

Child support enforcement: one law does not fit all

Law



Single parents are becoming the norm these days and the government has stepped in to assist these custodial parents to make things fair. It takes two people to make a child so it seems only fair that two people support the child financially, right? I am a single mother. My daughter's father, Donnie, and I were never married and weren't together at the time of her birth. He wasn't around to sign the birth certificate so I had to go through DFS to fill paperwork out to get support payments from him after our daughter (Nathalia) was born.

When I filled out the CSE (Child Support Enforcement) paperwork the case was being handled by a caseworker in Jefferson City, MO. I gave the caseworker Donnie's address about four months after our daughter's birth. Nothing was done and I assumed they were having trouble getting hold of him. When Nathalia was five years old my case was moved to a caseworker in Columbia who called and got the information from me again and I received paternity paperwork within the month. The way it works is the noncustodial parent only has to pay from the time the paperwork showing paternity was sent.

I had tried to contact Nathalia's father to start visitation. He came around for one hour a week for about two months then just stopped. He paid the arrearage for support payments after facing criminal charges for non-payment of support payments, and being threatened with a year in jail if the support was not paid. I feel no sympathy. Now he is back to not making the payments. On the other hand I have a friend (Jessica, fictional name) who has a five year old daughter (Hannah, fictional name) whose father has been in and out of jail for child support non-payment.

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He has a relationship with Hannah and has care of her fifty percent of the time. The government wants to put him back in jail for arrearage on Hannah and two of his other children. Jessica has lost her health insurance due to not signing papers that would have him arrested. With these two cases the fathers are very different. One is an absentee father who quits jobs to avoid paying his support payments, the other a father who is very much in his child's life and is a positive influence. Both fathers are being treated equally in the eyes of the State. But which father deserves the jail time?

In an article by Jeff Miner, "A Kinder, Gentler Look at 'Deadbeat Dads'," he states "In 1950, about 20% of children lived apart from their father; that figure is now approaching 50%" (8). This article was printed in 1999 so the percentage of children not living with their father has likely increased. The increase is due to many reasons. Some of the reasons may include death, divorce, and never-married couples. With the number of children who do not live with their fathers rising it only stands to reason that the number of cases the CSE (Child Support Enforcement) is handling is increasing as well.

According to the Department of Health and Human Services Administration for Children and Families Office of Child Support Enforcement, one of their goals is ". . . to emphasize that children need to have both parents in their lives. . . ." (Handbook). If this is true then why is the father who is a positive influence and is present in his child's life having to deal with the possibility of going back to jail for past child support non-payment, but the father who wants nothing to do with his daughter and doesn't pay his child support as ordered gets off with a slap on the wrist?

Child support enforcement should look more in depth at each case before taking actions against a non-custodial father. The Department of Health and Human Services Administration for Children and Families Office of Child Support Enforcement states “ Although the function of the CSE program is to collect and distribute child support payments, throughout the Handbook [sic]we hope to give the message that children fare best when both parents play an active, supportive role in their lives” (1).

The government claims that the actions they take against non-custodial parents are to assist in getting families to work together to make children’s lives better. But according to Jeff Miner, “ Government enforcement of child support can have the effect of separating fathers from their children” (8). Miner also states that it is more supported to go after the “ low-income” fathers because it gets the mothers off of State welfare monies.

With “ middle-class” mothers it isn’t so supported to go after the fathers because it doesn’t help the State with the amount of money being paid out because they aren’t on welfare (8). So is their mission to help keep families connected or is it to get the money back that they are giving to the low-income families? The first reason CSE should handle these cases case by case is that if actions are taken that cause the father to be resentful it could harm the relationship between the parents and the child. Actions taken by the state can come between the custodial mother and the non-custodial parent.

As Cindy Elmore states in her article “ On and On, Over and Over: The Gender War in Child Support Enforcement Court,” “ We’re all crowded

together waiting for the courtroom doors to be unlocked, but the women don't talk to the men, and the men ignore the women" (397). The line of communication between the parents is destroyed by feelings of resentment and arguments that arise from court dates and state demands. Arguments between the parents also harm the child. Even if the parents do not argue in front of the child, the child will still feel the tension and know something is wrong.

Feelings of resentment toward being forced to do something may also disturb the relationship between father and child. If the father is arguing about how much to pay and how often with the mother it may cause the father to stop coming around the child. In my situation Nathalia's dad, Donnie, got upset about the amount and when I couldn't change it he just cut all contact. The way his support amount was determined was a paper was filled out on the amount of money it took to raise Nathalia. Then the amount I made and the amount he made were taken into consideration.

Since I made more my percentage of responsibility was larger. Then they take the percentage left to raise her after subtracting mine and he is responsible for that. So there was nothing I could do to request they lower the payments. We had many arguments relating to this. Another was that he was afraid the State would go after property that he owned. According to the Handbook on Child Support Enforcement liens can be placed on property the non-custodial parent owns in the county (26) and can also take State and Federal Income Tax refunds to pay back child support (29).

So it could happen but not if he pays his support payments on a regular basis. When I kept refusing to ask if his payments could be lowered he stopped calling Nathalia and stopped coming to visit her. Second, if a father is active in a child's life and is a positive influence leniency should be given. Pushing a father to make payments higher than he can make then sending him to jail until it is paid, when he is active in the child's life, will only harm the child.

In "Child Support Enforcement and Father Involvement for Children in Never-Married Mother. Families" Chien-Chung Huang states, "Although there are no studies on changes in father-child contact for children in never-married mother families over time, studies find that about one-third of children saw their fathers at least once a month but another third of children had no contact at all with their fathers" (99). If there are such big chunks of the population receiving child support that have similar situations with the non-custodial parent, shouldn't the different types have different ways of handling the cases?

A father that is helping his child with homework every other week shouldn't be held to the same treatment as a father who has no contact with his child by his own choice. Speaking from experience, I know that if I my daughter's father was involved in my daughter's life in a positive way and they had a healthy relationship I would not mind so much if there was a payment missed here or there. A child's life can be so much fuller with positive influences from both the mother and the father figures in their lives.

Third, if the system states that they are trying to get fathers more active in the child's life through child support enforcement then if they don't see what is going on before ordering something to be done, they won't succeed. Jeff Miner does not think that child support should not be enforced, " However, the harsh treatment of low-income fathers may make them hostile and resentful of the mothers, children, and government authority" (8). If a low-income father is ordered to pay what the CSE considers to be fair what happens if the father isn't even making enough to make the payments?

Is he to be held to the same standards as a father that keeps quitting his job to avoid making his payments? What if the father gets remarried? According to Hans and Coleman in the article " The Experiences of Remarried Stepfathers Who Pay Child Support," " Remarriage magnified feelings of disempowerment and introduced additional complexities to existing child support arrangements" (613). When fathers remarry it adds more financial responsibility, especially if they have more kids in the new marriage or if there are stepchildren in the marriage.

When the Child Support Enforcement Agency takes harsh actions against non-custodial parents it starts a chain of events that can destroy the relationship between the parents. The resentment the father feels for being forced to comply with what the state orders can cause a rift between the father and the custodial mother. In cases like mine it may have caused a rift so large that my daughter may never see her father again. She doesn't understand why her father doesn't come and see her any more.

A couple of months ago she made up a reason of her own, it was because he was sick. Just last week a new reason came up. She told me he died and that is why he doesn't come over anymore. I don't know where she got this but I do know that it is her way of dealing with her feelings. I don't know what to tell her when she says this. If I tell her that he is alive what reason do I give her when she then asks why he doesn't see her anymore? Perhaps if the enforcement of the child support was handled differently she would still have a father that was active in her life.