05 \*\*p<.01 \*\*\*p<.001



## FINDINGS: EMPLOYMENT AND EARNINGS

The child support program is founded on the principle that both parents have an obligation to provide financial support for their children. All states are required to calculate support amounts using some systematic, across-the-board set of numerical guidelines. In the majority of states, including Maryland, an income shares model is used, wherein the earnings of both parents are taken into account. In the general form, noncustodial parents' support order amounts are based on their proportionate share of total combined parental income.

Ideally, the guidelines calculations would be based on complete, accurate, and up-to-date information about both parents' incomes. However, under certain circumstances, actual income data are not available and income is imputed. In particular, when a parent is voluntarily impoverished, the court may impute income to that parent. The amount of income to be imputed is "determined by the parent's employment potential and probable earnings level based on, but not limited to, recent work history, occupational qualifications, prevailing job opportunities, and earnings levels in the community (Maryland Family Law Code Annotated, 2014). In practice, potential income is sometimes attributed where a parent is unemployed or underemployed, absent from court proceedings, or does not provide proof of employment or earnings. Commonly, income is imputed as if the parent worked full-time at minimum wage. There is wide variation across Maryland jurisdictions in the percentage of orders that appear to be based on imputed income, however empirical evidence indicates that payment compliance is markedly lower among imputed income cases (Passarella & Born, 2014).

This chapter does not speak directly to the topic of payment capacity in cases where income has been imputed. Nonetheless, our findings about employment and earnings—or the lack thereof—among NCPs in our

sample should be useful in ongoing discussions about when and for whom income should and should not be imputed. Additionally, they should provide needed information about how payment capacity relates to payment compliance.

We begin by describing NCPs' patterns of recent employment in a job covered by the Maryland Unemployment Insurance (UI) program. To be consistent with the time frame used in our discussion of payment compliance, we limit our examination to employment in the same one-year period from July 2010 to June 2011. This is followed by a discussion of employment stability and annual earnings. The chapter concludes with a discussion of earnings in relation to the amounts of child support due and the amounts of child support actually paid. Each of these analyses is presented by payment compliance group.

### **Employment History**

For each of our six payment compliance categories, Figure 2 shows what percent of NCPs worked between one and three quarters during the study year in a Maryland UI-covered job, as well as what percent had employment in all four quarters of that year. Employment in all four quarters is a proxy for full-time work, although we do not know whether an individual worked for the entirety of each of the four quarters, but simply that there was employment in each of the four quarters. It must also be remembered that study findings almost certainly understate employment, albeit to an unknown degree, because we have no data on out-of-state jobs, informal employment, or self-employment. Data limitations notwithstanding, it is clear that there are substantial and statistically significant differences among NCPs by payment compliance groups.

All else equal, less employment is associated with lower payment compliance, and more employment is associated with higher payment compliance. For example, only a miniscule fraction (3.0%) of NCPs

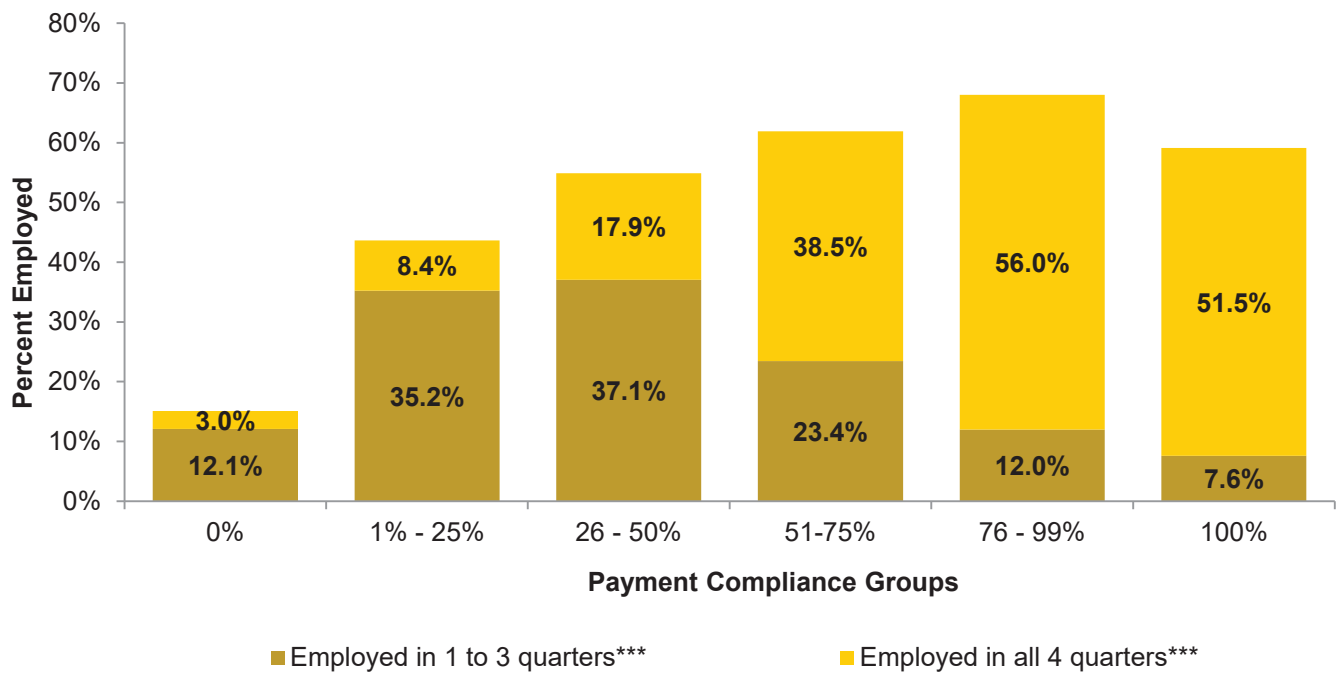
who paid no support in the study year had employment recorded for all four quarters of that year. In fact, among the non-paying group, only a small percentage (12.1%) had UI-covered employment in one to three quarters of that year. As employment rates increase, payment compliance increases as well, as Figure 2 makes clear.

There is also a hint in these data that continuous employment matters the most in terms of meeting one's child support obligations. NCPs that paid all (100%) or most (76%-99%) of their current support

also had the highest rates of employment in all four quarters of the year, at 51.5% and 56.0% respectively.

It should also be noted that for these two highly-compliant groups of NCPs, employment rates are even higher when out-of-state residents are excluded. When only including NCPs residing in Maryland, nearly three-quarters (73.7%) of the 100% payment compliance group were employed in at least one quarter of the study year, and two-thirds (65.6%) were employed in all quarters in the previous year.

**Figure 2. Employment History of NCPs by Payment Compliance**  
July 2010 – June 2011



**Note:** Valid percentages reported. \*p<.05 \*\*p<.01 \*\*\*p<.001

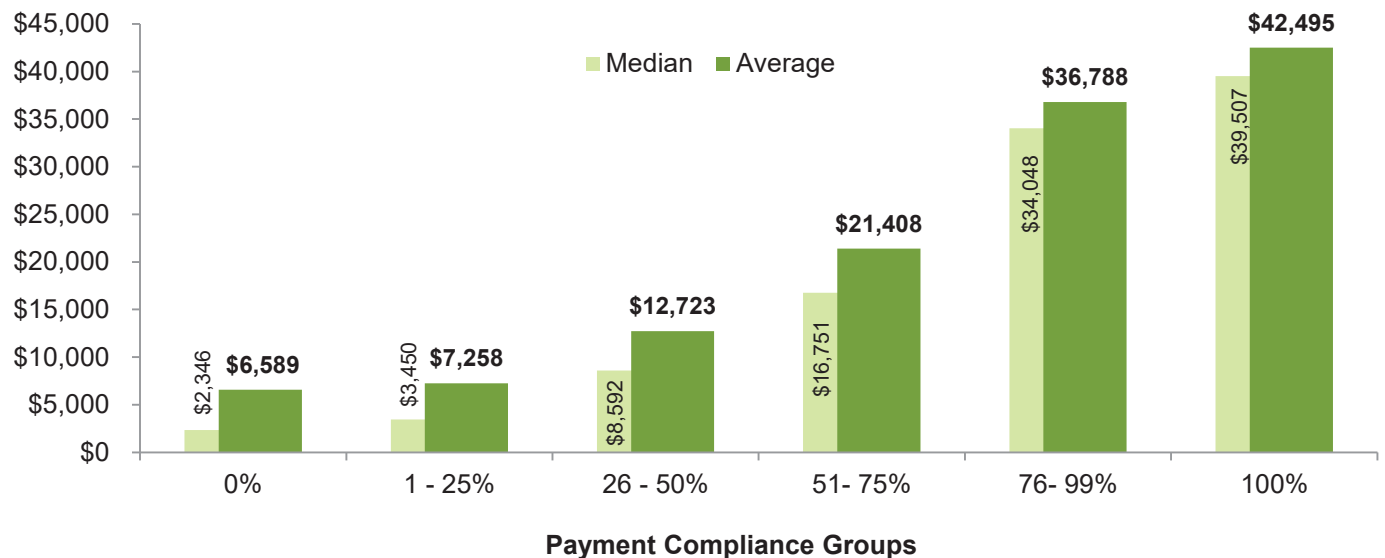
## Earnings from Employment

Employment is positively associated with paying child support, and one would certainly expect to find that the same holds true when NCPs' earnings are examined. It does, as depicted in Figure 3, which shows average and median annual earnings for NCPs with employment in a UI-covered job during the study year.

Overall, the higher the annual earnings, the more likely an NCP will be compliant with the child support order. In short, NCPs who earned the least, on average, also paid the least child support, percentage-wise. Those who paid no current support averaged roughly \$7,000 (\$6,589) in total annual earnings from Maryland UI-covered employment. Among those who paid 100%

of their current support, average annual earnings (\$42,497) were about \$35,000 higher. Averages, of course, can be greatly skewed by extreme values—here by earnings—at either the low or high end. For that reason, we also show the median annual earnings by compliance group. As one would expect, median earnings are lower than average earnings for each of the payment compliance groups, as the median represents the earnings amount at which half of working NCPs earned more than that amount and half earned less. Nonetheless, the difference between those who paid nothing (\$2,346) and those who paid their entire obligation (\$39,507) were still as large, and the general pattern remains the same: all else equal, as earnings go up, so does child support payment compliance.

**Figure 3. Total Annual Earnings\*\*\***  
July 2010 – June 2011



**Note:** Earnings figures include earnings from employed NCPs; \$0 earnings are excluded. Earnings are standardized to 2011 dollars. \*p<.05 \*\*p<.01 \*\*\*p<.001

## Putting It All Together: The Order-to-Income Ratio

In Maryland, child support orders are determined by considering the income of both the NCP and custodian. However, in cases in which the NCP is unemployed or underemployed, wages are often imputed for the purpose of support order calculations. That is, it is assumed that the NCP could potentially have full-time minimum wage earnings, and that 'phantom' income is used to set the order amount.

Income imputation is certainly appropriate in cases where noncustodial parents have deliberately impoverished themselves, willfully compromising their ability to pay. However, there is increasing evidence that imputing income—especially at a full-time, minimum wage level, on a widespread basis, is counter-productive. Order amounts based on 'phantom' income can create unrealistic expectations on the part of custodial parents about how much support they will receive. Simultaneously, because the order is based on what the court thinks the NCP could make, rather than on actual income, NCPs may perceive the orders to be both unrealistic and unfair. Moreover, the child support program's ability to meet the crucially important federal collections performance measures are also almost certainly compromised.

The data show that imputed income orders, especially those associated with low-income custodians, have low rates of payment compliance (Passarella, et al., 2014; Eldred & Takayesu, 2011). Income imputation also appears to contribute greatly to arrears accumulation. The landmark, Urban Institute study on this topic found that most NCPs whose arrears were in excess of \$30,000 had no reported income, or earned less than \$10,000 when their orders were set, or had orders that were a high percentage of earnings (Sorenson, Sousa & Schaner, 2007). Moreover, this group of debtors owed 70% of all arrears.

Another strain of research has begun to take root, focusing on an NCP's ability to pay. These studies attempt to determine if

the proportion of NCP income owed for child support is related to compliance. For example, researchers in Washington State found that NCPs were most compliant with their child support orders when the order amount was no more than 20% of monthly earnings (Formoso, 2003). Similar results were found in California, where orders set higher than 19% of an NCP's gross income led to lower compliance and fewer payments. Preliminary results from a Maryland study also suggest there is some identifiable threshold order-to-income ratio, beyond which compliance will diminish (Saunders and Born, 2014). Consistent employment on the part of NCPs also really matters. When obligors are consistently employed, most of their support is collected (Ha et al. 2008).

The importance of steady employment is perhaps most clearly reflected in the fact that nearly three-quarters of support collected nationwide comes through the use of automatic wage withholding (OCSE, 2012). Closer to home, a forthcoming Maryland study reports that, all else equal, current support collections are 30 percentage points higher in cases with wage withholding in place compared to those without it (Saunders and Born, 2014).

In the next and final analysis in this paper, we take another look at our previously discussed employment and earnings findings through the ability to pay lens. Earlier tables and figures clearly show that NCPs in this study have diverse profiles, different employment histories, and divergent earnings. More importantly, employment and earnings are positively related to payment compliance; in particular, as earnings increase, so does payment compliance. In Figure 4, we use these data to construct the last piece of the puzzle: the order-to-income ratio.

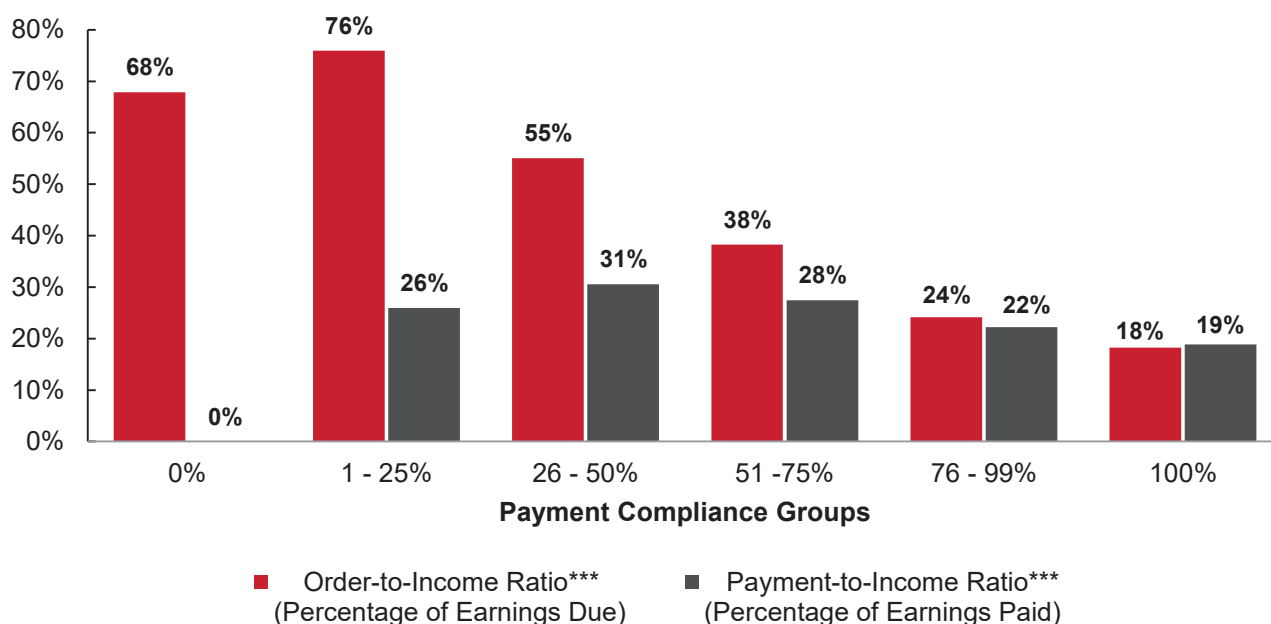
Using the actual earnings of NCPs with Maryland employment covered by the Unemployment Insurance program, we compare earnings to the total amount of current child support that was due in the study year and to the total amount of child support that was paid. For each of our six

payment compliance groups, we present two separate calculations. The first is the support order amount as a percentage of NCP's earnings (i.e., the order-to-income ratio); the second is the amount of current support paid as a percentage of actual earnings (i.e., the payment-to-income ratio). These calculations yield two percentages for each payment compliance group, as depicted in Figure 4.

The most obvious point is one consistent with the literature: NCPs are significantly more likely to comply—and to comply fully—with support orders when the order amount is in line with their actual ability to pay. NCPs who paid nothing towards their current support in the previous year had an average order-to-income ratio of roughly two-thirds of their total earnings. That is, based on the obligation amount, these NCPs were expected to take 68% of their

actual earnings and pay it towards their current support obligation. We acknowledge that, for some NCPs in this compliance group (and in others), their Maryland UI-covered earnings may not represent their entire incomes for the year; some may have worked in non-UI jobs or in another state, had self-employment income, or had other income sources. Based on other studies, however, we think it is just as likely that a substantial portion of these NCPs' orders were based on imputed or 'phantom' income, rather than actual income (Passarella et al, 2014; Saunders and Born, 2014). Some cases also may have had reasonable order-to-income ratios at the time of order establishment, but NCPs may have subsequently lost their jobs or experienced a decrease in wages and did not obtain a modification to their support orders.

**Figure 4. Order-to-Income Ratio and Payment-to-Income Ratio**  
July 2010 – June 2011



**Note:** Only NCPs with employment in a Maryland UI-covered job are included in this analysis. Valid percentages reported. \*p<.05 \*\*p<.01 \*\*\*p<.001

At the other extreme, we see that the NCPs who paid 100% of current support due during the study year were those for whom support due represented an average of 18% of total earnings. On average, these NCPs paid 19% of their total earnings in child support during the study year. The middle bars in Figure 4 tell a consistent story: the higher the order-to-income ratio, the lower payment compliance is likely to be. For example, the 1-25% payment compliance group was expected to pay three-quarters (76%) of their earnings towards current support, on average, but paid an average of about one-quarter (26%) of their earnings. Conversely, among NCPs who paid between 76% and 99% percent of total annual support due, the average order-to-income ratio was 24% and their support payments totaled just about this same percentage of their earnings (22%).

Figure 4 confirms several points that have been made by researchers in other states, in our own Maryland studies, and by the federal Office of Child Support Enforcement (OCSE). Perhaps the most important of these is that NCPs do want to provide for their children, and most of them do pay some formal support in the course of a given year. However, as OCSE (2012, p.1) has advised, and as Figure 4 illustrates: “in order for child support to be reliable, support orders must be set accurately and based on a noncustodial parent’s actual ability to pay...setting a realistic order improves the chances that child support payment will continue over time...when parents cannot meet their support obligations, compliance decreases and arrears accumulate.” In this study, it appears that NCPs were able to pay between 20% and 30% of their earnings toward their child support obligations, regardless of what the actual obligation amount was.

## CONCLUSIONS

The central goal of the public Child Support Enforcement program is to ensure that both parents financially support their children in common and contribute to meeting their children's basic needs. This financial support is an essential source of income for children and families, but especially poor families. The unfortunate reality is that while most noncustodial parents want to contribute to their children's well-being, many are simply not in a financial position to fully comply with formal support obligations.

In theory, support orders are calculated based on the income of the custodian and the noncustodial parent, and the resulting dollar amount is then prorated to the parents based on their respective shares of combined adjusted gross income. In practice, however, many low-income fathers are disproportionately ordered to pay more than they are able.

It is especially difficult for a noncustodial parent to comply with a child support order when the obligation amount makes up more than half of his actual earnings. This is exactly what we found among noncustodial parents earning an average annual income less than \$15,000. Given the strong possibility that these orders were based on imputed income or that there was a change in employment circumstances, there is no question that these obligation amounts are unrealistic.

Overall, we found that noncustodial parents who fully complied with their current support orders were in a financial position to do so. Employment, for example, was extremely low among noncustodial parents who paid none of their current support, and even those that were working had extremely low annual earnings. Conversely, noncustodial parents who paid their entire current support obligation had high employment rates, and on average, earned at least six times more than noncustodial parents who paid nothing. Furthermore, noncustodial parents who paid all of the current support they owed were expected to pay only 18% of their formal earnings toward child support, while non-

custodial parents who paid the least were expected to pay more than 75% of their formal income earnings.

Noncustodial parents who made any payments toward current support, regardless of what they were expected to pay, paid between 20% and 30% of their actual earnings, on average. Given this finding, there is reason to suspect that a current support obligation that represents 20% to 30% of noncustodial parents' actual earnings is the most realistic and reasonable expectation. Moreover, this suggests that noncustodial parents may be more capable of making full payments, if ordered to pay within this range.

These findings add to the accumulating evidence that documents the financial struggles experienced by low-income noncustodial parents, which, in turn, affects their ability to pay child support. Most critical is their limited connection with the labor market, decreased earnings over time, and support orders that do not reflect these decreases (Ha et al., 2008; Ha, Cancian, & Meyer, 2010; Kaplan, 2010; Wu, 2011; DeNavas-Walt et al., 2012).

Compounding these issues is the fact that income is often imputed to full-time work at the prevailing minimum hourly wage, even when noncustodial parents participate in the establishment but are unemployed, working part-time, or unable to provide adequate financial information. At the current minimum wage of \$7.25, imputed income would amount to a gross annual income of approximately \$15,000. The average annual earnings of the noncustodial parents in our sample, who paid less than 50% of their current support obligations, ranged from \$6,500 to \$12,700. If these noncustodial parents had income imputed at full-time minimum wage, they were at a considerable disadvantage from the beginning and would likely accrue arrears, all because they were unable to earn the 'phantom' income used to determine their obligation. In fact, with the exception of fully compliant noncustodial parents, at least 8 out of every 10 non-

custodial parents had an arrears balance during the study year. This translates into potentially daunting debts for noncustodial parents as well as lower performance on federal collection measures.

It is imperative that actual income is used to determine a child support obligation. The use of real versus 'phantom' income is the first step to creating orders that are aligned with a noncustodial parent's ability to pay and ensuring that orders are "right-sized." Where income cannot be verified, it may be prudent to consider the use of a minimum order amount until income can be verified. This ensures that the noncustodial parent is still financially responsible for the child, but does not impute income at a potentially unrealistic amount. Moreover, case reviews should be routine and modifications should be made, when necessary, for cases in which income was imputed, a minimum order was established, or there were substantial changes in earnings.

The most crucial message from the findings presented is that noncustodial parents *do* want to provide for their children and most of them *do* pay some formal support in the course of a given year. In fact, 80% of noncustodial parents paid at least some of their obligation. However, for some, the incongruence between what they formally earn and what they are expected to pay precludes them from making full payments.

While program managers and caseworkers at the forefront work jointly to improve the outcomes of Maryland's children and families, behind the scenes, the child support program continues to be a data-driven and results-oriented program. As the results of this report shows, low-income noncustodial parents are struggling to keep up with support payments and research suggests that noncustodial parents are more willing to comply when the obligation meets their actual ability to pay (Roberts, 2001; Huang et al. 2005). Therefore, policymakers should consider low-income obligors a priority and continue to implement policies and programs that are in the best interest of families.



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