

MARYLAND'S CHILD SUPPORT CASELOAD

EXAMINING CUSTODIAN- & STATE-OWED SUPPORT

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In federal fiscal year 2019, the Maryland Child Support Administration (CSA) provided services to just under 200,000 families (Office of Child Support Enforcement [OCSE], 2020). Of the approximate \$517 million collected during that year, 97% was provided directly to families (OCSE, 2020). This financial support is effective at improving the economic situation of families, and importantly, can raise families out of poverty (Fox, 2019; Demyan & Passarella, 2019). Although the public child support program is available to all families regardless of income, families begin their participation through two different pathways largely due to their incomes: required or voluntary participation. These pathways determine whether support is owed to the state, to custodial families, or to both. This report describes Maryland child support cases in 2019 and examines to whom child support is owed.

In 2019, less than 10% of Maryland's child support cases were current assistance cases. They were required to participate in the program because the custodial families were currently receiving cash assistance through the Temporary Assistance for Needy Families (TANF) program or foster care maintenance payments (OCSE, 2020). As a condition of receipt, families agree to cooperate with CSA to determine paternity as well as establish and enforce support orders. Without a pass-through policy, families also agree to waive the receipt of any payments made while they are receiving public benefits. Maryland has recouped all of these payments in order to reimburse the federal and state governments for the issuance of public benefits. In July 2019, Maryland changed course and implemented a pass-through policy in which \$100 for one child and \$200 for two or more children is provided to families receiving TANF (Family Investment Administration, 2019). This is valuable to families, because when parents know that support is going directly to their children, they are more likely to make payments and to pay more (Lippold, Nichols, & Sorensen, 2010; Cancian, Meyer, & Caspar, 2008).

Two in five (41%) families were in the 2019 caseload because they were former assistance cases. They had previously received

MAIN FINDINGS

Current Support

- ❖ Three in five (62%) cases had support due in the prior year.
- ❖ The majority (92%) of support was owed to custodians.
- ❖ Custodian-owed support was more likely to have full or nearly full payments compared to state-owed support (52% vs. 28%).
- ❖ In contrast, state-owed support was more likely to have no payments (32% vs. 13%).

Arrears Balance

- ❖ Three in five (58%) cases had past-due support in July 2019.
- ❖ Most (64%) debt was owed solely to custodians, but 17% was owed to the state, and 19% was owed to both the state and custodians.
- ❖ About 70% of cases with custodian-owed arrears received payments in the prior year; only 31% of cases with state-owed arrears had any payments.

TANF or foster care benefits and were required to participate in the program (OCSE, 2020). Since these families are no longer receiving public benefits, all current support payments are provided directly to the families. Some intercepted dollars, such as federal tax refunds, however, are applied to past-due arrearages owed to the state for the families' prior benefit receipt.

Half (51%) of families in the 2019 caseload were voluntary participants (OCSE, 2020). This means they have never received TANF or foster care benefits, and they chose to participate in the program. These families benefit from having the state determine paternity, establish a support order, and enforce that order for a nominal fee.¹ Voluntary participants are less likely to have incomes below the poverty threshold, but may be considered low-income. Child support payments can also raise these families above that low-income threshold (Demyan & Passarella, 2019).

Although some cases can have support that is due to both families and the state, nearly all child support collections are provided directly to families. Still, recent media attention has focused on the amount of support that is owed to the state among families who are currently receiving or formerly received TANF benefits, suggesting that the majority of these child support payments are paid to the state rather than the families (Wegner, 2020; The Baltimore Sun Editorial Board, 2020; Martin, 2019). To provide policymakers with data on child support owed to families versus the state, this report examines Maryland's child support cases in 2019. The report highlights the support and payments of a typical Maryland case in order to exemplify the average experience of families. Since there can be substantial differences across the state, snapshots of Maryland's 24 jurisdictions will be available to explore how jurisdictions vary from the statewide experience.

SAMPLE AND DATA SOURCES

Sample

The sample for this report includes 18,601 cases derived from a stratified random sample of the 177,352 active child support cases in July 2019. The sample has a 3% margin of error and 95% confidence interval. A stratified random sample involves over-sampling small counties and under-sampling larger counties to produce 24 statistically valid jurisdictional samples. This over- and under-sampling is adjusted for statewide analyses through the use of weights so that each of the 24 jurisdictions account for the same percentage of cases in the sample as they do in the statewide population.

For example, Caroline County's caseload is 0.7% of the state's cases. We oversampled Caroline County cases to produce a larger, statistically valid jurisdictional sample. When examining cases on the statewide level, this larger Caroline County sample was adjusted with a weight so that it represented 0.7% of cases in the sample. Stratified sampling thus allows for both a statewide sample that accurately represents cases among jurisdictions and a set of jurisdictional samples that are large enough to analyze.

Data Sources

Findings are based on administrative data retrieved from the Child Support Enforcement System (CSES). CSES contains identifying information and demographic data on children, obligors, and custodians receiving services from the IV-D agency as well as data on payment receipt.

¹ Custodians who have not received TANF and received at least \$3,500 of child support in one year

must pay an annual fee of \$15 for CSA's services (COMAR, 2020).

Characteristics of Cases

In Maryland, child support orders are established by the courts in each of the local 24 jurisdictions. Seven in 10 of the state's 2019 child support cases were located in just five jurisdictions: Baltimore City (25%) and the counties of Prince George's (19%), Baltimore (10%), Montgomery (9%), and Anne Arundel (7%). The remaining 30% of cases were located in 19 jurisdictions, which each had 3% or less of the state's caseload. Information about each of the 24 jurisdictions can be viewed in their individual snapshots.

Children on Cases

Children who do not reside with both of their parents are entitled to receive child support through the age of majority, which is 18 in Maryland. Once children reach age 18, they are emancipated from the case and are no longer participants in the program even if there are past-due arrearages.² The number of children per child support case in July 2019 and their ages are shown in Table 1.

The majority of child support cases had one (61%) or two (16%) children participating on a case, and few (5%) cases had three or more children. Just under one in five (18%) cases did not have any children participating on the case. These cases included either emancipated children or children who did not have an established support order. Cases without an order may still require paternity establishment.

The majority of children on child support cases were school-aged. Nearly half (45%) of children were elementary or middle

school age, ranging from ages five to 12. More than one third (36%) of children were teenagers between the ages of 13 and 18. One in five children were not traditional school age, with 14% younger than age five and 5% older than 18.

Table 1. Children on Cases
In July 2019

Number of Children Per Case	
0	18%
1	61%
2	16%
3 or more	5%
Age of Children	
Younger than 5	14%
5 to 12	45%
13 to 18	36%
Older than 18	5%

Note: Data include children who are participating on a child support case; they exclude emancipated or non-participating children.

Support Orders

In Maryland, current support orders are established using the incomes of both parents while orders for arrears—or past-due support—are generally determined by using a percentage of the current support order amount. As shown in Figure 1, two in five (42%) child support cases had orders for both current support and arrears in July 2019. Another 15% of cases had orders for just current support, bringing the total percentage of cases with an order for current support to 57%. One in five (20%) cases had orders for only arrears, resulting in 62% of cases with an order for arrears. The average current support order was

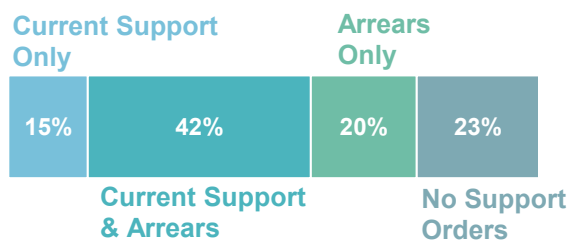
order support for adult children who are unable to be self-supporting due to a mental or physical disability (Maryland Family Law § 13-107).

² There are two exceptions related to the age of majority: (1) children over the age of 18, but not yet 19, who are still enrolled in secondary school can continue to receive child support; and (2) courts can

\$471 per month, and the average arrears order was \$123 per month.

Less than one quarter (23%) of child support cases did not have an order for either current support or arrears. These cases still require paternity or support order establishments. A prior study found that the most common outcome for cases without support orders is a closure (Demyan & Passarella, 2017). Within three years, three in five cases without a support order closed, one in five had established support orders, and another one in five remained open without establishing a support order (Demyan & Passarella, 2017). Additionally, three in four of these cases had received TANF at some point, indicating that these families were required to participate in the child support program; many of the TANF-associated cases closed for noncooperation with the child support program (Demyan & Passarella, 2017).

Figure 1. Types of Support Orders
In July 2019 (n=18,601)



SUPPORT ORDER AMOUNTS IN JULY 2019

Nearly **3 in 5** (57%) cases had an order for **current support**, and the average order was **\$471**.

Just over **3 in 5** (62%) cases had an order for **arrears**, and the average order was **\$123**.

³ About three in four child support orders in Maryland's public child support program are based on

Current Support in the Previous Year

Current support represents the amount determined appropriate to support the financial needs of children who do not reside with both parents. When this amount is derived from the Maryland child support guidelines, then the order is based on the economic costs of raising children.³ In 2019, \$623 million in current support was due among Maryland's child support cases, and \$429 million was collected, resulting in a collection rate of 69% (OCSE, 2020). This

THE VAST MAJORITY OF CURRENT SUPPORT IS OWED TO CUSTODIANS

Of the **3 in 5** cases with current support due between July 2018 and June 2019,

- **92%** of cases had current support due to only **custodians**,
- **3%** to the **state**, and
- **5%** of cases had current support due to **both** the custodian and the state.

collection rate does not necessarily represent a typical Maryland case as some cases received no payments in 2019 while others received 100% of current support. This section provides current support findings for the average case active in July 2019. First, Figure 2 provides the percent of sampled cases that had current support due in the year before July 2019 (July 2018 to June 2019) and the average amount due during that year.

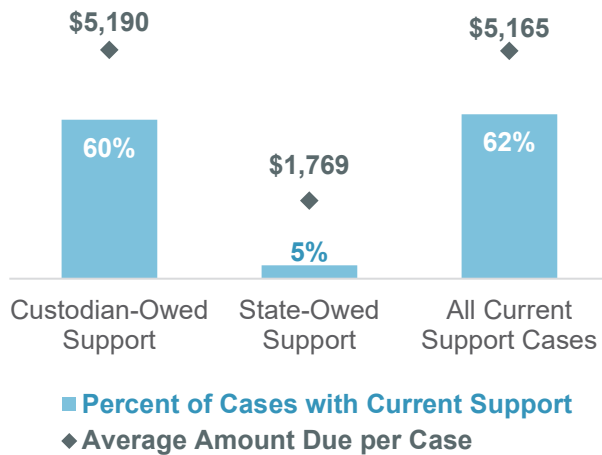
About three in every five (62%) cases had current support due in the prior year, and an average of just under \$5,200 was due per

the established economic guidelines (Hall, Demyan, & Passarella, 2016).

case over the year. For families who received TANF benefits, current support can be owed to both the custodian and the state; as shown in the callout box, the vast majority—92%—of current support was owed only to custodians. Current support can only be owed to the state when a custodial family is currently receiving TANF or foster care benefits. Since less than 10% of child support cases in Maryland met this criterion (OCSE, 2020), it is not surprising that very few cases had any current support due to the state.

According to Figure 2, which examines *all* child support cases and not just those with current support orders, 60% of all cases had current support due to the custodian and 5% had current support due the state. The average amount of custodian-owed support was nearly \$3,500 more than state-owed support (\$5,190 vs. \$1,769).

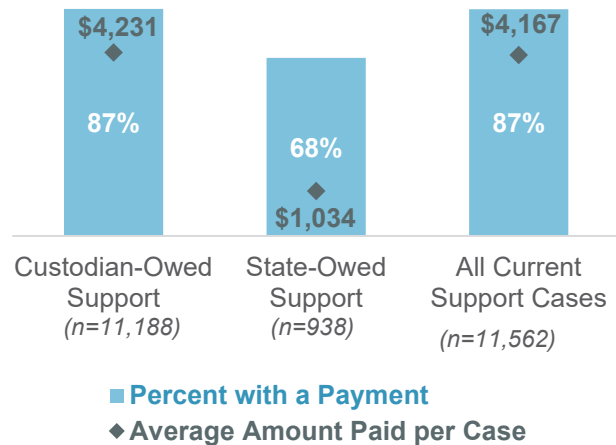
Figure 2. Percent of Cases & Amount Due
In the Previous Year among All Sampled Cases (n=18,601)



Note: Average amounts exclude cases in which current support was not due.

Most current support cases received at least one child support payment in the previous year, as shown in Figure 3. Almost nine in 10 (87%) cases with custodian-owed support had payments. Among those with payments, an average of over \$4,200 was paid per case. Just under seven in 10 (68%) cases with state-owed support received payments in the prior year, and among those with a payment, an average case received just over \$1,000 toward that state-owed support.

Figure 3. Current Support Payments
In the Previous Year among All Current Support Cases

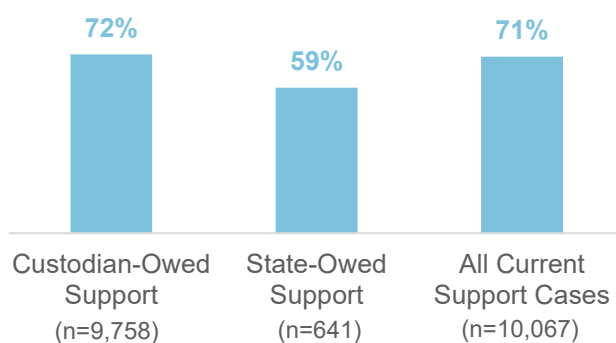


Note: Counts represent the number of cases with current support due in the previous year; custodian- and state-owed support do not sum to all current support cases because some cases have support due to both. Average amounts exclude cases that did not receive a payment.

The percentage of current support paid is an important indicator for the success of the child support program and for how effective those payments may be at improving the economic situations of custodial families. Figures 4 and 5 examine this percentage from two perspectives. Figure 4 provides the percent of current support paid among cases that received payments, hence examining how much a typical case would receive *if* payments were made. Figure 5 expands this percentage to include *all* cases that had current support due regardless of whether payments were made. This provides a picture of support paid among all cases with current support obligations.

Among cases that received current support payments, a sizeable percentage was paid in the previous year. Specifically, Figure 4 shows that an average of 72% of custodian-owed support was paid per case. An average of nearly 60% of state-owed support was paid per case that received any payments.

Figure 4. Average Percent of Current Support Paid per Case
In the Previous Year among Cases with a Payment

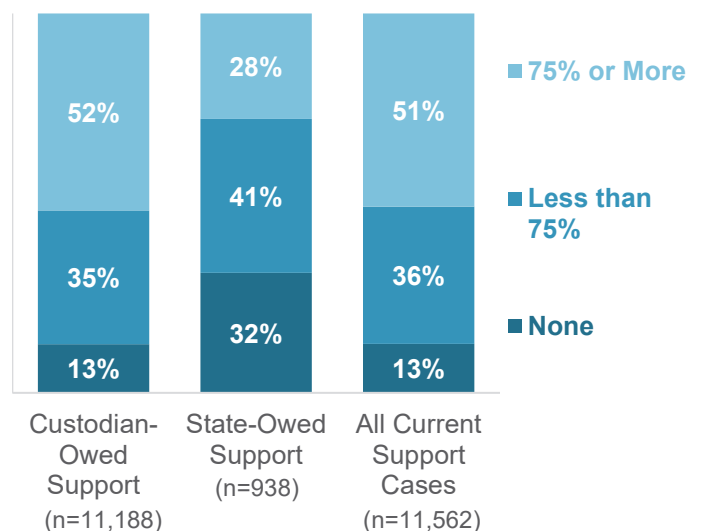


■ **Average Percent Paid per Case with a Payment**

Note: Counts represent the number of current support cases with payments in the previous year; custodian- and state-owed support do not sum to all current support cases because some cases have support due to both.

Among *all* cases owed current support, there are considerable differences in payment between custodian- and state-owed support, as shown in Figure 5. First, nearly one in three (32%) cases with state-owed support did not receive any payments in the prior year, compared to only 13% of cases with custodian-owed support. Second, more than half (52%) of cases with custodian-owed support received 75% to 100% of the support that was due to the custodian, compared to less than 30% of cases with state-owed support.

Figure 5. Percent of Current Support Paid
In the Previous Year among All Current Support Cases



Note: Counts represent the number of cases with current support due in the previous year; custodian- and state-owed support do not sum to all current support cases because some cases can have support due to both.

Cases with an Arrears Balance

In 2019, Maryland had \$1.334 billion in past-due support, which represents only 1% of the national arrears balance (OCSE, 2020). After efforts to close cases with uncollectable support, Maryland's arrears balance declined from \$1.528 billion in 2010 to \$1.312 billion in 2012 (OCSE, 2016). However, with a current support collection rate under 70%, arrears continue to accrue.

Cases accrue past-due debt when the obligated parent does not make full payments. However, many cases begin with debt because current support orders are retroactive to the date of filing. It can take several months to establish current support orders after the case is filed, resulting in months of past-due support when the first current support payment is due. When arrears are high relative to income, research has shown that parents owing the debt are less likely to have formal employment (Miller & Mincy, 2012), and they may be less likely to have relationships with their children, although this can also be dependent upon the relationship between the parents (Turner & Waller, 2016).

In this report, the arrears balance is the amount of past-due support accrued from the beginning of the case and still unpaid through July 2019. Most cases with an arrears balance have custodian-owed arrears. Nearly two thirds (64%) of cases with an arrears balance owed the debt to custodians, but 17% of cases had a state-owed debt, and 19% had debt owed to both the custodian and the state.

Among *all* sampled cases in July 2019 (not just those with an arrears balance), Figure 6 shows that nearly three in five (58%) cases had an arrears balance. This means that

two in five cases either have never had a past-due debt or the debt was paid prior to July 2019. A typical case with an arrears balance was owed nearly \$8,000 in past-due support.

Almost half (48%) of *all* sampled child support cases had custodian-owed arrears, and one in five (21%) had state-owed arrears. On a typical case with custodian-owed arrears, about \$7,500 was owed to the family in past-due support. About \$4,000 less was owed to the state per case (\$3,561). Most state-owed arrears were low. In fact, 80% of cases with a state-owed balance owed less than \$1,000 to the state. Conversely, only 28% of cases with custodian-owed arrears were that low.

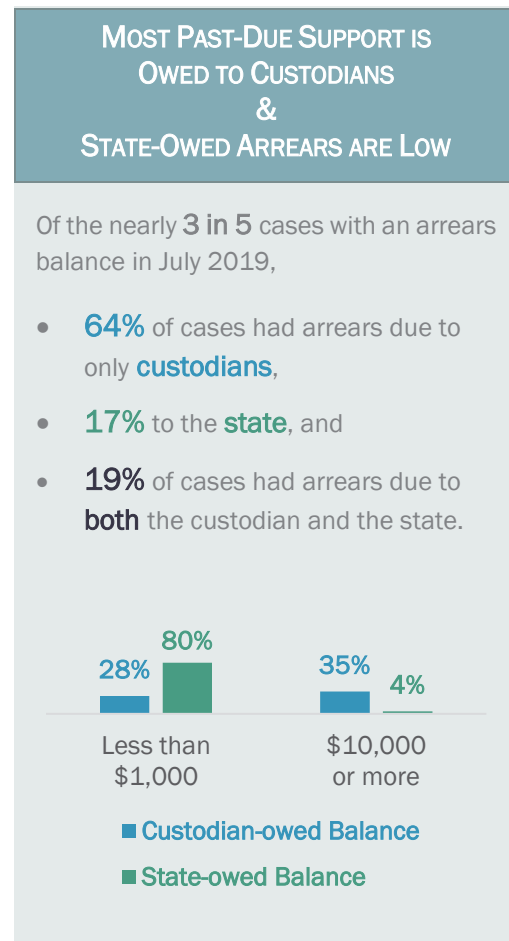
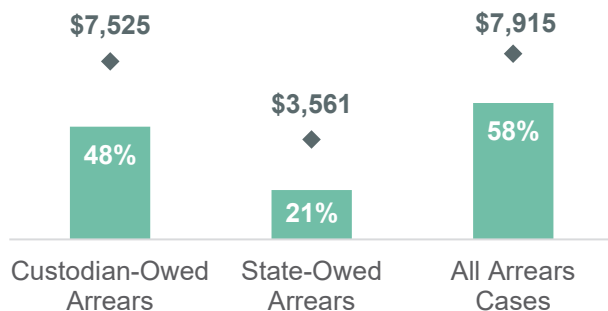


Figure 6. Arrears Cases & Balances

In July 2019 among All Sampled Cases (n=18,601)



■ Percent of Cases with an Arrears Balance

◆ Median Balance per Case

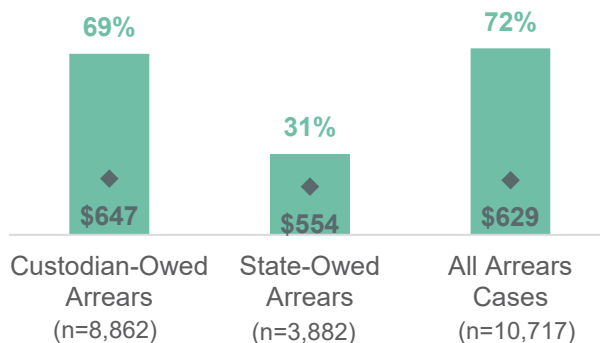
Note: Median amounts exclude cases in which there was no arrears balance in July 2019.

Arrears can be paid alongside current support payments but can also be garnished when funds are intercepted from sources such as federal and state tax returns or lottery winnings. Figure 7 examines the percent of all cases with an arrears balance that received a payment in the previous year (July 2018 to June 2019) and the median amount that was paid among the cases with an arrears payment.

Over 70% of cases with an arrears balance had payments in the prior year, and a typical case received \$629 in arrears. Similarly, 69% of cases with custodian-owed arrears received payments, and a median of \$647 was paid per case. Only 31% of cases with state-owed arrears received payments toward the state debt, and \$554 was paid per case.

Figure 7. Arrears Payments

In the Previous Year among Cases with an Arrears Balance



■ Percent with an Arrears Payment

◆ Median Payment per Case

Note: Counts represent the number of cases with an arrears balance in July 2019; custodian- and state-owed arrears do not sum to all arrears cases because some cases can have debt owed to. Median amounts exclude cases that did not receive a payment

Most cases with arrears are concurrently paying current support; according to Figure 1, 42% of cases had orders for both current support and arrears. This may make it difficult for a parent to reduce any past-due balance. For instance, a typical case had a current support obligation of \$5,200 in the previous year and nearly \$8,000 in past due support. Given these amounts, it would be difficult for a parent to fully pay arrears. Figure 8 provides the average percent of the arrears balance that was paid in the prior year among all cases with an arrears balance regardless of whether a payment was made.

CASES OWING ONLY ARREARS IN JULY 2019

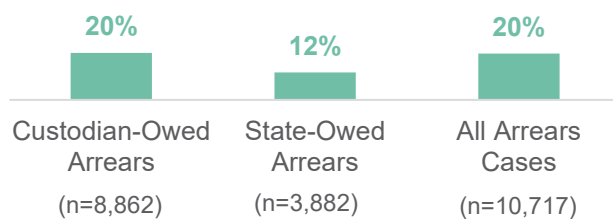
One in five (20%) cases owed only past-due support because their children aged out of the program. These cases account for **38%** of the **arrears debt**.

- **53%** of arrears-only cases had arrears due to only **custodians**,
- **29%** to the **state**, and
- **18%** of arrears-only cases had arrears due to **both** the custodian and the state.

Among all cases with an arrears balance, 20% of the balance was paid in the year before July 2019. Similarly, about 20% of custodian-owed arrears was paid. On average, only 12% of state-owed arrears were paid during the prior year, however.

Figure 8. Average Percent of Arrears Balance Paid

In the Previous Year among Cases with an Arrears Balance



■ Average Percent Paid among all Arrears Cases

Note: Counts for custodian- and state-owed arrears do not sum to all arrears cases because some cases can have debt owed to both.

Conclusions

In Maryland, a typical child support case had the vast majority of current support due to the custodian. Among the nine in 10 with any payments, custodians received 72% of the nearly \$5,200 owed to the families. Only a small percentage of custodians did not receive any payments in the prior year. This level of support to families reinforces prior research that the receipt of child support is an effective tool at raising families out of deep poverty and poverty (Demyan & Passarella, 2019; Sorensen, 2010).

Very little current support is recouped by the state. Less than 10% of current support cases had any amount due to the state. Among the few cases with state-owed support, almost seven in 10 received a payment. Among cases with a payment, about 60% of the \$1,800 due was paid to the state. Even though this is a small percentage of collections, this is money that could have gone to families receiving TANF. Maryland has changed this policy of recoupment and launched a pass-through policy in July 2019. This means that child support payments made while families are receiving TANF will be passed through to the families, and they will receive up to \$100 for one child and \$200 for two or more children (Family Investment Administration, 2019). Hence, there will be even less state-owed current support obligations and recoupment for the receipt of TANF benefits.

In the prior year, nearly one in three cases with state-owed current support did not receive a single payment. The lack of payment on this current support leads to arrears owed to the state. Even still, arrears are more commonly owed to custodians. More than 60% of cases owed arrears

solely to the custodian, and the remaining cases had arrears due either solely to the state or to both the state and the custodian. Also, the median debt owed to custodians was double the amount owed to the state; in fact, the vast majority of state-owed arrears were less than \$1,000 per case. Last, arrears payments are more likely for custodian-owed arrears. Even with the state's ability to intercept tax returns, less than one third of cases with state-owed arrears received a payment in the prior year, compared to more than two in three cases with custodian-owed arrears.

Although arrears owed to the state are less common, arrears owed to the custodian can be crushing. More than one in three cases with custodian-owed arrears owed the family \$10,000 or more. While this debt is caused by the lack of current support payments, a portion of this debt is rooted in the inability of some parents to pay their obligations (Roberts, 2001; Eldred & Takayesu, 2011; Demyan & Passarella, 2018). The practice of imputing income to unemployed or underemployed parents requires those individuals to pay an obligation based on incomes they do not have and may never have. This results in a low payment compliance rate of 31% and more than nine in 10 obligors accruing arrears amounting to \$2,000 in a single year (Demyan & Passarella, 2018). If these individuals do obtain employment, their paychecks are garnished at 65% of their disposable income—income after required deductions such as taxes (U.S. Department of Labor, 2019)—for current and past-due support, which may leave little incentive to continue employment (Miller & Mincy, 2012).

Policies of income imputation and high wage garnishment certainly warrant

revisions to ensure that the child support program is equitable to all families. However, media reports of individuals owing \$60,000 to the state in past-due arrearages for families' receipt of TANF are anecdotal and rare, given that the vast majority of state-owed arrears balances are less than \$1,000. The typical child support case is designed to support families, improve their economic situations, and enhance children's futures.

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