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“THEY’RE STEALING MY OPPORTUNITY TO BE A FATHER”:
THE CHILD SUPPORT SYSTEM & STATE INTERVENTION IN THE FAMILY

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ABSTRACT OF THE DISSERTATION

“They’re Stealing My Opportunity to Be a Father”:

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Currently there are just under 7 million custodial parents with formal child support orders in the child support system which serves approximately 22 million children or more than one in four in the United States. While these orders regulate the ways that non-custodial parents financially support their children, child support payments and related involvement with the system do much more than impact household finances. Scholars have long explored the effects of child support system involvement both on relationships between custodial and non-custodial parents and between non-custodial parents and their children. Others have examined the impact of financial and criminal justice related collateral consequences. The ways that parents experience and navigate the system has also been a main area of study, with recent literature primarily focusing on low-income non-custodial fathers. To date, however, no work has explored the experience of child support system involvement from inside the system, specifically in the courtroom and enforcement agencies. As a result, the

literature is missing a direct analysis of interactions between parents and staff, as well as the bureaucratic mechanisms of enforcement.

In this project, I use ethnographic data from a system in Virginia to examine the implications of child support system involvement for parenthood and family. I conducted observations of approximately 300 support hearings and 75+ hours in child support related sites. I also conducted 50 formal and informal interviews with parents and individuals working in the system (i.e. judges, mediators, attorneys, and enforcement staff), as well as an analysis of a diverse collection of cultural artifacts (i.e. federal, state, and municipal statutes; news articles and video clips; and political rhetoric). I use a cognitive sociological framework to analyze the data, focusing on symbolic systems of meaning, cultural norms, (in)attention, and filters of perception and relevance.

My findings illuminate the collateral consequences of enforcement, the ways that stigma and shame are pervasive in social interactions, and how parents both resist and reinforce the system's bureaucratic apparatus. Ultimately, I demonstrate that the child support system functions as a massive neoliberal state intervention into the family situated at the intersection of the welfare and criminal justice systems which reinforces cultural messages about deservingness, morality, responsibility, and the desirability of traditional family structures.

DEDICATION

As I prepared to write this dedication, I felt that I would never be able to get the words on the page. There have been so many people who have supported my professional and personal development—I could write another manuscript just thanking them. This dissertation is just one manifestation of the journey I have been on over the last more than ten years since I decided I wanted to pursue a PhD, all while being held up by my circle. This manuscript, and the Doctor of Philosophy in Sociology which it is a requirement for, are dedicated to that circle of folks who have been proud of me, happy for me, celebrated and cried with me, and loved me over the years. If I have not included anyone, please count it to my head (full of citations and post-defense fatigue) and not my heart.

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for my accomplishments. My sisters, Coryn Graves and Chantelle Reid, have provided laughs and support throughout the long and arduous process, even when I could not see the end in sight. My niece, Jayda Graves, and nephew, Jeramiah Sinclair, are my reasons. Becoming their “Beep Beep” is the best thing that has ever happened to me. Their love, along with JJ’s thoughtful and inquisitive questions about my project, as well as joyful but stern directives from Jayda to “finish my papers,” have made certain that this manuscript was successfully defended. My parents, Lois and Clyde Battle, are the reason I have become who I am today. I carry the best of them in everything I do and their unwavering belief in me has made me unafraid to tackle any obstacle in my path. My mom is my rock. On March 15th, the day I successfully defended this manuscript, my mom celebrated her birthday. This is my gift to her, a gift that could never repay her for all that she has been to me.

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To the ancestors, to those on the front lines for justice, to the Black women who came before me and made space, I dedicate this dissertation to you. Black Lives Matter.

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INTRODUCTION

MORALITY, RESPONSIBILITY, AND CRIMINALITY:

STATE INTERVENTION IN THE FAMILY

On April 4, 2015, Walter Scott was shot and killed while running away from a police officer in North Charleston, South Carolina after being stopped for a broken taillight. Scott was unarmed and as national conversations took place around the incident, it came to light that he had a warrant out for his arrest for failing to make child support payments. His family claimed the warrant was likely what made him run. By the time of the stop, Scott had previously been incarcerated for non-payment on three separate occasions, once for 6 months in 2008, and for one night in both 2011 and 2012. His brother, Rodney, told news media, “He said that’s what he would do, he would run, because he’s not going to jail for child support.”¹ The police officer who shot Walter Scott has since been convicted of second degree murder and obstruction of justice, and sentenced to 20 years. But Scott’s case illuminates a major issue in the child support system, one of the biggest federal programs in the United States.

Scott was not alone in his fear of being sent to jail for child support debt—while there are no national statistics on how many non-custodial parents are incarcerated for non-payment of support in the U.S.,² in a 2009 study, University of South Carolina law professor, Elizabeth Patterson, found that one out of every eight inmates incarcerated in

¹ Mathias, Christopher. April 10, 2015. “One-Eighth of South Carolina Inmates Were Jailed Over Child Support Payments. Walter Scott Was One Of Them.” *Huffington Post*. Retrieved August 2018 (https://www.huffingtonpost.com/2015/04/10/walter-scott-child-support-_n_7036174.html).

² A Congressional Research Service report includes estimates from one source putting the figure at around 50,000 persons incarcerated daily in jails and prisons as a result of non-payment of support.

33 county jails in South Carolina were being held on contempt of court charges resulting from non-payment.³ The use of incarceration and other mechanisms of child support enforcement have been widely debated, reaching national news media,⁴ The Urban Institute,⁵ The Marshall Project,⁶ and prompting a Congressional Research Service Report.⁷ One important element of the debate, whether non-custodial parents were entitled to representation when they were facing incarceration, made it before the Supreme Court in *Turner v. Rogers* in 2011. In their 5-4 decision, the Court ruled that defendants were only entitled to counsel in criminal cases, not in civil or family court proceedings which make up the bulk of child support cases in which jail time is a potential penalty.⁸ Despite the Court declining to expand the constitutional right to counsel in these cases, *Turner* did prompt the Department of Health and Human Services' (DHHS) Office of Child Support Enforcement (OCSE) to issue new guidelines on the use of incarceration as a sanction for failure to pay. The guidelines, provided to state agencies, stated there was

no evidence that incarceration results [in] more reliable child support payments that families can count on to make ends meet. Rather, incarceration can result in

³ Patterson, Elizabeth G. 2008. "Civil Contempt and the Indigent Child Support Obligor: The Silent Return of Debtor's Prison." *Cornell Journal of Law and Public Policy* 18(1):95-142.

⁴ Eubanks, Colleen. April 23, 2015. The Child Support System Can Be Tough, But It's Fair. *The New York Times*. Retrieved June 2016 (<https://www.nytimes.com/roomfordebate/2015/04/23/collecting-child-support-without-making-matters-worse/the-child-support-system-can-be-tough-but-its-fair>).

⁵ There are several briefs and research reports on the topic located at <https://www.urban.org/research-area/child-support>.

⁶ There is a "curated collection of links" on the topic located at <https://www.themarshallproject.org/records/1019-child-support>.

⁷ U.S. House of Representatives. 2014. *Child Support Enforcement Congressional Research Service (CRS) Reports, 2014 Green Book*. Washington, DC: U.S. Government Printing Office. Retrieved September, 2018 (<https://greenbook-waysandmeans.house.gov/2014-green-book/chapter-8-child-support-enforcement/child-support-enforcement-congressional-research>).

⁸ *Turner v. Rogers*, 131 S. Ct. 2507 (2011).

the accumulation of additional child support debt, and has the potential to reduce future earnings, erode a child's relationship with his or her parent, and negatively impact family and community stability.⁹

While this clearly underscored the damaging consequences associated with incarceration, also important are the more commonplace functions and mechanisms of the system. These processes, such as decision-making around the dollar value of orders and courtroom interactions during hearings, impact millions of parents in the U.S. and have a major impact on the ways that these individuals experience their own identities, parenthood and family, community relationships, and work.

Currently there are just under 7 million custodial parents with formal child support orders in the system which serves approximately 22 million children or more than one in four in the U.S.¹⁰ These orders control the ways that non-custodial parents (fathers in particular as mothers account for more than 80% of custodial parents¹¹) provide for their children financially. However, these orders and the related involvement with the child support system do much more than impact household finances. Being involved with the system directly affects many aspects of an individual's life, including how they view themselves as men and women, as fathers and mothers, and as individuals. These influences on, or in many cases threats to,

⁹ Office of Child Support Enforcement. June 18, 2012. *Alternative to Incarceration (IM-12-01) Information Memorandum*. Washington, DC: U.S. Department of Health and Human Services. Retrieved September 2018 (<https://www.acf.hhs.gov/css/resource/alternatives-to-incarceration>).

¹⁰ Grall, Timothy. January, 2018. "Custodial Mothers and Fathers and Their Child Support: 2015." *Current Population Reports*. Washington, DC: U.S. Government Printing Office. Retrieved December 2018 (<https://www.census.gov/content/dam/Census/library/publications/2018/demo/P60-262.pdf>).

¹¹ Ibid.

parents' identities thus impact the ways that they relate to their children, the other parents of their children, and their communities.

The child support system in the U.S. is regulated by federal, state, and municipal norms and legislation that regulate payments, as well as oversee enforcement and punishment for individuals who do not comply with their support orders. Custodial parents with orders for support can opt to obtain the assistance of their state Office of Child Support Enforcement (OCSE) to manage their case under the IV-D program,¹² getting access to paralegals, attorneys, and caseworkers who aid in filing petitions, appearing in court, and collecting support. Under IV-D oversight, non-custodial parents are entered into a system of supervision immediately upon having an order for support made against them and many have argued that punitive enforcement policies, which include suspension of driver's and professional licenses, tax refund intercepts and liens, and incarceration, represent a modern day "Debtor's Prison" in which economically vulnerable men are punished for being poor and unable to pay.¹³ One defense attorney I interviewed described the system, saying, "First we had Debtor's Prison in England, now we have the Division of Child Support Enforcement."

More than 70% of child support debt in nine large states is owed by non-custodial parents with no income or reported income less than \$10,000 per year, a trend

¹² Title IV Part D (Title IV-D), was included in the 1974 Social Security Act and created the Child Support Enforcement (CSE) program, established the federal Office of Child Support Enforcement (OCSE), and required that a comparable OCSE office be formed in each state. In addition, Title IV-D funneled federal funds to the states to assist with determining paternity, establishing child support orders, locating non-resident parents and obtaining payments, particularly for mothers receiving AFDC benefits.

¹³ Maldonado, Solangel. 2006. "Deadbeat or Deadbroke: Redefining Child Support for Poor Fathers." *University of California Davis Law Review* 39:991-1022.

which is likely consistent throughout the United States.¹⁴ In the last decade, some states have attempted to institute programs and policies that pushed incarceration further down in the flow chart of measures used to get non-custodial parents to make their support payments. Many of these programs focus on removing common barriers to payment, notably under- and unemployment.¹⁵ And overall, federal and state offices have recognized that incarceration and highly punitive measures of enforcement are likely not obtaining the intended results. Nevertheless, these practices continue, doing more than just incarcerating the non-custodial parent in the extreme, but also impacting the entire lives of the parent and by default the children.

As a unique area of family policy, child support is heavily influenced by the design and dynamics of the welfare program in the United States. The 1996 passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) made the previously de facto link between welfare policy and child support policy de jure. As approximately 50% of child support-eligible custodial families are recipients of cash benefits or other types of means-tested welfare benefits,¹⁶ the government has been more intensely focused on using the law to lighten the financial burden of welfare

¹⁴ Sorensen, Elaine, Liliana Sousa, and Simon Schaner. 2007. *Assessing Child Support Arrears in Nine States and the Nation*. Washington, DC: The Urban Institute.

¹⁵ McCann, Meghan. 2016. *Child Support and Incarceration*. National Conference of State Legislatures. Retrieved September 2018 (<http://www.ncsl.org/blog/2016/02/22/child-support-and-incarceration.aspx>).

¹⁶ Lippold, Kyle and Elaine Sorensen. October, 2013. *Characteristics of Families Served by the Child Support (IV-D) Program: 2010 Census Survey Results*. Washington, DC: The Urban Institute. Retrieved January 2019 (https://www.acf.hhs.gov/sites/default/files/programs/css/iv_d_characteristics_2010_census_results.pdf).

spending¹⁷ through the contributions of fathers. These efforts were supported by a media blitz that sought to focus national attention on the failure of fathers who refused to provide financial support for their children¹⁸ and came on the heels of a decade during which concern over “family breakdown,” particularly in the Black community, grew. Bill Moyers’ 1986 television special, *The Vanishing Black Family*, focused a national spotlight on stereotypes of predatory “hit-and-run” Black men who had multiple children with multiple women and “welfare queen” Black women who sat around the mailbox on the 1st of the month waiting for their welfare checks. This focus on the “crisis” of out-of-wedlock births and its connection to poverty and welfare was coupled with political rhetoric and legislation focused on the consequences of the irresponsibility of “deadbeat dads.”

In 1992 and 1998, legislation was passed which created and then expanded federal-level criminal sanctions for non-custodial parents attempting to avoid meeting their child support obligations by crossing state or national borders. During the signing of the 1998 Deadbeat Parents Punishment Act, President Bill Clinton said, “One of the main reasons single mothers go on welfare is that fathers have failed to meet their responsibilities to the children.”¹⁹ Clinton directly linked the burden of single moms’ poverty to the failures of deadbeat dads, which ultimately contributed to the child

¹⁷ Battle, Brittany Pearl. 2018. “Deservingness, Deadbeat Dads, and Responsible Fatherhood: Child Support and Rhetorical Conceptualizations of Poverty, Welfare, and the Family.” *Symbolic Interaction* 41(4):443-64.

¹⁸ Baskerville, Stephen. 2007. *Taken Into Custody: The War Against Fathers, Marriage, and the Family*. Nashville: Cumberland House.

¹⁹ Clinton, William J. June 1998. “Statement on Signing the Deadbeat Parents Punishment Act of 1998 and an Exchange with Reporters.” Online by G. Peters and J. T. Woolley, *The American Presidency Project*. Retrieved November 5, 2015 (<http://www.presidency.ucsb.edu>).

support system being the major stage in which the sociopolitical drama around family structure, poverty, and welfare played out.

Ultimately, these political and cultural maneuvers were successful at creating a public outrage at the increase of “fatherless families” among taxpayers who “demanded to know why their hard-earned dollars were going to support what many saw as an unfortunate lifestyle choice, not unavoidable hardship.”²⁰ Until that time, efforts to get men to financially support their non-marital children were done through more localized mechanisms. But by the time the PRWORA was passed in 1996, the federal government had locked in on using the welfare system as a direct apparatus of child support enforcement. Specifically, this Act required that states operate a child support enforcement program in order to receive their TANF block grants. In addition, all recipients of TANF were forced to utilize the IV-D program to cooperate with the child support system in identifying and confirming through paternity testing the father of all children, as well as being made to sign over any child support payments they received to the state as reimbursement for their welfare benefits. Recipients who refused to cooperate were to be penalized at least 25% of their cash assistance and could have their benefits cancelled entirely. In the end, all of these conditions made certain that the child support system was concentrated on pursuing its “single focus: welfare cost recovery.”²¹ Research has demonstrated that states with stronger requirements for

²⁰ Edin, Kathryn, Laura Tach, and Ronald Mincy. 2009. “Claiming Fatherhood: Race and the Dynamics of Paternal Involvement among Unmarried Men.” *The Annals of the American Academy of Political and Social Science* 621:149-77. Pg. 150.

²¹ Crowley, Jocelyn E. 2003. *The Politics of Child Support in America*. Cambridge: Cambridge University Press. Pg. 29.

paternity testing and higher welfare benefits have significantly higher rates of paternity establishment.²² These enforcement mechanisms also directly linked the child support system to the criminal justice system as all three major components of the latter—law enforcement, courts, and corrections—are utilized regularly by child support enforcement agencies. The use of the criminal justice apparatus is not farfetched given that “at its inception the federal Office of Child Support Enforcement viewed itself exclusively as a law enforcement agency,” so “fathers have been viewed as lawbreakers rather than clients.”²³ In essence, the child support system is the love child of the welfare and criminal justice systems.

As an institutionalized arbiter of familial matters, heavily influenced by normative ideas of the desirability of “traditional” family structures—father as breadwinner and mother as caregiver—the child support system is an interesting site for sociological examination. In its entirety, the child support system represents a state intervention into the family, one that forces an assumed as natural approach to parental responsibility and in many cases one that is unwanted. Although it is generally taken-for-granted in the U.S. that parents have all responsibility for children, this is not a universal or even natural arrangement. In other countries, the “welfare state” informs policies which put into place essentially universal government subsidies to assist

²² Argys, Laura M. and H. Elizabeth Peters. 2001. “Interactions between Unmarried Fathers and Their Children: The Role of Paternity Establishment and Child Support Policies.” *The American Economic Review* 91(2):125-29.

²³ Garfinkel, Irwin and Lenna Nepomnyaschy. 2010. “Assuring Child Support: A Re-assessment in Honor of Alfred Kahn.” In *From Child Welfare to Child Well-Being: An International Perspective on Knowledge in the Service of Policy Making*, edited by. S. B. Kamerman, S. Phipps, and A. Ben-Arie. New York: Springer. Pg. 240.

parents in financially supporting children, as well as making childcare and other necessities more accessible.²⁴ And in the United States, Black families often make use of extended “kin networks” to provide care and support for children, making narrow conceptualizations of responsibility related to children limiting.²⁵

Nevertheless, the U.S. has taken this particular approach to regulating one main area of how individuals parent children—one of the most sacred relationships—which in many ways represents the collision of the public and private spheres. In 1975, President Gerald Ford suggested that provisions to locate non-custodial parents in early enforcement legislation represented an “undue intrusion of the Federal Government into people’s personal lives” and “inject[ed] the Federal Government too deeply into domestic relations,” “rais[ing] serious privacy and administrative issues.”²⁶ Despite these early concerns over the intervention of the state into matters of the family, the reach of the parent locator provisions has only increased and the scope of these policies overall has expanded.

The intensity of individual and societal emotions and expectations attached to issues related to the responsibilities of parenthood make this system a site ripe for an examination of its sociocognitive underpinnings. There are websites²⁷ and social media

²⁴ Expat Focus. July 11, 2018. *Kindergeld: A Guide to Child Financial Allowance in Germany*. Retrieved January 2019 (<https://www.expatsfocus.com/c/aid=5070/articles/germany/kindergeld-a-guide-to-child-financial-allowance-in-germany/>).

²⁵ Stack, Carol B. 1983. *All Our Kin: Strategies for Survival in a Black Community*. New York: Basic Books.

²⁶ Ford, Gerald. 1975. “Statement on Signing a Bill Amending Child Support Provisions of the Social Security Act.” Online by G. Peters and J. T. Woolley, *The American Presidency Project*. Retrieved November 5, 2015 (<http://www.presidency.ucsb.edu>).

²⁷ One site, entitled “The Dirt on the Deadbeat Dads,” can be found at www.crappydads.com.

pages devoted to “deadbeat dads,”²⁸ and music artists have often referenced child support issues²⁹ and “deadbeat dads”³⁰ in their songs. Law enforcement agencies use billboards to broadcast the faces of fathers who owe child support³¹ and Twitter to pursue “deadbeat dads,”³² and the news media runs stories on “child support raids.”³³ And as the child support system impacts the lives of millions of parents and children (currently more than 50% of custodial parents have some contact with the child support system³⁴), the system is one of significant social, political, and legislative interest. Despite a substantial body of research that has demonstrated problematic collateral consequences associated with the mechanisms of enforcement traditionally used in the system, particularly for disadvantaged families, and federal and state agency recommendations to move toward a less punitive approach in encouraging non-

²⁸ There is a Facebook site named “Deadbeat Wall of Shame” located at <https://www.facebook.com/DeadbeatWallOfShame>.

²⁹ Drake includes the lyric, “My dad still got child support from 1991,” in his 2018 hit *I’m Upset* and Kayne West, in his 2005 hit *Gold Digger* says, “Eighteen years, eighteen years! And on the 18th birthday he found out it wasn’t his!”

³⁰ Multiple artists reference their own or others’ “deadbeat dads,” or trying to avoid becoming a “deadbeat dad” themselves, including Rick Ross (*I’m Only Human* 2008) who says “Got a deadbeat dad, but he far from dead” and E-40 (*Serious* 2011) who says “I ain’t tryin’ to be a deadbeat dad. I want my kids to have a better life than I had.”

³¹ Scarcella, Francis. May 1, 2015. “Road Signs to Shame Deadbeats.” *The Daily Item*. Retrieved July 2017 (https://www.dailyitem.com/news/road-signs-to-shame-deadbeats/article_8d8474e4-f059-11e4-9a90-dfaa82e69ed5.html).

³² Krieg, Gregory. January 12, 2016. “How to Make ‘Deadbeat Dads’ Pay in 140 Characters or Less.” *CNN Politics*. Retrieved January 7, 2019 (<https://www.cnn.com/2016/01/12/politics/deadbeat-dad-tweets-arizona/index.html>).

³³ Pozo, Nathalie. December 23, 2015. “Operation Deadbeat Parents.” *Fox 5 Atlanta*. Retrieved November 2017 (<http://www.fox5atlanta.com/news/operation-deadbeat-parents>); WPVI-TV. November 19, 2014. “Parents Arrested for Failing to Pay Child Support.” Retrieved August 1, 2018 (<http://6abc.com/news/parents-arrested-for-failing-to-pay-child-support/402240/>).

³⁴ Grall, Timothy. January, 2018. “Custodial Mothers and Fathers and Their Child Support: 2015.” *Current Population Reports*. Washington, DC: U.S. Government Printing Office. Retrieved December 2018 (<https://www.census.gov/content/dam/Census/library/publications/2018/demo/P60-262.pdf>).

custodial parent involvement,³⁵ many of these potentially harmful practices are still in play.

This dissertation examines the implications of state intervention in the family, exploring how this interaction between the public and private spheres plays out and with what consequences. I focus on how individuals experience involvement with the child support system, both in navigating its bureaucratic structures and negotiating how these governmental and societal forces influence their identities as parents, their relationships with their children, and other areas of their personal lives. Specifically, I ask what it means for the institution of parenthood and the family when the state takes authority over how parents relate to each other, to their children, and to courts, social service agencies, and organizations interested in enforcing child support legislation. What is the impact of placing a monetary value on childrearing? What happens when the impersonal welfare and criminal justice systems meet to regulate one of the most sacred and personal relationships—that which exists between parents and children?

My interest in this issue originated during my time holding the Project Director position for a community-based research project nearly ten years ago. That project, the goal of which was to study physical and structural violence in low-income neighborhoods in Wilmington, Delaware, used a Participatory Action Research (PAR) model, a research methodology concerned with social justice and equity which privileges the voices and perspectives of the community under study. Fifteen Black men

³⁵ Brinig, Margaret F. and Marsha Garrison. 2018. "Getting Blood from Stones: Results and Policy Implications of an Empirical Investigation of Child Support Practice in St. Joseph County, Paternity Actions." *Family Court Review* 56(4):521-43.

and women from the local community and with some former involvement with the criminal justice system were hired to be trained as Research Associates to prepare data collection materials, conduct interviews and surveys, analyze the data, and then present the findings. For these activities, the Associates were paid a modest stipend, somewhere around \$200 every two weeks. One day, after we had all become more familiar with each other and were having more informal and personal conversations, we started talking about the experiences some PAR Team Members were having with the child support system. That day, some of the men on the team showed me their pay stubs—one had a check that read \$0.00. After the deductions for state and federal taxes, SSSI, unemployment, and disability, the entire remainder of his pay had been garnished for child support obligations. I was immediately struck by the irony and absurdity of this situation. These men were participating in the employment program in part as a way to earn money without resorting to semi-legal and illegal work activities. However, the obligations of child support were creating a situation in which they faced virtual unemployment with no income to sustain themselves. The reality of this situation put these men in an impossible position, with real decisions to be made about how to afford a place to sleep, to feed and clothe themselves, and to take care of their other needs—decisions to be made without any actual choices.

Over the course of the approximately two year-long project, as I spoke more with these fathers, I heard many stories about their children and how proud they were to be dads. They saw their children regularly and often contributed to purchasing school clothes and other necessities when they came across extra money from loved ones or

odd jobs. While they loved being dads, they also spoke of the burdens their child support orders created not just financially, but in their relationships with their kids and their kids' mothers. These conversations did not sound like the narratives of "deadbeat dads" running from their responsibilities that often come up in discussions of the child support system, particularly in the stereotypes around Black fathers. Moreover, many of the mothers of their children were receiving TANF benefits, meaning that they were only granted \$50³⁶ of the child support payments garnished from these fathers' checks with the rest redirected to the state for repayment of the welfare benefits. This rule was a source of a great deal of frustration for these fathers who felt their child support payments should be directly benefitting their children and not buffering state expenditures on welfare benefits. Ultimately, despite not only being willing to financially support their children, but also proud and excited to provide, these fathers' involvement with the child support system created a situation that was difficult at best and insurmountable at worst.

With the frustrations of these fathers as a backdrop, my interest in understanding the dynamics of the child support system grew. I wanted to explore not just the practical concerns of involvement with the system—like the types of financial consequences these court orders create and what happens when non-custodial parents were unwilling or unable to meet their support obligations—but I was also interested in how parents actually experienced the system. I wanted to explore how fatherhood and

³⁶ The state of Delaware allows for the first \$50 of child support payments to be passed through to custodial parents receiving TANF. This amount is not counted as eligible income when determining TANF benefit eligibility/levels. States vary in the amount passed through, ranging from \$0 to the full amount. (National Conference of State Legislatures, 2017.)

motherhood, and family more broadly are conceptualized in relationship to involvement with the system. I wanted to also examine how the court was organized, how decisions were made, and how those working in the system understood their roles. As I investigated these questions, I found a wealth of literature which initially used the experiences of mothers to answer questions about the dynamics of the child support system, and much less literature on the experiences of fathers with the system, until a more recent focus on understanding fathers' experiences. A large proportion of this literature utilized large-scale data sets to explore these questions, including the Fragile Families and Child Well-Being Survey,³⁷ the Current Population Survey Alimony and Child Support Supplement,³⁸ the Panel Study of Income Dynamics,³⁹ the National Longitudinal Survey of Youth,⁴⁰ and the Survey of Income and Program Participants.⁴¹ Some studies have examined parents' financial outcomes based on their payment or

³⁷ The Fragile Families and Child Wellbeing Study is a national survey which followed approximately 5,000 children, most (75%) of whom were born to unmarried parents between 1998 and 2000. The study interviewed both parents at the time of birth, and again at the one-year, three-year, five-year nine-year, and fifteen-year time point.

³⁸ The Current Population Survey is sponsored by the U.S. Census Bureau and U.S. Bureau of Labor Statistics to track basic employment trends monthly. This supplement to the CPS asks mothers if their children have nonresident fathers; if so a set of follow-up questions regarding child support and visitation are asked.

³⁹ The Panel Study of Income Dynamics began in 1968 to track a nationally representative sample including more than 18,000 individuals in more than 5,000 families. The PSID collects data on marriage, childbearing, and employment, among other topics, annually from 1968-1997, and biennially since then.

⁴⁰ The National Longitudinal Survey of Youth began in 1997 with a nationally representative sample of approximately 9,000 adolescents between the ages of 12 and 16. The survey interviews youths on an annual basis on work, marital and fertility histories, sexual activity, and other topics.

⁴¹ The Survey of Income and Program Participation is a household-based survey tracking nationally representative panels for an approximately four-year period. They survey collects data on income, receipt of monetary or in-kind government assistance, and other topics since its inception in 1983.

receipt of child support,⁴² or have examined cognitive and behavioral outcomes for children whose parents were involved in the system.⁴³ Other studies explore the indirect consequences of child support enforcement, such as fertility⁴⁴ and sexual behavior.⁴⁵ This literature provided important context for understanding the consequences of involvement with the system.

The conclusions of these large-scale quantitative analyses were complemented by a number of qualitative examinations which directly or indirectly explored the effects of child support system involvement and went underneath the more subjective experiences of fathers. Maureen Waller discussed the role of informal arrangements for support among unmarried parents and the perspectives of these individuals on the obligations of fathers to their children.⁴⁶ Roberta L. Coles examined the experiences of African American custodial fathers and briefly discussed their difficulty in securing and obtaining child support, as well as the hostility they experienced in interactions with social services.⁴⁷ In their edited volume, Coles and Charles Green included a chapter which discussed the unanticipated consequences of child support policy on low-

⁴² Lerman, Robert. 2010. "Capabilities and Contributions of Unwed Fathers." *The Future of Children* 20(2):63-85.; Miller, Daniel P. and Ronald B. Mincy. 2012. "Falling Further Behind? Child Support Arrears and Fathers' Labor Force Participation." *Social Service Review* 86(4):604-35.

⁴³ Argys, Laura M., H. Elizabeth Peters, Jeanne Brooks-Gunn, and Judith R. Smith. 1998. "The Impact of Child Support on Cognitive Outcomes of Young Children." *Demography* 35(2): 159-73.; Nepomnyaschy, Lenna, Katherine A Magnuson, and Lawrence M. Berger. 2012. "Child Support and Young Children's Development." *Social Service Review* 86(1):3-35.

⁴⁴ Garfinkel, Irwin, Chien-Chung Huang, Sara S. McLanahan, and Daniel S. Gaylin. 2003. "The Roles of Child Support Enforcement and Welfare in Non-Marital Childbearing." *Journal of Population Economics* 16(1):55-70.

⁴⁵ Huang, Chien-Chung and Wen-Jui Han. 2007. "Child Support Enforcement and Sexual Activity of Male Adolescents." *Journal of Marriage and Family* 69(3):763-77.

⁴⁶ Waller, Maureen R. 2002. *My Baby's Father: Unmarried Parents and Paternal Responsibility*. Ithaca, NY: Cornell University Press.

⁴⁷ Coles, Roberta L. 2009. *The Best Kept Secret: Single Black Fathers*. Lanham, MD: Rowman and Littlefield.

income, Black non-custodial fathers.⁴⁸ Similarly, Paula England and Kathryn Edin include a chapter in their edited volume about child support involvement among low-income non-custodial fathers which highlighted that financial support can be a reflection of fathers' sense of responsibility and commitment to their children.⁴⁹ In their examination of best practices for social policy focused on successful fathering, William Marsiglio and Kevin Roy briefly discussed the potential benefits of alternatives to current child support policies, underscoring that punitive enforcement is not conducive to father-child relationships.⁵⁰

Recently, Ronald Mincy, Monique Jethwani, and Serena Klempin's study of economically vulnerable fathers has received attention for providing a dynamic and timely discussion of the issues facing low-income men in the inner city in their journey as fathers.⁵¹ Their work presented an extensive look at the ways that economically vulnerable fathers remain engaged with their children and what barriers exist in their involvement. This work is much more comprehensive than most others of its kind in answering valuable questions about how fathers understand their roles in their kids' lives, financially and emotionally.

EXPLORING THE COGNITIVE INTERSECTION OF POVERTY, WELFARE, AND THE FAMILY THROUGH CHILD SUPPORT POLICY

⁴⁸ Coles, Roberta L. and Charles Green. 2010. *The Myth of the Missing Black Father*. New York: Columbia University Press.

⁴⁹ Magnuson, Katherine A. and Christina M. Gibson-Davis. 2007. "Child Support Among Low-Income Noncustodial Fathers." Pp. 228-52 in *Unmarried Couples with Children*, edited by P. England and K. Edin. New York: Russell Sage Foundation.

⁵⁰ Marsiglio, William and Kevin Roy. 2012. *Nurturing Dads: Social Initiatives for Contemporary Fatherhood*. New York: Russell Sage Foundation.

⁵¹ Mincy, Ronald B., Monique Jethwani, and Serena Klempin. 2015. *Failing Our Fathers: Confronting the Crisis of Economically Vulnerable Nonresident Fathers*. New York: Oxford University Press.

While there is a great deal of social science research examining the effects of the child support system, most of this discourse is grounded in a policy-analysis or social-work framework. This approach is valuable in providing a foundation for evaluating the (in)effectiveness of the child support system and understanding what trends might exist around the (un)intended consequences of involvement with the system. However, equally important, though missing from much of this analysis, is a sociological examination which questions how cultural processes influence and are influenced by the dynamics of the system, specifically focusing on how these policies developed over time, how individuals experience involvement, and in what ways these processes are connected to larger cultural forces centered on poverty, welfare, and the family. Drawing on cognitive sociological traditions, including the examination of symbolic systems, meaning-making, and attentional patterns, this project extends beyond policy discussions of the child support system and explores the interplay of culture and policy on the microsocial and macrosocial levels. It is important to not only evaluate the effects of policy and judicial decisions, but also to situate these processes within the relevant broader cultural climate which created these significant outcomes.

Few social problems in the U.S. have triggered more visceral and persistent debate than poverty, underscoring its symbolic significance in American culture. As sympathetic sentiments toward the poor have waxed and waned throughout the last century, there have been corresponding periods of major reform, as in the waves of social policy during the New Deal and Great Society, as well as significant retrenchments of these policies, as in Nixon's "New Federalism" and the politics of

Reaganomics.⁵² Since the Great Depression, social welfare policy has been the primary institutional response to the social issue of poverty inherently linking cultural conceptualizations of poverty and welfare. In the specific case of child support policy, the family is an additionally salient cultural concept as it is the specific context within which the social drama around poverty and welfare policy plays out. Examining the process of child support policy-making is largely dependent upon understanding how the government and society more broadly have grappled with poverty, welfare, and the family. For this reason, examining conceptualizations of poverty, welfare, and the family as a single unit rather than separate entities is central to the theoretical approach of this project. This conceptual triad is the starting point for a sociocognitive analysis of parenthood, family, and the government systems that intervene in them.

The theoretical framework for this project draws heavily on the Zerubavelian tradition of cognitive sociology.⁵³ This framework provides a useful approach for studying sociomental processes which help develop the “cognitive organization of [the nation’s] moral concerns.”⁵⁴ While it has been employed across diverse sociological fields of inquiry and methodology, it has not typically been used to examine the experiences and implications of social policy. Nevertheless, the cognitive sociological tradition is valuable for this project by providing a method to explore how the framing of the desirability of the “traditional” family structure, morality, responsibility,

⁵² Trattner, Walter I. 1999. *From Poor Law to Welfare State: A History of Social Welfare in America* (6th ed.). New York: The Free Press.

⁵³ Brekhus, Wayne. 2007. “The Rutgers School: A Zerubavelian Culturalist Cognitive Sociology.” *European Journal of Social Theory* 10(3):448-64.

⁵⁴ Zerubavel, Eviatar. 2015. *Hidden in Plain Sight: The Social Structure of Irrelevance*. New York: Oxford University Press. Pg. 5.

deservingness, and criminality are influenced by shifting cultural conceptualizations of poverty, welfare, and the family. Ultimately, these frames serve as the cognitive underpinnings of the child support system which created the sociopolitical climate in which parents experience this system of state intervention in the family.

Several sociocognitive concepts are central in this analysis—perception, attention, relevance, focus, filters, and social marking. From a sociocognitive standpoint, perception refers to social influences on the way that individuals perceive the world,⁵⁵ both in sensory perception and thought. The sociology of perception is concerned with “the interpretive dimension of perception, since what we experience through our senses is normally ‘filtered’ through various interpretive frameworks.”⁵⁶ In the study of public policy, perception is useful for examining the ways in which social issues are packaged. For example, Eviatar Zerubavel discussed the “‘optical significance’ of scientific revolutions,” stating that “[t]hey are primarily cognitive upheavals that radically transform the way we ‘look’ at the world” and “[w]hile they may not always involve the discovery of any new facts, they do offer us new *mental lenses* through which old ones may be seen in a new way.”⁵⁷ Similarly, the packaging of social issues may be used by politicians, the media, government agency personnel, or the public to influence legislative agendas and secure support for policy changes by encouraging a new “look” at issues without necessarily presenting any new facts. In this way, examining the “mental lenses” related to the child support system is

⁵⁵ Zerubavel, Eviatar. 1997. *Social Mindscapes: An Invitation to Cognitive Sociology*. Cambridge: Harvard University Press. Pgs. 23-34.

⁵⁶ Ibid. Pgs. 23-24.

⁵⁷ Ibid. Pgs. 25-26.

important in understanding how perception contributes to the conceptualization of its dimensions.

The sociocognitive underpinnings of cultural relevance, through attention and inattention, are valuable for the study of the child support system, because “not only does our social environment affect how we perceive the world; it also helps determine what actually ‘enters’ our minds in the first place.”⁵⁸ Specifically, “[a]ttending something in a focused manner entails mentally disengaging it (as a ‘figure’) from its surrounding ‘ground,’ which we essentially ignore.”⁵⁹ In this way, *mental focusing* helps to differentiate between the relevant and irrelevant by indicating what should be attended, as well as what should be disattended or deliberately ignored.⁶⁰ Patterns of attention are shaped by morality, creating processes of *moral focusing* by demarcating the boundaries of “moral horizons” in that “any object we perceive as lying ‘outside’ this circle...is essentially considered morally irrelevant and, as such, does not even arouse our moral concerns.”⁶¹ As it relates to the study of the child support system, moral focusing around poverty, welfare, and the family is used to examine how some social issues and demographic characteristics are focused on while others are explicitly or implicitly ignored.

⁵⁸ Zerubavel, Eviatar. 1997. *Social Mindscales: An Invitation to Cognitive Sociology*. Cambridge: Harvard University Press. Pg. 35.

⁵⁹ Ibid. Pg. 15.

⁶⁰ Zerubavel, Eviatar. 2015. *Hidden in Plain Sight: The Social Structure of Irrelevance*. New York: Oxford University Press.

⁶¹ Zerubavel, Eviatar. 1997. *Social Mindscales: An Invitation to Cognitive Sociology*. Cambridge: Harvard University Press. Pg. 39.

As a sociocognitive analytical tool, the *filter*⁶² further helps to elucidate the impact of (dis)attention, focusing, and relevance on perceptions in the child support system. The filter functions conceptually as a “mental strainer” or “sieve” that “let[s] in culturally meaningful details while sifting out the culturally irrelevant.”⁶³ This tool “highlights what is seen *and* what is ignored because its metaphorical blockages and holes explicitly represent the dialectical relationship between attention and disattention.”⁶⁴ As the filter is reflective of social norms, it is useful for exploring how culture impacts the development of social statuses. I use the notion of the filter to highlight how norms of poverty, welfare, and the family function to sift through culturally relevant and irrelevant factors to conceptualize normative expectations of parenthood and family.

Symbolic systems also employ processes of *social marking* or *mental coloring* that can take on a binary or trinary system of distinction.⁶⁵ Binary distinctions are dichotomous where one classification is marked and the other unmarked, while trinary distinctions represent categories that are highly marked at both extremes with the middle of the spectrum being unmarked. In the semiotic systems related to issues of poverty, deservingness, and responsible fatherhood, the trinary system of social marking is most appropriate, as the categories at either end of the spectrums—

⁶² Friedman, Asia. 2013. *Blind to Sameness: Sexpectations and the Social Construction of Male and Female Bodies*. Chicago: University of Chicago Press.

⁶³ Ibid. Pg. 29.

⁶⁴ Friedman, Asia. 2013. *Blind to Sameness: Sexpectations and the Social Construction of Male and Female Bodies*. Chicago: University of Chicago Press. Pg. 29.

⁶⁵ Brekhus, Wayne. 1996. “Social Marking and the Mental Coloring of Identity: Sexual Identity Construction and Maintenance in the United States.” *Sociological Forum* 11(3):497-522.

“deserving” and “undeserving” and “responsible” father and “deadbeat dad”—are highly marked, while the middles of the spectrums are unmarked. This social marking contributes to the ways that society highlights particular identities and ignores others. Ultimately, the sociocognitive framework is useful for highlighting the taken-for-granted social norms which undergird the child support system.⁶⁶

My use of the sociocognitive tradition is also influenced by other theoretical frameworks which more explicitly evaluate systems of power, including Patricia Hill Collins’ conceptualization of standpoint theory.⁶⁷ This power-dynamic-oriented framework allows for an analysis of state authority and intervention in the family by providing cognitive tools to explore how marginal groups experience structures of power. Specifically, standpoint theory⁶⁸ highlights the situatedness of knowledge requiring that examinations of the experiences of marginalized groups begin with their lives, motivating the types of data used in this project. Furthermore this theoretical framework suggests that individuals within groups which are situated differentially within hierarchical power relations will have similar experiences, a dynamic experienced by non-custodial parents.

While the sociocognitive framework has not been used to study policy-related patterns, more generally scholars have used cultural theoretical frameworks, and certainly critical frameworks to study these patterns. The cultural framework has been

⁶⁶ Zerubavel, Eviatar. 2018. *Taken for Granted: The Remarkable Power of the Unremarkable*. Princeton, NJ: Princeton University Press.

⁶⁷ Collins, Patricia Hill. 1997. “Comment on Hekman’s ‘Truth and Method: Feminist Standpoint Theory Revisited’: Where’s the Power?” *Signs* 22(2):375-81.

⁶⁸ Harding, Sandra G. 2004. *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*. New York: Routledge.

used to examine the relationship between public opinion and policy reform,⁶⁹ the use of narratives to secure policy change,⁷⁰ and the social construction of policy.⁷¹ Several scholars have examined the significance of moral values for policy development demonstrating that values around the family are central to responses to poverty.⁷² These studies, and similar others,⁷³ demonstrate the central role that cultural forces play in shaping the development of policy and the consequences of its implementation, particularly as it relates to ideas about the cultural categories of worthiness.⁷⁴ Building on this discourse, I explore how approaches to child support are rooted in cultural notions of the desirability of the “traditional” family structure, morality, deservingness, responsibility, and criminality that are situated at the intersection of sociocognitive conceptualizations of poverty, welfare, and the family and grounded in state power and authority.

Central to the cognitive underpinnings of the child support system are reinforcements of the desirability of a “traditional” family structure and the interconnected norms of morality, as well as conceptualizations of responsibility,

⁶⁹ Burnstein, Paul. 2003. “The Impact of Public Opinion on Public Policy: A Review and an Agenda.” *Political Research Quarterly* 56:29-40.

⁷⁰ Stewart, Julie. 2012. “Fiction Over Facts: How Competing Narrative Forms Explain Policy in a New Immigration Destination.” *Sociological Forum* 27(3):591-616.

⁷¹ Schneider, Anne L., and Helen M. Ingram. 2005. *Deserving and Entitled: Social Constructions and Public Policy*. Albany: State University of New York Press.

⁷² Abramovitz, Mimi. 1996. *Regulating the Lives of Women: Social Welfare Policy from Colonial Times to the Present*. Cambridge, MA: South End Press.; Gring-Pemle, Lisa M. 2003. “Legislating a ‘Normal, Classic Family’: The Rhetorical Constructions of Families in American Welfare Policy.” *Political Communication* 20: 473-98.

⁷³ See Pierce, Jonathan J., Saba Siddiki, Michael D. Jones, Kristin Schumaker, Andrew Pattison, and Holly Peterson. 2014. “Social Construction and Policy Design: A Review of Past Applications.” *The Policy Studies Journal* 42(1):1-29 for an overview of studies of policy and culture.

⁷⁴ Steensland, Brian. 2006. “Cultural Categories and the American Welfare State: The Case of Guaranteed Income Policy.” *American Journal of Sociology* 111(5):1273-326.

deservingness, and subsequent criminality in parenthood and childrearing. These concerns with morality related to family and social policy have historic origins in statutes regulating access to welfare benefits. For example, in 1913, a Wisconsin state statute mandating eligibility requirements for children receiving Aid to Dependent Children benefits said that the father had to be absent from the household and that the mother had to be of “*good moral character* [emphasis added] and the proper person to have the custody and care” of the child.⁷⁵ In addition, despite contemporary demographic shifts in the composition of families including high rates of labor force participation among women⁷⁶ and more egalitarian views of family dynamics,⁷⁷ the U.S.’s formal definition of a family still largely revolves around a nuclear structure including a (heterosexual) married couple living under the same roof as their children, as the Census Bureau defines the family as “any two or more people (not necessarily including a householder) residing together, and related by birth, marriage, or adoption.”⁷⁸ Americans are less likely to view an unmarried couple without children as a family (less than 40% defined this arrangement as a family) and many still maintain traditional ideas about family dynamics such as the expectation of the wife to take her

⁷⁵ Wisconsin, State Board of Control. 1920. Law Providing Aid to Dependent Children (Mother’s Pension Law).

⁷⁶ Toossi, Mirta and Teresa L. Morisi. July, 2017. “Women in the Workforce Before, During, and After The Great Recession.” Washington, DC: U. S. Bureau of Labor Statistics. Retrieved December, 2018 (<https://www.bls.gov/spotlight/2017/women-in-the-workforce-before-during-and-after-the-great-recession/pdf/women-in-the-workforce-before-during-and-after-the-great-recession.pdf>).

⁷⁷ Gerson, Kathleen. 1993. *No Man’s Land: Men’s Changing Commitments to Family and Work*. New York: Basic Books.

⁷⁸ U.S. Census Bureau. nd. *Current Population Survey Subject Definitions*. Retrieved January, 2019 (<https://www.census.gov/programs-surveys/cps/technical-documentation/subject-definitions.html#family>).

husband's surname (72% agreed that it was better for the wife to take the husband's name and 50% thought the name change should be required).⁷⁹

Despite some ideological shifts to include a broader definition of family (now Americans are more likely than not to consider a gay couple with children a family⁸⁰), many traditional ideals remain intact because of moralistic values related to sexuality and reproduction,⁸¹ particularly for low-income and minority women. The norm of the "traditional" family is fundamental in much of social policy, particularly welfare legislation which privileges this family structure.⁸² The moralistic judgments made regarding sexuality and family formation and dynamics then contribute to perceptions of responsibility which require that for men and women to become parents, they must meet moral standards, as well as economic ones, which allow for them to financially support their children within the desired "traditional" family structure. Expectations for financial stability are linked to ideas connecting work and morality,⁸³ and subsequently work and responsibility⁸⁴ by dispelling concerns over stereotypes of laziness, degeneracy, and dependency, ideas that are so culturally engrained that those impacted by such moral boundaries actually employ them to distance themselves from

⁷⁹ Powell, Brian, Catherine Bolzendahl, Claudia Geist, and Lala Carr Steelman. 2010. *Counted Out: Same-Sex Relations and Americans' Definitions of Family*. New York: Russell Sage Foundation.

⁸⁰ Ibid.

⁸¹ Gordon, Linda. 2002. *The Moral Property of Women: A History of Birth Control Politics in America*. Urbana: University of Illinois Press.

⁸² Gring-Pemble, Lisa M. 2003. Legislating a "Normal, Classic Family": The Rhetorical Construction of Families in American Welfare Policy. *Political Communication* 20 (4): 473-498.

⁸³ Weber, Max. 2002 [1905]. *The Protestant Ethic and the "Spirit" of Capitalism and Other Writings*. New York: Penguin Books.

⁸⁴ Battle, Brittany Pearl. 2019. "War Widows and Welfare Queens: The Semiotics of Deservingness in the American Welfare System." In *The Oxford Handbook of Cognitive Sociology*, edited by W. Brekhus and G. Ignatow. New York: Oxford University Press.

others.⁸⁵ These conceptualizations of morality and responsibility then inform who is perceived as deserving and undeserving of sympathy, assistance, and compassion. Deservingness is also linked to ideas of criminality, as critical criminological theory has examined the ways that moral codes inform, and even create, laws.⁸⁶ Ultimately these interconnected ideas about family, morality, responsibility, deservingness, and criminality work together to create systems of policy granting moral authority over the family to the state. Such systems, like the one in place to legislate and enforce child support, have a central role in the conceptualization and experience of parenthood and family for those caught up in their reaches.

To fully explore these central sociological questions, it is necessary to have a comprehensive picture of the processes, procedures, and consequences of this body of family policy, an important and growing subfield of social policy which scholars suggest warrants sensitivity to understandings of family and holds significant relevance for policy development.⁸⁷ Such a picture needs to go beyond the methods previously primarily used to examine child support issues in social science—large national data sets and interviews with parents—to include what is actually happening on the ground in the courtrooms where these orders are determined and where social interactions between parents and child support system personnel are taking place. Attempting to develop this more comprehensive picture, this dissertation is the product of just under

⁸⁵ Lamont, Michèle. 2000. *The Dignity of Working Men: Morality and the Boundaries of Race, Class, and Immigration*. Cambridge, MA and New York: Harvard University Press and Russell Sage Foundation.

⁸⁶ Hays, Sharon and Belinda Carpenter. 2012. "Out of Time: The Moral Temporality of Sex, Crime and Taboo." *Critical Criminology* 20(2):141-52.

⁸⁷ Bogenschneider, Karen and Thomas J. Corbett. 2010. "Family Policy: Becoming a Field of Inquiry and Subfield of Social Policy." *Journal of Marriage and Family* 72(3):783-803.

two years of ethnographic field work, the first project, to my knowledge, to include courtroom observations in a study of the U.S. child support system.⁸⁸ I examine the system through my own observations in the courtroom, reports of experiences shared by custodial and non-custodial parents with child support cases and those working in the system, and analysis of cultural artifacts related to the system, including legislation, informational materials provided by social service agencies, political rhetoric, and news articles.⁸⁹

My observations include approximately 300 child support hearings and more than 75 hours in other child support related sites, such as Division of Child Support Enforcement offices, alternative-to-incarceration programs, and reentry programs. This methodological approach provided me with an inside look into the actual processes and procedures which orient the system. In addition, I conducted formal and informal interviews with 50 individuals involved in the child support system, either as parents with cases or as individuals working in the system. These interviews provided insight into the ways that parents interpreted their experiences in the child support system and how diverse areas of their lives were impacted by their involvement. Interviews with child support system staff allowed me to explore how these individuals understood their roles and the financial and social effectiveness of the system. Lastly, I examined cultural objects related to child support, including legislation, informational materials, political rhetoric, popular culture, and media coverage. Incorporating these items and

⁸⁸ A study of the Child Support Agency in the U.K. included observations of case conduct and reports of parents' and staff members' perspectives and experiences. Davis, Gwynn, Nick Wikeley, Richard Young, Jacqueline Barron, and Julie Bedward. 1998. *Child Support in Action*. Oxford: Hart Publishing.

⁸⁹ See Appendix for an in-depth discussion of the methods used in this project.

sentiments allowed for a comprehensive picture of the child support system by highlighting the diverse ways that child support is conceptualized, experienced, and responded to.

THE RESEARCH SITES

Much of the social science scholarship on the consequences of child support enforcement policies has focused on urban communities in the Northeast and Midwest, including Camden and Trenton, New Jersey, Philadelphia, New York City, and Milwaukee. These settings are valuable for exploring large systems in which custodial and non-custodial parents have access to diverse resources due to geographic proximity and population size—ranging from extensive public transportation systems to employment agencies—which are strongly related to individuals' ability to navigate the system. And on the other side, these large systems boast large budgets and staff contingents, making for a system which is likely more bureaucratic and impersonal. I was interested in whether the trends found in these geographic locations also held for smaller courtrooms in smaller communities in previously unexamined sites. Specifically I wanted to explore how systems that dealt with many fewer individuals in more suburban and rural communities in the South with less access to the types of services available in big cities function. To this end, the data were collected in one primary research site in Central Virginia (CVA) and in a supplementary site in Southern New Jersey (SNJ).

In Virginia, the child support enforcement program is overseen by district Division of Child Support Enforcement (DCSE) offices typically organized in

geographic clusters of towns and surrounding counties, except in the case of large cities which operate singular offices. These offices are staffed with caseworkers, paralegals, and attorneys who perform the daily operations related to establishing and enforcing orders for child support. Mediation services are available in an alternative dispute resolution process which may be referred by the court or opted for by the parents, but only after paternity has been established. Upon approval from the court, the mediation agreement becomes an official court order. Hearings for matters pertaining to child support establishment and enforcement take place in district Juvenile and Domestic Relations (JDR) courts heard by appointed judges. The population in the CVA site was approximately 24% minority (22% Black and 2% Hispanic). The median family income was \$42,913 and 12% of families were below the poverty line. Seven percent of households were female-headed.⁹⁰

In the CVA site, I had access to five JDR courts in which I conducted observations during child support hearings. I also observed meetings of several reentry programs and the Intensive Case Monitoring Program (ICMP). In 2008, the Virginia General Assembly established the ICMP, a referral program for non-custodial parents facing sanctions for non-payment of support. The ICMP functioned somewhat like a probation program in which the parent was matched with a caseworker to assist with employment, family, educational, housing, social, and document services. In this site, I also spoke extensively with child support system personnel, including judges and

⁹⁰ U.S. Census Bureau. 2010. *American Fact Finder*. Retrieved September 1, 2017 (<https://factfinder.census.gov/>).

attorneys, paralegals, and caseworkers employed by the DCSE, in addition to parents with cases in the system.

In Virginia, the Division of Child Support Enforcement (DCSE) website explains,

The primary goal of DCSE is to work with parents and guardians to help establish and receive financial and medical support. We provide full services to parents and guardians who have an open enforcement case with us and limited services to those who have a payment processing case. For more information on the types of cases available, please contact us. Our vision is for all parents to meet their child and medical support responsibilities.⁹¹

The website includes links to the “My Child Support Portal” which allows non-custodial parents to manage their payments and access information about their cases. Custodial parents can also access forms from the website, including the 11-page application for DCSE services and the document to request a review and adjustment of a child support order. There are sixteen district offices which parents can visit to meet with caseworkers for information or file for services or support.

New Jersey’s child support enforcement program is supervised by the state Department of Human Services, Division of Family Development, and Office of Child Support Services, and is administered in individual counties. New Jersey also uses a mediation system, which is the default first step for child support cases. The Child Support Hearing Officer Program has authority to hear matters related to the establishment, modification, and enforcement of child support. The program also facilitates the establishment of parenting time/custody consent orders combined with establishment of parentage and child support. If an agreement is not made at this stage

⁹¹ The Virginia DCSE website is located at <https://mychildsupport.dss.virginia.gov>.

or if parents opt out or cannot participate because of findings or allegations of domestic violence, child support hearings take place before an appointed judge in Family Practice Division courts organized by county. The SNJ site had a similar demographic make-up as the CVA site. Approximately 24% of the population was minority, with 11% Black and 13% Hispanic. The median income was higher at \$55,365, slightly fewer families were below the poverty line (9%), and the same percentage of households was female-headed (7%).⁹² In this site, I spoke extensively with custodial and non-custodial parents with cases in the system.

The state's website, with interactive elements which includes information on a cell phone application to track case-specific or general information, states on the homepage:

Child support is more than just money. It is the responsibility of each parent - both mother and father - to make sure their child has enough food to eat, clothes to wear and a safe place to live. Still, some children do not get the support they need. Regardless of their living situation or relationship, both parents should provide the financial, medical and emotional support a child needs to grow into a responsible adult. New Jersey's Child Support Program can help.⁹³

New Jersey allows custodial parents to apply for a range of services, including "full child support services" to partial services which could include the location of the non-custodial parent, the establishment of paternity, the pursuit of medical support, or monitoring only (at a cost of \$25/year). Parents may apply online or complete a paper form. There are local offices in each of New Jersey's 21 counties.

THE PARTICIPANTS

⁹² U.S. Census Bureau. 2010. *American Fact Finder*. Retrieved September 1, 2017 (<https://factfinder.census.gov/>).

⁹³ The New Jersey child support program website is located at <https://www.njchildsupport.org>.

In the pages ahead, you will hear from custodial and non-custodial mothers and fathers, judges, Division of Child Support Enforcement attorneys and paralegals, social services practitioners, Sheriff's deputies, and court-appointed and private defense attorneys. You will hear how these individuals understand their role in the system, how they think about the utility and importance of the system, and how they navigate the consequences of their participation in the system.

You will hear from Marcus, a 31 year-old non-custodial father of one and custodial father of two. He told of the excitement and pride he felt when he found out he was becoming a father. He also talked of the tension and adversity he has faced as a non-custodial father navigating a strained relationship with the mother of his daughter, especially after entering a new relationship, and how he has been impacted by his involvement in the child support system. Brandon, a 25 year-old non-custodial father of two, and Courtney, a 29 year-old custodial mom of two, also shared their stories of struggling to engage in parenthood in a way that was meaningful to them. While on different sides of the custody spectrum, their stories had parallels in that their experiences in the system did not match their visions for parenthood. Shannon and Albert, attorneys with the Division of Child Support Enforcement, explained their perspectives on the parents with whom they interacted and how they engaged in their roles in the courtroom. You will also get a glimpse into the decision-making process of several judges in Juvenile and Domestic Relations courts and hear of their interactions with the parents who came into their courtroom. Parents expressed their resentment of the system, as well as their appreciation for it. They explained how they viewed

parenthood and family. They reinforced the cognitive underpinnings of the system, while at the same time resisted the ways that the state defined their roles as parents.⁹⁴ These reports of experiences and observations give us insight into the ways that one of the biggest government programs operates and impacts the lives of those involved.⁹⁵



This dissertation is the story of a system charged with “promot[ing] parental responsibility so that children receive support from both parents even when they live in separate households.”⁹⁶ It is the story of the monetization of human relations. This is the story of the state colliding with the family to majorly impact the ways that parents engage in parenthood. It is the story of state authority over parenting. This story of fathers, and to a lesser extent mothers, making sense of their roles highlights the ways that parenthood and the family are socially constructed through cultural messages about deservingness, morality, responsibility, criminality, and the desirability of “traditional” family structures. In many ways, the authority maintained by the child support system over parents completely transforms their experience of parenthood. Marcus described his struggle with the state’s authority: *“It’s like they’re robbing me. They’re stealing my opportunity to be a father.”* The basis, experience, and consequences of this sentiment are explored in the chapters to come.

⁹⁴ See Appendix for information on the interview sample.

⁹⁵ While I made every effort to note the exact phrasing used by participants during informal interviews and in my observations, I recognize that because the conversations were not recorded, I may be paraphrasing some portions. For that reason, when I report dialogue that took place during my observations or informal conversations, I make note when the quotes might be non-verbatim using “paraphrased from field notes.” I use pseudonyms for all names to protect the identity of participants.

⁹⁶ Administration for Children and Families. nd. Office of Child Support Enforcement Fact Sheet. Washington, DC: Office of Child Support Enforcement. Retrieved January, 2019 (https://www.acf.hhs.gov/sites/default/files/assets/2015factsheets_ocse.pdf.)

In the first chapter, I outline the development and organization of the system to explore how the idea of “child support” came to (primarily) represent financial matters, and the implications for society’s conceptualization of family and responsibility. Chapter Two examines the ways that parents navigate the bureaucratic mechanisms of the child support system. Chapter Three explores the financial and criminal justice-related consequences of involvement and the policy implications of these experiences. In Chapter Four, I explore how individuals navigate the system and understand its impact on their identity as parents and individuals. And lastly, in Chapter Five, I explore the use of stigmatization and shaming as a tool of social control and punishment and the consequences these emotions have for social interactions. Ultimately, I demonstrate that the child support system functions as a neoliberal construct at the intersection of the welfare and criminal justice systems which shapes the family in ways expected and unexpected.

CHAPTER ONE

“DESERVINGNESS,” “DEPENDENCY,” AND “DEADBEAT DADS”: THE SOCIOCOGNITIVE, SOCIOPOLITICAL, AND HISTORICAL FOUNDATIONS OF THE CHILD SUPPORT SYSTEM

The marketing around the U.S. child support system focuses heavily on its cost effectiveness in enforcing orders, closely matching its explicitly stated goals at the federal level: to use diverse enforcement mechanisms to “increase the reliability of child support paid by parents when they live apart from their children.”⁹⁷ As such, financial considerations are the main, if not only, motivation of the child support system. This is an important consideration given the semiotics of the term “child support.” The word “support” does not inherently mean financial support. The meaning of the term includes both “pay[ing] the costs of” and “provid[ing] a basis for the existence or subsistence of.”⁹⁸ While the former more concretely references monetary considerations, the latter might be interpreted more broadly, particularly in the context of child-rearing. Though money is certainly an important dimension, a child’s existence or subsistence depends on much more than dollars and cents, even more when talking about raising a *healthy* and *happy* child. However, under the umbrella of the child support system, the most important aspect of contributing to the upbringing of a child is providing money. And this monetary support does not include providing items of value, such as diapers,

⁹⁷ Administration for Children and Families. nd. Office of Child Support Enforcement Fact Sheet. Washington, DC: Office of Child Support Enforcement. Retrieved January, 2019 (https://www.acf.hhs.gov/sites/default/files/assets/2015factsheets_ocse.pdf.)

⁹⁸ Support. nd. In *Merriam-Webster Dictionary*. Retrieved September 2018 (<https://www.merriam-webster.com>).

clothing, or food, all of which are recognized as *in-kind* support, nor does it include cash provided directly from the non-custodial parent to the custodial one called *informal* support. Neither in-kind nor informal support are considered in child support hearings, despite the literature which has demonstrated that the provision of these types of voluntary contributions have a more significant emotional impact than court-ordered support obligations among disadvantaged families.⁹⁹

The narrow definition of “support” engenders a particular conceptualization of the family, specifically the relationship between parenthood and childhood that is not necessarily subscribed to by the individuals involved in the child support system. For many parents who found themselves under the regulation of the child support system, their primary concerns for their children were more centered on relationships and less on finances. When their value or responsibility as parents were called into question because they had not met the court’s order for support, there was a disconnect between how parents identified themselves and how they were perceived by the bureaucratic system regulating support enforcement. The distance between how non-custodial parents perceived their importance in the lives of their children and the expectations of the child support system resulted in a number of collateral consequences, including stigma and feelings of stigma, as well as threats to their identity, discussed more in later chapters. The cognitive underpinnings of this distinction are important to understand,

⁹⁹ Kane, Jennifer B., Timothy J. Nelson, and Kathryn Edin. 2015. “How Much In-kind Support Do Low-Income Nonresident Fathers Provide?: A Mixed-Method Analysis.” *Journal of Marriage and Family* 77(3):591-611.

as are the sociopolitical and legislative trajectory that shaped and reinforced this conceptualization of the family.

SINGLE MOMS AND THE PRICELESS CHILD:
DESERVINGNESS AND THE COGNITIVE UNDERPINNINGS OF THE CHILD
SUPPORT SYSTEM

While more than 80% of current single-parent homes in the United States are headed by women,¹⁰⁰ making *single parent* and *single mother* essentially one and the same, there was not always the same proclivity to grant custody to the mother in cases of parental separation. Before the mid-1800s, in the relatively rare instance of marital separation among white couples,¹⁰¹ men typically obtained full custody of their children. Men were considered the most logical choice for maintaining custody of the children at this time due to the belief that offspring were the belongings of their fathers.¹⁰² Moreover, because women had few legal or economic rights, their ability to care for their children was severely compromised. After this point, the “tender years” doctrine took hold and states began to more explicitly prioritize gender, making mothers more likely to receive custody as they were perceived to be more natural and therefore better caretakers. This doctrine, which did not necessarily change the legal rights of mothers to retain custody but shifted the norm, was established in an early-19th

¹⁰⁰ Grall, Timothy. January, 2018. “Custodial Mothers and Fathers and Their Child Support: 2015.” *Current Population Reports*. Washington, DC: U.S. Government Printing Office. Retrieved December 2018 (<https://www.census.gov/content/dam/Census/library/publications/2018/demo/P60-262.pdf>).

¹⁰¹ It is important to note that these dynamics were largely only reflected among white families, as Black Americans were still enslaved and Native Americans and other racial minorities were not granted legal citizenship.

¹⁰² Mason, Mary Ann. 1994. *From Father's Property to Children's Rights: A History of Child Custody*. New York: Columbia University Press.

century ruling in which the court wrote “it appears to us that considering their [the children’s] tender age, they stand in need of that kind of assistance, which can be afforded by none so well as a mother.”¹⁰³ This explicit preference fell from statutes in the mid-20th century and now all states have in place the “best interests” of the child¹⁰⁴ doctrine to make custody and visitation decisions; however, most single-parent households are still headed by women.¹⁰⁵ Because of these largely unwritten but persistent preferences for mothers in custody decisions, there are widely shared cultural notions of mothers as primary (custodial) caregivers and fathers as secondary (non-custodial) parents.

Because of the notion that women are natural caretakers and therefore natural parents, men are much less often viewed as the cultural representation of a parent, greatly reducing the perceived importance of fatherhood. Fathers are often asked whether they are “babysitting” their own children¹⁰⁶ and when they are primary caregivers, they are frequently nicknamed “Mr. Mom.”¹⁰⁷ And fathers of color fare even worse in normative perceptions of their involvement with their children and their ability to be caretakers. Many will remember the highly publicized incident in which a

¹⁰³ Klaff, Ramsay Laing. March, 1982. “The Tender Years Doctrine: A Defense.” *California Law Review* 70(2): 335-72. Pg. 341.

¹⁰⁴ Ibid.

¹⁰⁵ Garfinkel, Irwin, Daniel R. Meyer, and Sara S. McLanahan. 1998. “A Brief History of Child Support Policies in the United States.” Pp. 14-30 in *Fathers Under Fire: The Revolution in Child Support Enforcement*, edited by I. Garfinkel, S. McLanahan, D. R. Meyer, and J. A. Seltzer. New York: Russell Sage Foundation.

¹⁰⁶ Coe, Alexis. January 23, 2013. “Dads Caring for Their Kids: It’s Parenting, Not Babysitting.” *The Atlantic*. Retrieved June 2018 (<https://www.theatlantic.com/sexes/archive/2013/01/dads-caring-for-their-kids-its-parenting-not-babysitting/267443/>).

¹⁰⁷ Schulte, Brigid. June 5, 2014. “Don’t Call them Mr. Mom: More Dads at Home with Kids Because They Want to Be.” *The Washington Post*. Retrieved August 2018 (https://www.washingtonpost.com/news/parenting/wp/2014/06/05/dads-who-stay-home-because-they-want-to-has-increased-four-fold/?noredirect=on&utm_term=.cfdfae5efa93).

white woman called the police on a Black man who was babysitting two white children, not believing that he could have actually been their caretaker.¹⁰⁸ And despite the fact that Black men are more likely to remain intensively involved with their children after relationships dissolve,¹⁰⁹ the stereotype of the Black “deadbeat dad” remains largely intact. Conversely, as many cultural commentaries have pointed out, women do not as often receive the high level of praise that men do for being good parents because caretaking is expected of them. In fact, since the 1970s when white women entered the labor force en masse, working moms have often faced criticism for not devoting all of their energy to caretaking, with much of the judgment they face coming from their own families.¹¹⁰ Even in homes where both parents are working, women are still expected to do the majority of the housework and caretaking and do in fact more than one and a half times the housework and nearly two times the childcare that their male partners do.¹¹¹

The phenomenon of single motherhood complicates cultural responses to parenting as the “traditional” gender divide of father-breadwinner and mother-caretaker are no longer attainable, although the circumstances around which the woman is a single mother and whether she receives welfare benefits are significant for

¹⁰⁸ Lopez, German. October 10, 2018. “‘Babysitting while Black’: Georgia Woman Calls Cops on Black Man Taking Care of 2 White Kids.” Retrieved January 2019

(<https://www.vox.com/identities/2018/10/10/17959290/corey-lewis-black-babysitter-racism-georgia>).

¹⁰⁹ Edin, Kathryn, Laura Tach, and Ronald Mincy. 2009. “Claiming Fatherhood: Race and the Dynamics of Paternal Involvement among Unmarried Men.” *The Annals of the American Academy of Political and Social Science* 621:149-77.

¹¹⁰ Klass, Perri. August 7, 2017. “Most Mothers Feel Judged, With Families Often the Worst Critics.” *The New York Times*. Retrieved November 2018 (<https://www.nytimes.com/2017/08/07/well/family/most-mothers-feel-judged-with-families-often-the-worst-critics.html>).

¹¹¹ Bianchi, Suzanne M., Liana C. Sayer, Melissa A. Milkie, and John P. Robinson. 2012. “Housework: Who Did, Does or Will Do It, and How Much Does It Matter?” *Social Forces* 91(1):55-63.

determining the ways that society perceives her. For example, the image of the *war widow* is iconic, her tragedy and honor highlighted in cultural symbols and representations ranging from presidential speeches to popular film and news media to being the beneficiary of non-profit organizations. She is literally seen as “a living symbol of patriotism...[and] reminder of the ultimate sacrifice of service,”¹¹² and is praised as a heroine for supporting her husband’s service and bearing great sacrifices as a result of his death. The financial difficulties she may face following the untimely and tragic passing of her serviceman are viewed as honorable and met graciously and dutifully by a variety of support entities. Should she require government benefits, she is not shamed for her need. She is the benefactor of fundraisers and is offered financial, emotional, and symbolic support through a variety of non-profit and government-sponsored organizations.

Compare the war widow’s iconic image with that of the *drive-by widow*, a woman whose gang-affiliated husband was killed in an act of violence. Her husband’s death is equally premature and unfortunate; however, the response to this widow’s tragedy varies greatly from the war widow’s. There is no perception of honor or sacrifice associated with her husband’s death and it is unlikely that she will receive the sympathetic recognition bestowed upon her counterpart. The financial difficulties she may face following her gangbanger’s death will be viewed as a result of his (and possibly her own) deviance, depravity, and lawlessness. Her use of government

¹¹² Murphy, Patricia. June 24, 2015. “Washington War Widows: It’s OK To Move On.” *KUOW*. Retrieved October 31, 2015 (<http://kuow.org/post/washington-war-widows-its-ok-move>).

benefits will likely earn her a stigma similarly faced by never-married women receiving these benefits— “welfare queens,” and any fundraising done in her name will likely be done under a cloud of shame, blame, and disgrace—far from the admiration imparted upon the war widow. In both of these cases, a woman’s partner dies under tragic conditions, contributing to her family’s financial instability. While facing similar circumstances, these women are met with quite disparate reactions and are perceived in very distinct ways. A subtle but distinct boundary is drawn between the war widow and the drive-by widow making the cultural norms underlying society’s responses to their financial circumstances diverge.

The disparities in the response to single moms of difference circumstance are largely influenced by racialized, gendered, and classed cultural perceptions of single motherhood and deservingness. The “welfare queen” is perhaps the most widely-known symbol of the undeserving poor, used frequently in political rhetoric, media depictions, and popular culture, even having a Wikipedia page devoted to her. The term, made popular by then-presidential candidate Ronald Reagan as an argument in support of welfare reform, was based on a highly exaggerated story of a young Black woman purported to be defrauding the welfare system. The moral focus on the immorality of the “welfare queen,” not only in accused fraud, but also in perceptions of her lifestyle—being an unmarried, unemployed mother receiving aid from the government—influenced her nearly universally agreed-upon undeservingness. The “welfare queen” elicits a visceral response from the larger public. This emotional response—of disdain, contempt, and even hatred—is a result of the perceived

immorality manifested through the assumed laziness, promiscuity, dishonesty, and irresponsibility of this symbol, rooted in notions of the racialized pathology of poverty (à la Daniel Moynihan's 1965 "culture of poverty" argument¹¹³) and is evidenced by the widespread pejorative references to the "welfare queen" in politics, media, and popular culture.¹¹⁴

Normative conceptualizations of deservingness are central to the cognitive underpinnings of the child support system in reinforcing the desirability of a "traditional" family structure and morality, and framing responsibility and subsequent criminality in parenthood and childrearing. Perceptions of deservingness, and subsequently responsibility, rest heavily upon norms around the family and morality.¹¹⁵ Factors such as marital status, the circumstances of child birth, living arrangements, and gender roles related to caregiving and breadwinning are central to how society views the desirability and responsibility of a family. American "family values" still place greater worth on "traditional" family dynamics, which include a heterosexual married couple living under the same roof as their children with a husband/father breadwinner and a wife/mother caregiver, making each of these factors important moral considerations.

¹¹³ Moynihan, Daniel. 1965. *The Negro Family: The Case for National Action*. Washington, DC: Office of Policy Planning and Research, U.S. Department of Labor.

¹¹⁴ Hancock, Ange-Marie. 2004. *The Politics of Disgust: The Public Identity of the Welfare Queen*. New York: New York University Press.

¹¹⁵ Battle, Brittany Pearl. 2019. "War Widows and Welfare Queens: The Semiotics of Deservingness in the American Welfare System." In *The Oxford Handbook of Cognitive Sociology*, edited by W. Brekhus and G. Ignatow. New York: Oxford University Press.

This narrow construction of family misses the diverse forms that families take to navigate structural inequality, privileging middle-class norms. Low-income and minority families often make use of “kin networks” to provide important social support, particularly for parents raising children alone.¹¹⁶ In addition, research has demonstrated the symbolic importance of fathers feeling as though they can depend on their extended social networks for support.¹¹⁷ And, this cultural ideal obviously does not hold true for families in which parents are separated. Scholars have found that post-separation, fathers often have less frequent contact with their children, especially after the mother enters a new relationship, theorizing that fatherhood operates as a “package deal”¹¹⁸ with mothers’ new partners taking on the role of the father¹¹⁹ (a phenomenon that is less likely for Black fathers than for their white and Hispanic counterparts¹²⁰). Despite the fact that less than 7% of American families consist of a heterosexual married couple and their children,¹²¹ the existence of diverse family forms and the role of

¹¹⁶ Mazelis, Joan Maya and Laryssa Mykyta. 2011. “Relationship Status and Activated Kin Support: The Role of Need and Norms.” *Journal of Marriage and Family* 73(2):430-45.; Roy, Kevin M. and Vesely, Colleen K. 2010. “Caring for the Family Child: Kin Networks of Young Low-Income African American Fathers.” Pp. 215-40 in *The Myth of the Missing Black Father*, edited by R. L. Coles and C. Green. New York: Columbia University Press.

¹¹⁷ Castillo, Jason T. and Christian M. Sarver. 2012. “Nonresident Fathers’ Social Networks: The Relationship Between Social Support and Father Involvement.” *Personal Relationships* 19:759-74.

¹¹⁸ Furstenberg, Jr., Frank F. and Andrew J. Cherlin. 1991. *Divided Families: What Happens to Children When Parents Part*. Cambridge, MA: Harvard University Press.

¹¹⁹ Guzzo, Karen Benjamin. 2009. “Maternal Relationships and Nonresidential Father Visitation of Children Born Outside of Marriage.” *Journal of Marriage and Family* 71:632-49.; Tach, Laura, Ronald Mincy, and Kathryn Edin. 2010. “Parenting as a ‘Package Deal’: Relationships, Fertility, and Nonresident Father Involvement Among Unmarried Parents.” *Demography* 47:181-204.

¹²⁰ Edin, Kathryn, Laura Tach, and Ronald Mincy. 2009. “Claiming Fatherhood: Race and the Dynamics of Paternal Involvement among Unmarried Men.” *The Annals of the American Academy of Political and Social Science* 621:149-77.

¹²¹ Pew Research Center. December 17, 2015. *Parenting in America: Outlook, Worries, Aspirations are Strongly Linked to Financial Situation*. Retrieved January 2019 (http://www.pewresearch.org/wp-content/uploads/sites/3/2015/12/2015-12-17_parenting-in-america_FINAL.pdf).

extended family for support networks are largely undervalued in normative constructions of the “ideal” family type.

The desirability of “traditional” family dynamics is largely connected to ideas of morality which call for sexual chastity and responsible reproduction. For example, while both widowed mothers and unmarried mothers are technically “single mothers,” the former group’s perceived sexual chastity and personal responsibility means their motherhood is viewed as more legitimate and thereby more moral than the latter, distinguishing them as deserving. Inflating the mental distance between these two groups is a result of strong messages about the immorality of bearing children out-of-wedlock, which pervade social policy as well. Welfare reform legislation stated among its goals reducing out-of-wedlock pregnancies and increasing the number of two-parent households, despite research that had demonstrated the potential pitfalls of universally encouraging parents to remain together.¹²² Single-parent and unmarried parent homes are often labeled broken or fragile¹²³ because of the risks for poverty and subsequent negative outcomes even by organizations or agencies with a more progressive approach.

Despite the perceptions of undeservingness associated with them, single mothers are frequently heralded for the sacrifice of care-giving when contrasted with the perceived irresponsibility of absent male co-parents who are suggested to cause

¹²² Randles, Jennifer M. 2016. *Proposing Prosperity: Marriage Education Policy and Inequality in America*. New York: Columbia University Press.

¹²³ The Principal Investigators of the FFCWS explain their decision to refer to unmarried parents and their children as “fragile families” as a way to “underscore that they are families and that they are at greater risk of breaking up and living in poverty than more traditional families.” (<https://fragilefamilies.princeton.edu/about>)

additional financial or emotional hardship in child-rearing and are thus labeled “deadbeats.” For example, at the signing of a major piece of child support legislation in 1998, President Bill Clinton lamented,

Even when a family manages to stay out of poverty, a father’s failure to pay child support puts mothers who are raising children by themselves under terrible pressure. A lot of women are forced to work two jobs, to work at night, or simply to worry sick about their children either because they’re away from them all the time or because they’re with them but they don’t have enough to support them.¹²⁴

Clinton’s sentiments put the brunt of the responsibility for the financial support of children squarely on the shoulders of fathers. He even went so far as to imply that women are *forced* into work they should not have to do (i.e. multiple jobs and night shifts), or even worse to worry themselves into illness because they were not able to spend enough time providing direct care for their children.

The idea that women should spend the majority of their time caring for their children, practicing “intensive motherhood,” is pervasive throughout culture,¹²⁵ creating a hegemonic discourse around mothering.¹²⁶ However, these ideals around intensive motherhood which require spending extensive time with one’s children and focusing on their activities were largely centered on a middle-class, white perspective of mothering. Patricia Hill Collins has offered a theory of “motherwork” which provided

¹²⁴ Clinton, William J. June 1998. “Statement on Signing the Deadbeat Parents Punishment Act of 1998 and an Exchange with Reporters.” Online by G. Peters and J. T. Woolley, *The American Presidency Project*. Retrieved November 5, 2015 (<http://www.presidency.ucsb.edu>).

¹²⁵ Hays, Sharon. 1996. *Cultural Contradictions of Motherhood*. New Haven: Yale University Press.

¹²⁶ Arendell, Terry. 1999. *Hegemonic Motherhood: Deviancy Discourses and Employed Mothers’ Accounts of Out-of-School Time Issues*. Center for Working Families Working Paper No. 9. Berkeley: University of California Press.

for a perspective of motherhood that centered the experiences of African American women whom she argued were focused on the survival, identity, and empowerment of their children.¹²⁷ The construction of “motherwork” has important implications for understanding the child support system and the expectations that it places on parents, particularly in that those expectations frequently do not match the lived realities of the low-income and minority parents navigating the system.

Overall, the norm of “hegemonic motherhood” is both an influence on and a product of the contemporary child support system, especially for low-income and minority parents that are unable to meet this ideal. During my time in the courtroom, in several cases in which the mother was the non-custodial parent and the father the custodial one, I observed judges asking how much time the mother spent visiting or talking with the child, saying things like, “Has she seen the child recently?” or “How often does she call?” Questions regarding contact with children were very rarely asked of non-custodial fathers. These interactions clearly demonstrated that judges were only concerned with aspects of child-rearing outside of financial support when the non-custodial parent was the mom, sending the message that motherhood was about more than financial contributions while fatherhood was not.

A disregard for the non-financial contributions of fatherhood has likewise been reflected in diverse cultural representations of fathers, such as political rhetoric, TV shows, music, and more recently social media. This trend toward conceptualizing

¹²⁷ Collins, Patricia Hill. 1994. “Shifting the Center: Race, Class and Feminist Theorizing about Motherhood.” In *Mothering: Ideology, Experience, and Agency*, edited by E. Glenn, G. Chang, and L. Forcey. New York: Routledge Press.

fathers as secondary parents, or worst as irresponsible or uninvolved, has been influential in the evolution of child support policy, most notably in the process of criminalizing non-custodial fathers.¹²⁸ Mechanisms to employ the criminal justice system or other punitive enforcement practices to punish non-custodial parents, typically fathers, who did not meet their support obligations were in direct contrast to the services offered to custodial parents, typically mothers, who were unable to provide for their children financially. Custodial mothers who were under- or unemployed were able to access multiple forms of welfare benefits including cash, nutritional, and housing assistance to help make ends meet. However, non-custodial fathers who were struggling financially and were thus unable to meet their child support obligations faced loss of professional and driver's licenses, tax intercepts and liens, and criminal justice-like supervision and incarceration, even when they might have in fact been maintaining very engaged relationships with their children. In this way, the financial contributions of the non-custodial parent were of more central importance in the child support system which overlooked the other contributions a parent might make without recourse despite the literature which has shown that father engagement has a positive impact on children's behavior, achievement in school, and overall wellbeing.¹²⁹

Also important for the formation and evolution of the child support system are shifts in cultural representations of childhood. Viviana Zelizer, in her work on the

¹²⁸ Battle, Brittany Pearl. 2018. "Deservingness, Deadbeat Dads, and Responsible Fatherhood: Child Support and Rhetorical Conceptualizations of Poverty, Welfare, and the Family." *Symbolic Interaction* 41(4):443-64.

¹²⁹ Sarkadi, Anna, Robert Kristiansson, Frank Oberklaid, and Sven Bremberg. 2008. "Fathers' Involvement and Children's Developmental Outcomes: A Systematic Review of Longitudinal Studies." *Acta Paediatrica* 97(2):153-58.

economic sociology of the insurance industry and on the notion of the “priceless child,” has provided a framework for understanding how the value of children in a family has been essentially monetized while at the same time deemed “priceless.” Zelizer discussed the move to monetize raising a child, which occurred through wrongful death litigation following a child’s passing. In these cases, parents’ requests and judges’ determinations for the insurance payments essentially represented the process of associating a dollar value with the lives of children. It was in part due to these changing notions of the value of a child that the cultural norms of childhood shifted from that of a worker contributing to the subsistence of the household to a highly treasured and protected member of the family.¹³⁰ Zelizer’s work on the “priceless child” has highlighted an additional dimension of the “changing social value of children.” She asserts that children became “economically useless,” but “emotionally priceless.”¹³¹ In this way, caring for and raising a child became a valuable role—valuable not only in emotional sentiments, but also financially valuable (or costly depending on the perspective).

Around the same time that this cognitive shift in the role of the child was taking place, shifts in perceptions of the welfare state described by Theda Skocpol were occurring. In describing the structure of the contemporary welfare system, Skocpol¹³² has illuminated the importance of the conceptualization of the “paternal” and

¹³⁰ Zelizer, Viviana A. Rotman. [1979]2017. *Morals and Markets: The Development of Life Insurance in the United States*. New York: Columbia University Press.

¹³¹ Zelizer, Viviana A. 1994. *Pricing the Priceless Child: The Changing Social Value of Children*. Princeton, NJ: Princeton University Press.

¹³² Skocpol, Theda. 1992. *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States*. Cambridge, MA: President and Fellows of Harvard College.

“maternal” welfare states. She highlighted that the focus during these periods was not on men and women, but rather on fathers and mothers; because children were deserving, the deservingness of men and women in the welfare system was in part defined through their roles as parents. In a sense, the deservingness of the child was transferrable to the parent. However, the importance of this connection between parents and their children in notions of deservingness also directly connected to conceptualizations of responsibility. Specifically, the idea of the “priceless child” engendered an intense necessity for meeting the normative expectations of parenthood. In other words, the deservingness of the child was transferable to the parent only if the parent met norms for caring and providing for that child. For fathers, this meant being a responsible breadwinner and for mothers, this meant being a loving caretaker.

These cognitive underpinnings provide an important foundation for understanding the structure of the contemporary child support system which has evolved a great deal since the federal government first intervened in matters of the financial support of non-marital children in the 1970’s.

MANAGING NEED AND DEPENDENCY THROUGH WELFARE POLICY:

THE SOCIOPOLITICAL ORIGINS

Responsibility for the financial support of family members in the United States, including minor children and elderly parents, has been the duty of relatives vis-à-vis the “relatives’ responsibility” tradition present in English law since at least 1587.¹³³

¹³³ Cassetty, Judith. 1978. *Child Support and Public Policy: Securing Support from Absent Fathers*. Lanham, MD: Lexington Books.

However, this responsibility was largely viewed as a private matter in non-poor families to be resolved at an individual's expense through judicial proceedings when disputes occurred. While the provision calling for the support of aged parents eroded over time, suspending entirely with the federalization of Old Age Assistance in 1973, the civil responsibility of parents to financially support their minor children has generally been strengthened over the last four centuries and became firmly rooted in federal and state law in the 1970s. While the presumed total responsibility of parents for the financial support of children has been taken-for-granted in the U.S., this is not a universally-accepted expectation. In other countries, such as Germany, governments provide automatic and universal provisions to parents to help support minor children.¹³⁴ However, in the U.S., this responsibility has been particularly salient for low-income parents. As the federal government began to shoulder more responsibility for the financial support of low-income children through a number of public assistance programs as a result of the hardship of the Great Depression (most notably the Aid to Dependent Children program which later changed to the Aid to Families with Dependent Children program), the state became increasingly concerned with the growing expenditures related to providing public assistance for children of single mothers. To this end, the Notice to Law Enforcement Officials (NOLEO) amendment included in the Social Security Act in 1950 which mandated states to notify law enforcement in cases in which aid was being provided to a child who had been deserted

¹³⁴ Expat Focus. July 11, 2018. *Kindergeld: A Guide to Child Financial Allowance in Germany*. Retrieved January 2019 (<https://www.expatsfocus.com/c/aid=5070/articles/germany/kindergeld-a-guide-to-child-financial-allowance-in-germany/>).

or abandoned by a parent.¹³⁵ Through the NOLEO amendment, the federal government began an intervention into the state enforcement of civil codes around the financial support of minor children.

However, the NOLEO clause was only relevant for single parent families receiving Aid to Dependent Children, leaving women not receiving public assistance personally responsible for securing child support obligations from the fathers of their children. The enforcement of the NOLEO amendment was aided by the universal adoption of the Uniform Reciprocal Enforcement of Support Act which created reciprocal agreements between all fifty states, the District of Columbia, all U.S. territories, and Canada that prevented the need for custodial parents to cross state-lines to the non-custodial parent's state of residence or have the non-custodial parent extradited to pursue delinquent child support obligations. At that time, policymakers believed that these provisions would suffice to adequately enforce child support obligations among families receiving public assistance.

During the next two decades, Lyndon B. Johnson's Great Society approach to welfare policy; changing family dynamics including a shift in the population receiving public assistance from widowed mothers to divorced, separated, and never-married mothers; and other economic factors triggered the unprecedented growth of federal funding of Aid to Families with Dependent Children (AFDC). With a price tag of about \$1 billion, AFDC provided assistance to 745,000 families in 1960; by 1972, AFDC

¹³⁵ Cassetty, Judith. 1978. *Child Support and Public Policy: Securing Support from Absent Fathers*. Lanham, MD: Lexington Books.

expenditures had jumped to \$6 billion to support its 3 million recipients.¹³⁶ This “welfare explosion” died off in the mid-1970s when public support of relief programs started to rescind and the social unrest calling for government intervention into poverty subsided.¹³⁷ At this time, the focus began to shift from providing for the less fortunate to tightening the government’s purse strings. To this end, in 1974, a massive Social Security Act was passed overhauling much of the welfare system. Included in this legislation was an amendment, Title IV Part D (Title IV-D), which created the Child Support Enforcement (CSE) program, established the federal Office of Child Support Enforcement (OCSE), and required that a comparable OCSE office be formed in each state. In addition, Title IV-D funneled federal funds to the states to assist with determining paternity, establishing child support orders, locating non-resident parents and obtaining payments, particularly for mothers receiving AFDC benefits. In exchange for these services, mothers receiving AFDC were required to assign their child support payments to their respective state to offset the cost of their welfare benefits, as well as to cooperate in the process of establishing paternity.

In 1980, federal Title IV-D services aimed at assisting AFDC mothers in obtaining child support payments were made available to mothers in all child support cases and by 1984 states were required to provide enforcement services to all mothers, marking the first time that the state provided assistance to non-poor mothers in securing child support obligations. As the percentage of children born to unmarried parents doubled

¹³⁶ Katz, Michael. 2013. *The Undeserving Poor: America’s Enduring Confrontation with Poverty*, 2nd Edition. New York: Oxford University Press.

¹³⁷ Piven, Frances Fox and Richard A. Cloward. 1993. *Regulating the Poor: The Functions of Public Welfare (Updated Edition)*. New York: Random House.

between 1960 and 1970 from 5.3% to 10.7%,¹³⁸ the financial repercussions associated with this demographic trend became of growing concern to the federal government. In the years that followed, this trend continued, more than doubling again by 1980, reaching nearly 27 percent.¹³⁹ And in 1980, the percentage of births to unmarried parents among Black mothers was 57%, twice that of the national average and nearly six times that of their white counterparts at 9.6%, making this cohort of mothers specifically central to discussions about the rising costs of welfare.¹⁴⁰

An additional significant demographic shift during this time period was the percentage of women marrying before the birth of their first children. Similar to other comparable demographic trends, these rates were notably different for Black women than for their white counterparts—from 1960 to 1964, 40% of Black women (age 15-29) who conceived premaritally married before the birth of their first children, dropping by half to 20% by 1974.¹⁴¹ Conversely, these rates stayed relatively constant for white women during this period—from 1960 to 1964, just under 70% of unmarried white women who became pregnant married before the birth of their first child; from 1970 to 1974 that number was 61 percent.¹⁴² This shift meant that fewer Black women, compared to their white counterparts, who became pregnant premaritally enjoyed the presumed benefits of the financial contribution of a husband to help support their

¹³⁸ Child Trends Data Bank. 2014. *Births to Unmarried Women: Indicators on Children and Youth*. Bethesda, MD: Child Trends. Retrieved October, 2014 (www.childtrends.org). Pg. 3.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Bachu, Amara. 1999. "Trends in Premarital Childbearing: 1930 to 1994." *Current Population Reports*, 23-197. Washington, DC: U.S. Government Printing Bureau. Pg. 2.

¹⁴² Ibid.

children, just as the rates of premarital births were growing exponentially. However, scholars have pointed to the fact that for this population of mothers, marriage did not represent the same financial advantage that it did for white women because of extreme structural inequality;¹⁴³ nevertheless, this trend contributed to popular ideas that female-headed households were the cause of all the problems faced by the Black community.

These demographic trends are central to the shifting meaning of “need” and “dependency” in the United States, and therefore the construction and reinforcement of “deservingness” as a cultural construct. First, at this time, growing rates of non-marital births meant that children living in female-headed households were now more likely to be the children of low-income never-married mothers, rather than of middle-income widowed mothers. This shift had particular salience for cultural beliefs about the desirability of “traditional” family structures and the aid that was offered to women who did not meet the standards of morality associated with having children within a marriage only. Furthermore, as the rates of non-marital child births and female-headed households were notably higher for Black women than for white women, this demographic trend had particular consequences for the notions of respectability of Black women (and the Black men with whom they were having children), who were viewed as particularly immoral and irresponsible. Moreover, many of these women relied on the government for financial and in-kind assistance, making these

¹⁴³ Raley, R. Kelly, Megan M. Sweeney, and Danielle Wondra. 2015. “The Growing Racial and Ethnic Divide in U.S. Marriage Patterns.” *The Future of Children* 25(2):89-109.

demographic shifts closely associated with the exponentially rising costs of welfare.¹⁴⁴ While the need for government assistance was much more a result of discrimination and inequality, the presumption that it was caused by out-of-wedlock childbirth and other “poor” choices remained central. As such, notions of acceptable “need” and “dependency,” and thereby “deservingness,” were strongly connected to racialized and classed ideals of family structure.¹⁴⁵

Sentiments toward these shifting family demographics and the associated welfare expenditures were also reflected in presidential rhetoric centered on “need,” “dependency,” and “deservingness.” During the early period leading up to the first federal government intervention in the areas of child support policy, politicians spoke in some instances of “dependency” as a tool to highlight the burden of the poor without offering an indictment, as well as to underscore the collective responsibility of the U.S. to lighten this burden. But “dependency” eventually began to be characterized as a dangerous outcome of the flaws of the welfare system, moving away from the values of the Great Society. In 1969, President Richard Nixon proposed to overhaul the welfare system with the Family Assistance Program, which would have provided low-income families with a minimum income.¹⁴⁶ Then in 1977, President Jimmy Carter proposed his

¹⁴⁴ Wilson, William Julius. 1987. *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy*. Chicago: University of Chicago Press.

¹⁴⁵ Abramovitz, Mimi. 1996. *Regulating the Lives of Women: Social Welfare Policy from Colonial Times to the Present*. Cambridge, MA: South End Press.

¹⁴⁶ Asen, Robert. 2001. “Nixon’s Welfare Reform: Enacting Historical Contradictions of Poverty Discourses.” *Rhetoric and Public Affairs* 4(2): 261-79.

vision for welfare reform in the Program for Better Jobs and Income.¹⁴⁷ The failure of these proposals represented the beginning of the neoliberal shift toward independence, personal responsibility, and individualism, which influenced major changes to the legislation and tools of enforcement of the child support system.

As part of an attempt to remove the burden of the financial instability of female-headed households from the welfare system, the federal government passed increasingly punitive child support legislation, putting that burden at the feet of non-custodial fathers, and eventually overhauled the entire system in a massive reform of welfare policy. In fact, a 2004 report issued by the U.S. House of Representatives described the establishment of the CSE program in 1975, which marked the beginning of the contemporary period of child support policy, as “a response by Congress to reduce public expenditures on welfare” resulting from the recognition that the demographic of those receiving welfare had shifted from children of widows to children of separated, divorced, or never-married mothers.¹⁴⁸

As notions of “deservingness” became firmly rooted in presidential rhetoric vis-à-vis discourse around “need” and “dependency,” making sure that those who were “undeserving” were not supported became a larger focus of the federal government until eventually that goal was realized with the 1996 passage of the PRWORA. Ideas about poverty and welfare as they relate to traditional ideals of the family were central

¹⁴⁷ Bloodworth, Jeff. 2006. “‘The Program for Better Jobs and Income’: Welfare Reform, Liberalism, and the Failed Presidency of Jimmy Carter.” *International Social Science Review* 81(3/4):135-50.

¹⁴⁸ U.S. House of Representatives. 2004. *Report: House Ways and Means Committee Prints: 108-6, 2004 Green Book*. Washington, DC: U.S. Government Printing Office. Retrieved September, 2014 (<http://www.gpoaccess.gov/wmprints/green/2004.html>).

to the construction of “deservingness.” Presidents throughout this period pointed to “broken families” as a direct cause of poverty and welfare “dependency.” Addressing the consequences of these non-traditional families was then clearly a central aim of child support policy as they significantly impacted the government’s willingness to provide support to low-income single mothers.

Through the end of the 20th century, the sociopolitical climate around unmarried childbirth and the financial responsibility of parenthood became increasingly antagonistic. The use of one term—“deadbeat”—exemplifies the disdain held toward non-custodial fathers who did not contribute to the financial support of their children according to the standards of the family court system. Now a regular part of speech referring to fathers who do not provide financial support for their children, the term “deadbeat” was not always primarily (or at all) related to matters of the family. According to the Oxford English Dictionary, “deadbeat dad” entered the American lexicon as a colloquial term for a “neglectful father” in the early 1980s.¹⁴⁹ Prior to being attached to non-custodial parents who did not provide monetary support for their children, “deadbeat” was most typically used to describe individuals who did not meet their financial responsibilities in business transactions or who were more generally “spongers” or “loafers.”¹⁵⁰

The first time “deadbeat” was ever publicly used by a president to describe parents was in a 1983 statement at the Signing of the National Child Support

¹⁴⁹ Dead beat. n.d. In *Oxford English Dictionary Online*. Retrieved July 22, 2014 (www.oed.com).

¹⁵⁰ Ibid.

Enforcement Month Proclamation by President Ronald Reagan (interestingly, the same year as the first citation for “deadbeat dad” in the Oxford English Dictionary). In this statement, Reagan appealed to Congress to pass legislation that would force “parents who are deadbeats to pay up and deliver on their responsibilities.”¹⁵¹ Reagan said,

It’s shocking that over half of all women who receive child support orders receive less than what they’re due. In fact, 28 percent of these women and their children receive no payments at all. There are children in this country who are owed \$4 billion from delinquent parents. This is an absolutely unacceptable situation.¹⁵²

At this moment, Reagan focused the nation’s moral attention on regulating the actions of non-custodial parents, fathers in particular, in financially supporting their children.

This focus on the shortcomings of “deadbeat dads” corresponded with a major move to strengthen child support policy by the federal government; from 1981 through 1999, Congress passed more than fifteen new laws associated with child support. Although some of the legislation around child support policies was embedded within welfare policy, there were a number of significant pieces of legislation specific to child support. Of particular importance are the 1984 Child Support Enforcement Amendments and the Family Support Act of 1988. The former mandated the implementation of an income-withholding system in each state in order to collect outstanding child support payments from delinquent obligors. This amendment sought to increase the relatively low percentage of support being collected by moving from a system of payment which was essentially voluntary to one that was automatic through

¹⁵¹ Reagan, Ronald. August 1983. “Remarks on Signing the National Child Support Enforcement Month Proclamation.” Online by G. Peters and J. T. Woolley, *The American Presidency Project*. Retrieved November 5, 2015 (<http://www.presidency.ucsb.edu>).

¹⁵² Ibid.

wage-withholding. The Family Support Act of 1988 expanded this system requiring states to implement wage garnishment in all child support cases involving recipients of public assistance or who were applying for services under Title IV-D originating in or before 1990, and for all child support orders beginning in 1994.

Two other pieces of legislation, the Child Support Recovery Act of 1992 and the Deadbeat Parents Punishment Act of 1998, are also particularly important in understanding the evolution of the child support system, especially in the increasingly punitive approach to enforcement. The 1992 Act represented the first time that federal criminal justice sanctions were attached to non-payment of child support obligations. This act made it a federal offense to avoid an order for support for a child residing in another state for more than one year or in an amount of \$5,000 or more, punishable by a fine and/or imprisonment up to six months for the first offense and a fine and/or imprisonment up to two years for any subsequent offenses. The Deadbeat Parents Punishment Act strengthened the earlier act, extending the criminal penalties for non-payment to any circumstances in which a non-custodial parent sought to evade an order for support by leaving the state or country.

The two acts also represented the solidification of the concept of the “deadbeat dad” in child support policy. In his statement at the signing of the 1992 act, President George H. W. Bush affirmed, “The welfare of our families and our children is a deep and abiding concern of all Americans. This legislation is a positive and significant step in holding irresponsible, deadbeat parents accountable to those who depend on them

financially.”¹⁵³ As mentioned, this legislation marked the first time that federal criminal sanctions were attached to non-payment of support. Here, Bush’s focus on the failings of the “deadbeat” reflected growing intolerance toward non-custodial parents who did not pay formal child support, also evident in the introduction of criminal justice mechanisms for enforcement.

Six years later, Clinton signed into law the Deadbeat Parents Punishment Act. Not only did this legislation reinforce severely punitive sanctions for non-payment, it also legitimized the stereotype of the “deadbeat” by including the label in its very name. In his remarks at the signing of this legislation, Clinton, unlike his predecessors, focused overtly on the consequences of fathers, and not parents in general, who did not contribute to their children’s financial stability:

One of the main reasons single mothers go on welfare is that fathers have failed to meet their responsibilities to the children. Even when a family manages to stay out of poverty, a father’s failure to pay child support puts mothers who are raising children by themselves under terrible pressure.... When fathers neglect support of their children, it aggravates all the other problems a family faces.¹⁵⁴

In these comments, Clinton shifted the focus of the consequences of non-payment of support for children from a gender-neutral conceptualization of parents to fathers specifically. In this way, fathers in particular became the subject of punitive enforcement policies. Clinton continued,

¹⁵³ Bush, George H. W. 1992. “Statement on Signing the Child Support Recovery Act of 1992.” Online by G. Peters and J. T. Woolley, *The American Presidency Project*. Retrieved November 5, 2015 (<http://www.presidency.ucsb.edu>).

¹⁵⁴ Clinton, William J. June 1998. “Statement on Signing the Deadbeat Parents Punishment Act of 1998 and an Exchange with Reporters.” Online by G. Peters and J. T. Woolley, *The American Presidency Project*. Retrieved November 5, 2015 (<http://www.presidency.ucsb.edu>).

We have waged an unprecedented campaign to make deadbeat parents live up to their obligations. Thanks to tougher laws, more sophisticated tracking, and powerful new collection tools, we've increased child support collections by 68 percent in the last 5 years.... Our new national database for identifying deadbeat parents across State lines has found more than 1 million delinquent parents in just the first 9 months of its operation. Before we created this database, deadbeat parents found it easy to avoid paying up by skipping from job to job or State to State. But with this database there is no where left to run.¹⁵⁵

Clinton's tone and language invoked verbal imagery of war. The terms "waged" and "unprecedented campaign" were reminiscent of rhetoric around declarations of actual war and contributed to the perception that "deadbeat dads" were an enemy that the government should spare nothing to defeat. The sentiments associated with "tougher," "more sophisticated," "powerful," "tracking," and "no where left to run" created a cultural narrative about the social value of taking a hard stance on child support enforcement and helped legitimize the new approach to child support policy, focused on making fathers pay, not only financially, but also criminally.

The Personal Responsibility and Work Opportunity Reconciliation Act signed by Clinton in 1996 also had a significant impact on contemporary child support policy. The PRWORA was Clinton's attempt to make good on a 1991 campaign promise to "end welfare as we know it." Clinton's PRWORA shifted welfare benefits from AFDC, the welfare system established in 1935 under the Social Security Act of Franklin D. Roosevelt's New Deal program, to the Temporary Assistance to Needy Families (TANF) program. This new system essentially ended an individual's entitlement to federal relief

¹⁵⁵ Clinton, William J. June 1998. "Statement on Signing the Deadbeat Parents Punishment Act of 1998 and an Exchange with Reporters." Online by G. Peters and J. T. Woolley, *The American Presidency Project*. Retrieved November 5, 2015 (<http://www.presidency.ucsb.edu>).

assistance and reformed welfare in a number of ways, most notably placing a five-year lifetime limit on benefits and introducing a work requirement.

TANF also had specific goals in relation to child support policy: 1) promoting economic security for children through mandatory financial support from the non-resident parent, 2) decreasing the number of children born out-of-wedlock, and 3) promoting the development of children by facilitating relationships between children and non-resident fathers.¹⁵⁶ To achieve these goals, Clinton strengthened child support enforcement by requiring that all states develop the bureaucratic capacity necessary to implement the system of universal wage-withholding mandated in the Family Support Act of 1988 and establishing a national database of new employees which could be used in conjunction with state systems to enforce child support orders across state lines. In addition, TANF eligibility requirements, like those of the 1975 CSE program, mandated that mothers cooperate in establishing paternity and assign their child support payments to their respective state as reimbursement for welfare benefits.

The move to attach punitive criminal sanctions to non-payment of support occurred amid a broader national shift toward a larger and more powerful criminal justice apparatus in the United States. As crime rates increased during this time period, first many states, then the federal government, enacted stringent sentencing legislation that created strict mandatory minimums, requiring imprisonment for many non-violent offences and ignoring previously considered mitigating circumstances in the

¹⁵⁶ Mills, Cheryl E. 2010. "Fostering Fatherhood: Understanding the Effects of Child-Support Policy on Low-Income, Noncustodial African American Fathers." Pp. 327-50 in *The Myth of the Missing Black Father*, edited by R. L. Coles and C. Green. New York: Columbia University Press.

commission of crime. By the late 1980s, crime control had become firmly positioned as a key component of political pandering. In the 1988 presidential campaign, H.W. Bush widely used the now-infamous Willie Horton¹⁵⁷ advertisement to attack his opponent, Michael Dukakis' stance on crime. The fear associated with the brutality of Horton's crimes reinforced powerful and dangerous myths about the uncontrollable nature of Black men's sexuality, further contributing to the stereotypes of Black "hit-and-run" fathers impregnating women and leaving them to raise children alone. In this way, not only did punitive child support policies represent a new means by which to regulate sexuality and family structure, particularly among Black folks whose rates of non-marital birth were particularly high, but also reinforced a "get tough" approach to "crime," which was now federally mandated to include not paying child support.

"Deadbeat" and "deadbeat dad" are now terms embedded in cultural representations of fathers, depicted in a variety of places from billboards sponsored by state governments attempting to track them down,¹⁵⁸ to newspaper headlines with titles such as "Ohio court upholds judge's order barring deadbeat dad from fathering more kids."¹⁵⁹ The term is so pervasive in the culture now that there are Wikipedia, Urban Dictionary, Merriam Webster, and Dictionary.com entries devoted to it. The infiltration of "deadbeat dad" into popular culture indicates a widely agreed-upon notion that

¹⁵⁷ Willie Horton is a Black man, convicted of murder, who, after not returning from a weekend furlough, committed a violent assault and rape.

¹⁵⁸ Scarcella, Francis. May 1, 2015. "Road Signs to Shame Deadbeats." *The Daily Item*. Retrieved July 2017 (https://www.dailyitem.com/news/road-signs-to-shame-deadbeats/article_8d8474e4-f059-11e4-9a90-dfaa82e69ed5.html).

¹⁵⁹ Kaufman, Scott. May 14, 2014. "Ohio Court Upholds Judge's Order Barring Deadbeat Dad from Fathering More Kids." *Raw Story*. Retrieved January 7, 2019 (<https://www.rawstory.com/2014/05/ohio-court-upholds-judges-order-barring-deadbeat-dad-from-fathering-more-kids/>).

some fathers, particularly those that do not adhere to legislated standards for financial support, are deserving of disparagement and shaming at any and all levels.

Such examples underscored the punitive response of the government, outside of just legislation, in dealing with non-custodial fathers. These parents were entered into a system of governmental supervision through universal wage-withholding systems and the new hire directory before they had even committed the “offense” of non-payment of child support. After the “offense” of non-payment had been committed, the use of billboards displaying the names and faces of fathers in arrears for child support orders demonstrated the extreme measures to which the government would go to “track” individuals deemed criminal because of their non-compliance with civil orders for child support. Child support enforcement agencies spend state and federal dollars to use public tracking methods, typically reserved for individuals accused of violent crimes, to locate fathers accused of falling behind on what is essentially a civilly-ordered financial debt.

As “deadbeat dads” became a focal point in sociopolitical discourse, the approach to child support policy took a notably unsympathetic stance focused on supervision, enforcement, and punishing those who did not comply. The rhetorical usage of the “deadbeat” in presidential speech reflected changing cultural representations of non-custodial fathers, particularly those who did not follow the government’s principles for appropriate parenting. The harshness and disdain attached to this term helped justify the punitive nature of child support legislation being passed during this time period. Attaching criminal justice sanctions to the non-payment of

child support might not have been possible had it not been for the criminalization of “deadbeat dads” who were depicted as neglecting their children and thereby argued to be impacting not only the future prospects of their own children, but also of the entire nation. Again the conceptual relationship between poverty, welfare, and the family was central to the evolution of child support policy. Key to the criminalization of non-custodial fathers was the cognitive association between the assumed irresponsibility of “deadbeat dads” and the poverty and subsequent welfare “dependency” of single mothers and children, achieved in part through deliberate political rhetoric focusing on the consequences of “deadbeat dads” financial neglect of their children.

FROM DEADBEAT DADS TO RESPONSIBLE FATHERHOOD:

THE CONTEMPORARY CHILD SUPPORT SYSTEM

As a result of the demographic trends of the 1970s-1990s, social scientists and policy-makers became much more interested in the dynamics of non-marital childbearing. As such, several national longitudinal studies were undertaken in the late 1990s and early 2000s to examine this social issue, including the National Center for Education Statistics’ Early Childhood Longitudinal Study-Birth Cohort and Princeton and Columbia University’s Fragile Families and Child Wellbeing Study (FFCWS). The Fragile Families study was particularly interested in understanding the role of unmarried fathers in the lives of their children. Early findings from the FFCWS indicated that efforts focusing only on the enforcement of child support orders have few benefits for children, and while efforts to encourage father involvement had been relatively ineffective to date, there was evidence suggesting that these programs could

be successful.¹⁶⁰ Furthermore, these studies demonstrated that unmarried fathers were not unwilling to contribute to their children's lives, but in fact expressed overwhelming desire to be involved with their children.¹⁶¹ These findings were in direct conflict with the attentional focus of the previous period of child support policy devoted to highlighting the stereotype of "deadbeat dads" who were presumed to be irresponsibly having children out-of-wedlock and refusing to support them. It was amid this sociopolitical climate that child support policy entered a period more attentive to supporting fathers, rather than punishing them.

In the first two decades of the 21st century, U.S. child support policy has taken a notable shift. After the introduction of punitive child support enforcement legislation and the "tough" overhaul of the welfare and criminal justice systems, the current approach to child support policy has been notably more focused on reestablishing healthy relationships between non-custodial fathers and their children. As crime rates dropped, growth in non-marital births and female-headed households somewhat stabilized, and new research became available on the dynamics of relationships between unmarried parents and their children, the focus of this area of social policy shifted to promoting "responsible fatherhood" rather than punishing "deadbeat dads."

This trend is demonstrated by both the lack of new policies exclusively focused on enforcement and punishment, as well as the introduction of a number of policies focused on the relationship between non-custodial fathers and their children. For

¹⁶⁰ McLanahan, Sara S. and Marcia J. Carlson. 2002. "Welfare Reform, Fertility, and Father Involvement." *The Future of Children* 12(1):146-65.

¹⁶¹ Ibid.

example, in 2010, President Barack Obama launched the Fatherhood and Mentoring Initiative aimed at supporting “responsible fatherhood” and connecting non-custodial fathers with their children. In the same year, Obama also signed legislation that increased funding for Responsible Fatherhood programs to \$75 million per year from \$50 million per year. Obama’s 2013 budget included several legislative proposals to further promote “responsible fatherhood.” The budget proposed to invest \$580 million over the next decade to facilitate access and visitation to encourage fathers’ engagement with their children, as well as continue in the provision of grant funding for Responsible Fatherhood programs. While this spending did not nearly match the billions spent funding the federal Child Support Enforcement program each year, one element of the proposal in particular underscored the evolving approach to child support policy—the budget proposed investing more than \$1.7 billion over ten years to guarantee that children received a greater proportion of the child support paid by their fathers rather than the payments being retained by the state for repayment of welfare benefits. This proposal was notable in that earlier approaches to child support focused on strong enforcement in order to shift the financial burden of supporting single mothers and their children from the government to the fathers of the children; now enforcement was more focused on obtaining payments to provide financial stability to mothers and children and not the government.

In addition, in at least eight of the last fifteen years, acts have been introduced in at least one branch of the federal legislature solely concerned with establishing “healthy families” and promoting “responsible fatherhood.” While these particular

pieces of legislation have not yet been successful at becoming law, they were reflective of an evolving approach to child support. Also, in 2012, the OCSE issued new guidelines on the use of incarceration as a sanction for non-payment. The guidelines, provided to state agencies, stated that incarceration did not work to increase the reliability of payments and actually had a number of negative collateral consequences.¹⁶² Moreover, even in legislation which addressed enforcement procedures, supporting relationships was often still highlighted. For example, the section legislating the improvement of international child support recovery in the Preventing Sex Trafficking and Strengthening Families Act passed in 2014 explicitly stated that “establishing parenting time arrangements when obtaining child support orders is an important goal” and that “states should use existing funding sources” to support this goal. In addition, in 2017, the federal OCSE issued the Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs guidelines. This regulation required state enforcement agencies to move away from the practice of imputing income for non-custodial parents (a practice which frequently resulted in under- and unemployed fathers having orders against them based on what they could potentially make and not their actual earnings), as well as to reduce the excessive use of civil contempt proceedings by only employing this strategy when the non-custodial

¹⁶² Office of Child Support Enforcement. June 18, 2012. *Alternative to Incarceration (IM-12-01) Information Memorandum*. Washington, DC: U.S. Department of Health and Human Services. Retrieved September 2018 (<https://www.acf.hhs.gov/css/resource/alternatives-to-incarceration>).

parent has been demonstrated to have an “actual and present” ability to meet their support obligation.¹⁶³

After the punitive rhetoric and policies of the previous period in child support enforcement, the most recent period demonstrated important sociopolitical shifts in moral focusing and symbolic representations of fatherhood. In this period, the focus on “responsible fatherhood” has taken hold, which positioned researchers, legislators, and service agencies toward a definition of fatherhood maintaining a moral interest in the set of behaviors which represent the values of responsibility. Over the last two decades researchers became increasingly interested in conceptualizing¹⁶⁴ and examining the outcomes of “responsible fatherhood” programs.¹⁶⁵ Presidential rhetoric became less harsh and presented a conceptualization of “responsible fatherhood” more concerned with connecting fathers and children and establishing stronger families than with punitive enforcement.¹⁶⁶ However, in practice “responsible fatherhood” still primarily has represented the provision of financial support in the child support system.

¹⁶³ Office of Child Support Enforcement. December 20, 2016. *Final Rule: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs*. Washington, DC: U.S. Department of Health and Human Services. Retrieved September 2018 (<https://www.acf.hhs.gov/css/resource/final-rule-flexibility-efficiency-and-modernization-in-child-support-enforcement-programs>).

¹⁶⁴ Doherty, William J., Edward F. Kouneski, and Martha F. Erikson. 1998. “Responsible Fathering: An Overview and Conceptual Framework.” *Journal of Marriage and Family* 60(2):277-92.; Walker, Alexis J. and Lori A. McGraw. 2000. “Who is Responsible for Responsible Fathering?” *Journal of Marriage and Family* 62:563-69.

¹⁶⁵ Pearson, Jessica, Nancy Thoennes, Lanae Davis, Jane C. Venohor, David A. Price, and Tracy Griffith. 2003. *OCSE Responsible Fatherhood Programs: Client Characteristics and Program Outcomes*. Denver, CO: Center for Policy Research and Policy Studies, Inc. Retrieved December 2018 (<http://www.frpn.org/asset/ocse-responsible-fatherhood-programs-client-characteristics-and-program-outcomes>).

¹⁶⁶ Battle, Brittany Pearl. 2018. “Deservingness, Deadbeat Dads, and Responsible Fatherhood: Child Support and Rhetorical Conceptualizations of Poverty, Welfare, and the Family.” *Symbolic Interaction* 41(4):443-64.

Because of the strong push toward supporting parent-child relationships, child support personnel with whom I spoke were eager to demonstrate their buy-in to this new, less judgmental approach to non-custodial parents. One way that they attempted to demonstrate their position was in defending against the idea that they were responsible for creating or reinforcing negative stereotypes of non-custodial parents. There was a perception by system personnel that they did not contribute to the labeling of the “deadbeat dad.” During my first few weeks of observation in the JDR Court, I spoke with Marianna, a DCSE paralegal, about her understanding of her role and the roles of her colleagues. After explaining her specific job, she informed me that DCSE staff members “don’t reinforce that deadbeat dad label. What you see on TV is just a myth. We don’t work like that” (paraphrased from field notes). Marianna continued on in a very specific attempt to convince me that DCSE staff did not participate in labeling any non-custodial father as a “deadbeat” and that their treatment of dads was fair and even-handed. However, in a number of situations, DCSE personnel actually used the term “deadbeat” to describe fathers whom they thought were not working hard enough to meet their responsibilities, and other times using it to differentiate between dads who were doing the right thing and the “deadbeat” others. For example, a DCSE attorney, describing her reaction to a case in which a custodial mother was criticized for overzealously advocating for her child’s father to be incarcerated, told me, “I hate when they [custodial mothers] say, ‘Well, he [non-custodial father] needs to start helping.’ Well, he has been. This guy’s not a deadbeat” (paraphrased from field notes). Ultimately, while Marianna and her colleagues felt strongly that their efforts did not

contribute to the conceptualization of the “deadbeat dad,” the system functioned in such a way as to have severe consequences for those experiencing it, whether or not they were labeled “deadbeats” in the process. And the perceptions of child support system personnel often contradicted their claims to not reinforce the “deadbeat” label. In this way, despite the current attempts of the government and CSE agencies to support “responsible fatherhood” and father-child relationships and move away from punitive enforcement, in practice, the child support system still strongly reinforces the “deadbeat dad” image and its related consequences.



Sitting at the intersection of the welfare and criminal justice systems, the contemporary U.S. child support system has been influenced by shifting sociocognitive and sociopolitical trends. The ways that moral norms of deservingness and dependency were conceptualized had a major impact on the historical development of the child support system. As children became sentimentalized, the sensitivity to making sure they were properly cared for became of more interest. At the same time, single mothers became more likely to be never-married rather than widowed, and the U.S. sought to reduce its expenditures on welfare by reforming policies which required that parents maintain primary responsibility for the financial support of children. These shifts resulted in non-custodial parents, fathers in particular, being the focus of governmental efforts to strengthen the mechanisms in place to make sure that parents provided support to children with whom they did not reside. Ultimately, this process resulted in a massive system of government oversight into the family which was characterized by a

significant bureaucratic infrastructure. The next chapter explores how parents navigate the complicated bureaucratic mechanisms which organize the child support system and what impact these mechanisms have on the ways that parenthood is conceptualized in the system.

CHAPTER TWO

“I KEEP GETTING TWO DIFFERENT ANSWERS

DEPENDING ON WHO I TALK TO”:

THE BUREAUCRACY OF THE CHILD SUPPORT SYSTEM

Child support system enforcement has grown into a multi-billion dollar industry since the U.S. federal government first intervened in issues of non-custodial parents' financial support of their children in the mid-1970s. In 2016 alone, the federal government spent just under \$4 billion on child support enforcement efforts; this amount was supplemented by the nearly \$2 billion contributed by states to run their respective enforcement programs.¹⁶⁷ Child support enforcement programs employ thousands of individuals from the federal level down to the local agencies tasked with running programs for custodial and non-custodial parents and their children. The marketing around the system focuses heavily on the economic benefits of strong enforcement policies. According to the federal Office of Child Support Enforcement, the system is responsible for lifting more than 1 million low-income parents above the poverty line and child support payments make up approximately half of the income of impoverished custodial parents.¹⁶⁸ The OCSE lauds the program as “one of the top cost-effective government programs,” recouping \$5.33 for every \$1 spent.¹⁶⁹

¹⁶⁷ Sorensen, Elaine and Melody Morales. May 2, 2017. *Child Support Funding: 2008-2016*. Washington, DC: Administration for Children and Families. Retrieved September 2018 (<https://www.acf.hhs.gov/css/ocsedatablog/2017/05/child-support-program-funding-2008-2016>).

¹⁶⁸ Morales, Melody. December 1, 2017. *The Child Support Program Provides More Support to Families in 2016*. Washington, DC: Administration for Children and Families. Retrieved August 1, 2018 (<https://www.acf.hhs.gov/css/ocsedatablog/2017/12/the-child-support-program-provides-more-support-to-families-in-2016>).

¹⁶⁹ Ibid.

The massive nature of the system and its explicit marketing around efficiency and cost-effectiveness contributes to its complex bureaucratic organization. This structure requires parents to frequently interact with individuals in a variety of roles within the system and manage their cases through sometimes complicated mechanisms while often receiving little information or incorrect information. Much of these processes rely on a particular conceptualization of responsibility which prioritizes work and financial support over other types of parental engagement.

“FATHERS WORK/FAMILIES WIN INITIATIVE”:

CONCEPTUALIZATING RESPONSIBILITY

The experience of parenthood throughout the life course has long been thought of as one of the most defining dimensions of a person’s identity.¹⁷⁰ But what happens when the experience of parenthood is mediated by the oversight of a massive government program? How do parents then make sense of their identities, not only as mothers and fathers, but as men and women? And in what ways do cultural representations of stereotypical parenthood related to this system impact the parents who navigate the bureaucratic mechanisms of surveillance, enforcement, and punishment?

As has been demonstrated, the contemporary U.S. child support system rests in part upon cultural conceptualizations of deservingness and morality, particularly in how they relate to notions of poverty, welfare, and the family. Importantly, these

¹⁷⁰ Feeney, Judith A., Lydia Hohaas, Patricia Noller, and Richard P. Alexander. 2001. *Becoming Parents*. Cambridge: Cambridge University Press.

conceptualizations provide the foundation for understanding the cognitive underpinnings of the ways that parenthood and the identity of mothers and fathers are constructed through the child support system. Specifically, creating particular meanings of deservingness and morality influences the ways that responsibility is defined related to parenthood, and ultimately reinforces the cultural desirability of the “traditional” family structure (i.e. breadwinner father, caregiver mother, and children).¹⁷¹

During my observations, there were references to responsibility throughout promotional and informational materials used by the Division of Child Support Enforcement. For example, on the federal Office of Child Support Enforcement website, there were five dimensions listed which led into the main goal of “increasing the reliability of support payments.” The final dimension listed is “removing barriers to payment,” which included “referring parents to employment, supporting healthy co-parenting relationships, supporting responsible fatherhood, and helping to prevent and reduce family violence.”¹⁷² These dimensions were significant for understanding both the explicit and implicit ideas on which the system was operating. The explicit connection between “responsible” and “fatherhood” made it clear that the system was focused on improving the quality of men’s parenting. It could be suggested that this connection was related to the fact that more than 80% of custodial parents were mothers, meaning the system was concentrating on the majority of non-custodial

¹⁷¹ Gerson, Kathleen. 1993. *No Man’s Land: Men’s Changing Commitments to Family and Work*. New York: Basic Books.

¹⁷² Administration for Children and Families. nd. Office of Child Support Enforcement Fact Sheet. Washington, DC: Office of Child Support Enforcement. Retrieved January, 2019 (https://www.acf.hhs.gov/sites/default/files/assets/2015factsheets_ocse.pdf.)

parents who are fathers. However, this potential explanation does not take into account the notion that all parents, whether custodial or non-custodial, could in theory benefit from a focus on responsibility. And the reference to “responsible fatherhood” also implicitly referred to non-custodial fathers. In this way, the statement sent a message about conceptualizations of fatherhood, specifically that non-custodial fathers were in need of support to become better, more responsible dads.

The notion that dads were more likely to be falling short on their duties and not meeting expectations of responsibility was significant in that it reinforced a cognitive boundary between mothers and fathers, implying that moms were by default responsible, while dads needed to be nudged, or more forcefully dragged, towards responsibility by federal agencies. This distinction had the potential to create uneven approaches to legislation regarding parenthood and responses to parents in the courtroom. Many of the child support system personnel in my study held harsh opinions of non-custodial fathers whom they viewed as irresponsible. For example, during a conversation about the progress of my project, Albert, an attorney with the DCSE, began talking about the perception of fathers’ responsibility. Albert mentioned men with “seven or eight kids who don’t realize they’re on the hook for all of those mouths to feed.” He went on to say,

They think that if she [the mother] doesn’t do what they want, they’re not responsible. They’re not in the right mindset. They never thought the responsibility would fall on them. They claim, “She told me she couldn’t get pregnant or she wouldn’t keep it.” Well guess what, you’re still responsible. A lot of people have kids that probably shouldn’t (paraphrased from field notes).

Albert's comments painted a picture of men casually having children for whom they had no intention of caring, especially when the mothers did not do what they expected them to do. The fathers that Albert described sounded a great deal like the men profiled in Moyers' television special that went from woman to woman having children, only really being a dad to the ones with whom they had daily contact as part of being in a romantic relationship with the mother. There is some evidence that non-custodial fathers are more reluctant to meet their support obligations when the mothers of their children do not follow their internalized set of expectations. For example, researchers have demonstrated that fathers are less likely to provide informal support that might be shared across children when mothers have children with a new partner¹⁷³ and that they are interested in monitoring how their support is being utilized.¹⁷⁴ Other literature has demonstrated that non-custodial fathers do in fact shift the focus of their financial support when they have new biological children living in the home with them.¹⁷⁵ Nevertheless, Albert's perspective of fathers was clearly influenced by his belief that many men were attempting to skirt their responsibility to support their children. Interestingly, in observing nearly 300 hearings, I only saw one case where a man had more than seven children. In a way, the stereotype of men having many children with multiple different women influenced the notion of inherent

¹⁷³ Meyer, Daniel R. and Maria Cancian. 2012. "'I'm Not Supporting His Kids': Nonresident Father's Contributions Given Mothers' New Fertility." *Journal of Marriage and Family* 74(1):132-51.

¹⁷⁴ Argys, Laura M. and H. Elizabeth Peters. 2003. "Can Adequate Child Support Be Legislated? Responses to Guidelines and Enforcement." *Economic Inquiry* 41(3): 463-79.; Harris, Deborah A. 2015. "'You Just Have to Look at It as a Gift': Low-Income Single Mothers' Experiences of the Child Support System." *Journal of Poverty* 19:88-108.

¹⁷⁵ Manning, Wendy D. and Pamela J. Smock. 2000. "'Swapping' Families: Serial Parenting and Economic Support for Children." *Journal of Marriage and the Family* 62(1):111-22.

irresponsibility; if a man could not be responsible in his reproduction, than he could not be expected to be a good dad.

There is an important gendered dimension of responsibility which is correlated with financial support, especially when comparing the experiences of mothers and fathers within the child support system. While mothers make up the overwhelming majority of custodial parents, there are more than 2.5 million custodial fathers in the United States and non-custodial mothers are less likely to pay child support than their male counterparts.¹⁷⁶ In many ways, custodial fathers' experiences with the child support system are not as effective as mothers' in that they are only 75% as likely as custodial mothers to have a child support order¹⁷⁷ and the orders for support non-custodial mothers are obligated to pay are significantly lower than those of non-custodial fathers (although this difference is explained by the substantial economic decline that women experience following separation).¹⁷⁸ For those fathers awarded child support, they are 82% as likely as custodial mothers to receive any portion of the award and 79% as likely to receive the full amount.¹⁷⁹

The disparities in the financial support expected of and pursued from fathers compared to mothers was also highlighted in the unequal ways that TANF was awarded and considered in child support cases. As previously mentioned, when

¹⁷⁶ Grall, Timothy. January, 2018. "Custodial Mothers and Fathers and Their Child Support: 2015." *Current Population Reports*. Washington, DC: U.S. Government Printing Office. Retrieved December 2018 (<https://www.census.gov/content/dam/Census/library/publications/2018/demo/P60-262.pdf>).

¹⁷⁷ Ibid.

¹⁷⁸ Sterling, Kate and Thomas Aldrich. 2012. Economic Inequities in Child Support: The Role of Gender. *Journal of Divorce and Remarriage* 53(5): 329-347.

¹⁷⁹ Grall, Timothy. January, 2018. "Custodial Mothers and Fathers and Their Child Support: 2015." *Current Population Reports*. Washington, DC: U.S. Government Printing Office. Retrieved December 2018 (<https://www.census.gov/content/dam/Census/library/publications/2018/demo/P60-262.pdf>).

custodial parents receive cash assistance or Medicaid for their children, the support paid by the non-custodial parent was recouped by the state as reimbursement for the welfare benefits. This mechanism highlighted an important gendered dynamic at play in this set of family policy. When custodial mothers were struggling financially due to under- or unemployment, they received aid from the government which was then to be paid back to the state by the non-custodial father. In these circumstances, while there was a great deal of stigma and shame associated with navigating the welfare system,¹⁸⁰ the mother was not held civilly or criminally liable for not being able to financially support herself or her children. However, the non-custodial father, who often could not access cash assistance because TANF benefits were typically reserved for individuals with children, was expected to be able to financially support himself, anyone who may live in his household, and his children in another household through child support obligations regardless of his under- or unemployment. If he was unable to meet his obligations for support, he faced substantial mechanisms of punishment.

Furthermore, when neither biological parent had custody of their child, and the custodian was receiving TANF, both parents were technically responsible for reimbursing the state for the benefits, although in many instances the perception that fathers were more responsible for financial support was upheld. In one example, the maternal grandmother had custody of the child. The non-custodial mother and father were separated, as the father was serving a prison sentence. The petition for the hearing

¹⁸⁰ Battle, Brittany Pearl. 2019. "War Widows and Welfare Queens: The Semiotics of Deservingness in the American Welfare System." In *The Oxford Handbook of Cognitive Sociology*, edited by W. Brekhus and G. Ignatow. New York: Oxford University Press.; Gustafson, Kaaryn S. 2011. *Cheating Welfare: Public Assistance and the Criminalization of Poverty*. New York: New York University Press.

had been filed by DCSE to establish an order for support to reimburse the state for the TANF debt. Shannon, the DCSE attorney, explained that the grandmother was not seeking support, but DCSE administratively filed the petition for the TANF debt, saying, "I've explained I have to file for support in a TANF case. But I will split the guidelines so the full debt is not on mom while dad is locked up. I think that's the fairest thing I can do" (paraphrased from field notes). In this case, rather than making the non-custodial mother fully responsible for repaying the TANF debt, as was typically done when a custodial mother received TANF and the non-custodial father was brought to court to establish a support order, the DCSE attorney essentially gave the mother a break by only making her responsible for half of the debt. While I did observe a situation where a father was made to only be responsible for half of the TANF debt, this decision came only after he provided extensive evidence that with two other child support orders from other jurisdictions, he literally did not make enough money to cover the current obligation. In this case, the father, Ron, had to draw attention to the dire financial situation he was in, saying "Y'all gonna have to send me for jail time then. I have three other kids at home and child support cases. And that's already almost my whole salary for a month" (paraphrased from field notes). These examples of the ways that TANF assistance was differentially managed depending on the gender of the non-custodial parent were significant for demonstrating the divergent experiences of fathers compared to mothers in the child support system. Along with the disparities in child support establishment and enforcement for non-custodial fathers as compared to mothers, the gendered expectations associated with welfare benefits demonstrated the

extent to which financial support of children was tied more strongly to the father's role than to the mother's.

While the child support system in some instances recognized the value of fathers' involvement in the lives of children, their primary focus remained on monetary transactions. For example, on an informational hand-out explaining the Virginia Intensive Case Monitoring Program, the following passage was included in a section titled "The Importance of Fatherhood:" "Child Support Payments are not the only thing that your child needs from you. Spending time and talking with your child will make a huge impact on their life." This section also listed the potential consequences children raised without fathers face, including "dropping out of school," "going to jail," and "committing suicide." In addition, the Virginia Department of Social Services made available in the JDR courts a pamphlet titled "In the Best Interests of the Child: Parent Involvement for Noncustodial Parents." This informational material explained "the goal of noncustodial parent involvement is to enhance and enrich the education and development of the child" and included sections on communication, being involved at school and at home, and the potential benefits of fathers' involvement stating, "The U.S. Department of Education indicates that while mothers' involvement is beneficial for the social and emotional adjustment of children to school, fathers' involvement may be key to academic success." Despite the evident awareness of the importance of fatherhood for children, the child support system focused enforcement efforts entirely on financial payments and did not at all regulate involvement in children's lives. It is true that the courts which heard custody and visitation cases were responsible for overseeing the

time that non-custodial parents spent with their children; however, non-custodial parents who did not spend time with their children did not face court appearances, were not ordered into ICMP, and were certainly not incarcerated like those who did not pay their child support were.

Parents also spoke about the importance of responsibility; however, their definition did not match that of the child support system. When asked what made a good parent, they often referenced this quality. Nathan said,

I think the responsibility of the parents is to make sure, to the best of their ability, that their offspring are productive citizens.... If I could sum it up that's what I would say. You could say, you know, responsibility of having appropriate social interactions, responsibility of thinking about other people and standing up for other people. Helping other people. Treating people in a way that you would want to be treated. Being aware of your surroundings and aware of the crazy stuff that's going on in the world.... Being responsible financially.... Giving your offspring the tools that they need to be productive citizens.

Nathan's articulation of the foundational importance of responsibility as it related to all of the other specific things parents should impart to their children highlighted the normative value of the concept for parenthood. However to Nathan and other parents who expressed similar sentiments, the essential component of responsibility was teaching the child a number of things to help them be the best person they could. Imparting this level of wisdom and values on their children would by default mean that parents must spend substantial time with them. In this way, Nathan's description of responsibility was vastly different from its definition by the state, putting the ways that he conceptualized parenthood in conflict with the state's expectations.

In implicitly and explicitly linking responsibility with work and the financial support of children, the child support system reinforced the social norm of the role of the father being the provider. And because the child support system was granted moral and legal authority to enforce particular forms of parenthood, the focus on financial obligations in responsibility became the standard by which men had to structure their fatherhood, despite it not matching their own definition.

“I KNEW IT WOULDN’T MATTER, BUT I DID IT ANYWAY”:

THE ESTABLISHMENT OF CHILD SUPPORT ORDERS

The contemporary child support system is one of vast bureaucratic processes and procedures that often leave little discretion on the side of the system or those involved with it, particularly in the establishment of orders. Child support system personnel use guidelines to determine the dollar value of support orders, which judges may deviate from only in the presence of permissible evidence that the figure is not appropriate. In addition, there are other impactful rules around the establishment of orders, including retroactive start dates and “pass-through” policies regarding the repayment of TANF debt to the state. Overall these policies and procedures have a significant effect on the ways that parents experience the child support system.

Policies such as requiring the repayment of welfare paid to the mother and the reimbursement of Medicaid costs associated with childbirth exacerbated the economic consequences of child support guidelines for low-income men. Many states have now instituted “pass-through programs” by which they allow a portion of the child support payments to “pass through” to the custodial parents; these amounts generally range

from \$25-\$100.¹⁸¹ The knowledge that their support payments were not reaching their child motivated many non-custodial parents to avoid the formal system and instead provide informal or in-kind support. Studies have found that among low-income families, the provision of informal and in-kind support often substituted for formal support and was a significant financial contribution in the lives of these families.¹⁸² Robert Lerman has found that approximately 50% of single mothers reported that the fathers of their children who did not pay formal child support contributed informally in some way, such as purchasing clothing or food.¹⁸³ Maureen Waller and Robert Plotnick have argued that the “financial disincentive” to pay formal child support created by welfare policy encourages many low-income fathers to avoid the official system and contribute informally to their child’s economic well-being.¹⁸⁴ These men made periodic payments to the state, while providing money or other things (i.e. clothes, diapers, etc.) to their children’s mothers when they are able. In fact, Waller and Plotnick pointed out that the mothers also participated in this “covert non-compliance,” with the knowledge that they received more financial support when the payments were made informally.¹⁸⁵ This was particularly true for women receiving welfare benefits who maximized the

¹⁸¹ National Conference of State Legislatures. July 18, 2017. *Child Support Pass-Through and Disregard Policies for Public Assistance Recipients*. Retrieved January 2019 (<http://www.ncsl.org/research/human-services/state-policy-pass-through-disregard-child-support.aspx>).

¹⁸² Kane, Jennifer B., Timothy J. Nelson, and Kathryn Edin. 2015. “How Much In-Kind Support Do Low-Income Nonresident Fathers Provide? A Mixed-Method Analysis.” *Journal of Marriage and Family* 77(3):591-611.

¹⁸³ Lerman, Robert. 2010. “Capabilities and Contributions of Unwed Fathers.” *The Future of Children* 20(2):63-85.

¹⁸⁴ Waller, Maureen R. and Robert Plotnick. 2001. “Effective Child Support Policy for Low-Income Families: Evidence from Street Level Research.” *Journal of Policy Analysis and Management* 20(1):89-110.

¹⁸⁵ Ibid.

financial benefit of child support by avoiding the formal child support system.¹⁸⁶ Often mothers in this study who received TANF similarly expressed their discontent with being forced to participate in the child support proceedings making comments such as “There was no reason for me to even come down here when I’m not gonna see any of this money” (paraphrased from field notes). These examples underscored the fact that in many instances the state’s intervention in the family vis-à-vis child support was about meeting its own interests and not those of the custodial parents it claimed to aid, leading them to resent its involvement.

Even in cases in which the custodial mother was not receiving welfare, men who did not participate in the formal child support system frequently contributed financially through “informal” or “in-kind” support,¹⁸⁷ although this form of financial support for their children was typically not considered in making determinations of award amounts or deciding punishments for non-payment of court orders of support. Patrick, a 24 year-old non-custodial father of one, described his experiences preparing for court and attending his first hearing. He remembered that his current girlfriend told him he would be unable to use any receipts he had saved for court, but he could not believe it would be the case that everything he had provided financially for his child would not be considered when he appeared before a judge. So, despite his girlfriend’s warnings, Patrick reported bringing “stacks of receipts” that he had saved in a shoebox for items purchased for his child, including diapers, clothing, formula, and toys, to his first

¹⁸⁶ Edin, Kathryn. 1995. “Single Mothers and Child Support: Possibilities and Limits of Child Support Policy.” *Child and Youth Services Review* 17(1/2):203-30.

¹⁸⁷ Ibid.; Maldonado, Solangel. 2006. “Deadbeat or Deadbroke: Redefining Child Support for Poor Fathers.” *University of California Davis Law Review* 39:991-1022.

hearing for child support in an attempt to demonstrate to the judge that he had been providing financial support for his child. Looking back, he said, “I knew it wouldn’t matter, but I did it anyway. I felt like the judge should pay attention to if I was taking care of my daughter” (paraphrased from field notes). Patrick’s attempt to provide evidence to the court of the prior financial support provided to his child was motivated by a number of factors. First, Patrick understood that child support orders were set retroactively. When a judge set an order for support, the start date for that order was not the day of the hearing, but instead the day that the petition for support was filed by the custodial parent or the Division of Child Support Enforcement (i.e. in cases where the custodial parent was receiving welfare benefits and a petition for support was mandatory). This meant that in the overwhelming majority of cases, the non-custodial parent started off their involvement with the system already in arrears or behind on their payments.

For example, a custodial mother might file a petition for support on May 23rd. The petition must be processed by the court and have a hearing date set, typically within 60-90 days of the petition being filed meaning the hearing for this case could be set as late as August 23rd. However, if the hearing had to be postponed for any reason, such as either parent being unable to make court on that particular day and requesting a postponement, the hearing could then be rescheduled for an additional 60-90 days from the date of the first scheduled hearing. Essentially, this first hearing might not take place until 6 months after the original petition was filed—in this case that would be November 23rd. During the initial hearing, when the judge set the order for support, in

this example in the amount of \$100 (an amount which many might view as extremely low to support a child and just \$32 more than the minimum order of \$68), the non-custodial parent would be already \$600 in arrears as the order is set to begin on the original date of filing, May 23rd. In these instances, the judge would usually add an additional payment toward the arrears amount to the order, typically ranging from \$15-\$50, depending on the income of the non-custodial parent. In many states, including Virginia and New Jersey, arrearages accumulated interest at a rate of approximately 6%-8% monthly (and in some cases fees as well), that increased the total amount owed monthly. Yeongmin Kim and colleagues have found that while approximately half of nonresident fathers in their study accumulated no arrearage debt, one-fifth steadily accumulated debt with an average arrears total of \$35,000 after eleven years, highlighting that child support debt is a major policy concern.¹⁸⁸

The bureaucratic process of having non-custodial parents in arrears before their first payment is even due had a number of important consequences which Patrick recognized when deciding to bring his receipts to court. First, for non-custodial parents in precarious financial situations, having a child support debt created an additional financial burden, which was likely to grow as the literature shows low-income men are often unable to regularly make their full child support payments (only one of three non-custodial fathers with incomes of less than \$40,000/year paid their full child support

¹⁸⁸ Kim, Yeongmin, Maria Cancian, and Daniel R. Meyer. 2015. "Patterns of Child Support Debt Accumulation." *Children and Youth Services Review* 51:87-94.; see also Cancian, Maria, Carolyn J. Heinrich, and Yiyoon Chung. 2013. "Discouraging Disadvantaged Fathers' Employment: An Unintended Consequence of Policies Designed to Support Families." *Journal of Policy Analysis and Management* 32(4):758-84.

obligations).¹⁸⁹ In addition, non-custodial parents often resented having the support they provided to their children ignored. In Patrick's case, he reflected on working hard to provide financially for his child before her mother filed the child support petition. He was proud of his ability to work extra hours in order to purchase essential items for his daughter. However, after being told that that hard work and those financial contributions were irrelevant to the child support petition, he felt resentment and little hope that he would be treated fairly in any future interactions with the child support system. Moreover, this experience impacted the trust he was trying to build in the mother of his child. He felt she should have done more to speak on his behalf and let the court know that he had been participating in his daughter's life and contributing financially to her upbringing. This experience added fuel to the already simmering fire that was igniting in the relationship between Patrick and his child's mother. Nevertheless, it was not certain that the mother speaking up during the hearing would have changed anything in the judge's order; this was especially true in cases in which the custodial parent was receiving welfare because the money was owed to the state and not the parent, meaning the custodial parent did not have a say in the matter.

In addition, in many instances child support debt accumulated during periods when the non-custodial parent claimed to have been residing with the custodial parent and their children. A number of fathers in this study presented evidence in court that they were living with the mothers of their children during periods for which they owed

¹⁸⁹ Mincy, Ronald B., Monique Jethwani, and Serena Klempin. 2015. *Failing Our Fathers: Confronting the Crisis of Economically Vulnerable Nonresident Fathers*. New York: Oxford University Press.

back child support. In one example, Franklin, a non-custodial father, filed a motion to amend his order, specifically seeking to reduce the amount of his arrears as he claimed to have been living with his children and their mother, bringing documents which included his address during that period as the family's residence. During the hearing, Franklin said, "Me and her were living together. And I was taking care of my family. I don't think that's right for me to have to pay that" (paraphrased from field notes). This and similar incidences were also complicated by part-time cohabitation during which parents frequently are in dispute regarding with whom the children live.¹⁹⁰ Ultimately, the establishment of orders had significant financial consequences, as well as having an impact on the ways that non-custodial parents viewed the system. The processes associated with setting orders are framed by ideas which set a monetary value on the relationship between parents and children.

"FILL OUT THIS FORM AND THE CHILD WILL FOREVER BE YOURS":

PARENTHOOD AS A LEGAL STATUS

In a number of significant ways, the child support system explicitly defined who was considered a parent and how those individuals were expected to fulfill those roles. Beginning in the late 1960s, the federal government began to offer incentives for the establishment of the paternity of nonmarital children, who did not legally have a father until paternity was established, as a way to combat the growing expenditures on welfare. By the early 1990s, states were required to establish programs which allowed

¹⁹⁰ Waller, Maureen R. and Maggie R. Jones. 2014. "Who Is the Resident Parent? Understanding Discrepancies in Unmarried Parents' Reports." *Journal of Marriage and Family* 76(1):73-93.

men to acknowledge paternity in the hospital for nonmarital children. While the literature has demonstrated the benefits of paternity establishment for the payment of child support and visitation,¹⁹¹ there are important considerations about the symbolic, social, and legal implications of paternity acknowledgement programs.¹⁹²

For example, the state of Virginia utilized the Virginia Paternity Establishment Program, which encouraged men to sign an “Acknowledgment of Paternity” (AOP) at the birth of children before being discharged from the hospital through targeted advisement by medical personnel, advertisements on radio and billboards throughout the state, and information on its own website.¹⁹³ This legally binding document essentially said that the man was acknowledging himself as the father of the child without the need of any DNA testing. At a time of high emotion, and likely not much thought of future consequences related to the signing of legal documents, men were encouraged to acknowledge paternity; for unmarried parents, they were not even allowed to have their names listed on the birth certificate without signing the AOP. Later, if questions arose about the paternity of the child, the man had little legal recourse to be relieved from his obligations of support. Often, when men were given the option to sign these documents, including after the birth during hearings for child support, the legal consequences were not fully explained. During one hearing, the judge gave a man the opportunity to sign the AOP, saying “Alright, sir. You have a choice.

¹⁹¹ Mincy, Ronald, Irwin Garfinkel, and Lenna Nepomnyaschy. 2005. “In-Hospital Paternity Establishment and Father Involvement in Fragile Families.” *Journal of Marriage and Family* 67(3):611-26.

¹⁹² Osbourne, Cynthia and Daniel Dillon. 2014. “Dads on the Dotted Line: A Look at the In-Hospital Paternity Establishment Process.” *Journal of Applied Research on Children* 5(2):1-43.

¹⁹³ The Virginia Paternity Establishment Program website is located at <https://www.vapaternity.org/establish-paternity>.

Today acknowledge the child and fill out this form and the child will forever be yours. Or you could request a paternity test. The choice is yours” (paraphrased from field notes). At no time did the judge or any other system personnel explain to this individual that if he signed the AOP, he would forever be legally responsible for the financial support of the minor child. And I observed cases in which men owed significant arrearages for children that were later found to not be theirs biologically. In one case, a man owed more than \$4,000 to the state for TANF payments for his wife’s child whom was later proven to not be his. Because of the legal standards associated with parenthood, in part grounded in the “disestablishment statute,” this father had no recourse in seeking absolution from this debt.

Virginia’s “disestablishment statute” stated that men may file for relief from support if there were questions regarding the paternity of a child. Following a paternity test, this statute allowed orders for support to be set aside if a man was found to not be the biological father. There were two significant clauses included in this code. One was that orders for support may not be retroactively modified, meaning that if a man was found to not be the father, he was not “off the hook” for any support he owed from before the paternity test was completed and the order was set aside. In addition, the court did not grant relief from support if the man acknowledged paternity and identified himself as the father through an AOP.

This legal process had a significant impact for the conceptualization of parenthood within the child support system. First, by developing a concerted effort to have men sign legal documents acknowledging paternity without actually completing

any DNA testing, the system was pushing parents toward a legal process which was similar to that experienced by married couples for whom paternity was assumed. In this way, the desirability and normativity of the “traditional” family structure was underscored. Moreover, this process created legal ties to parenthood that superseded biological ties. Essentially, the system’s focus was on who was going to be legally (i.e. financially) responsible for the child, not who actually held a biological or emotional connection.

The focus on legal parentage was also evident in situations when grandparents or other relatives had primary custody of children. While there are no national figures on the proportion of child support cases in which the custodian is someone other than the biological mother or father in the U.S.,¹⁹⁴ these cases accounted for 8% of the hearings I observed. Although these individuals, typically grandmothers, did not have a biological parental relationship with the children in their care, the court labeled them and viewed them as the “custodial parent.” In these cases, the court was again superseding legal relationships over biological or emotional ties. Those with custody could have been called “custodians,” “guardians,” or “caretakers” or using their actual relationship to the child (i.e. “grandmother” or “grandfather”) rather than being identified as “parents.” Labeling a grandmother or aunt a “custodial parent” because they held a legal role meant that the state’s interests in child support cases was about legal relationships and financial support.

¹⁹⁴ In 2012, 2.7 million grandparents had primary custody of their grandchildren; however, these households are not eligible for the Current Population Survey, so there are no data around their involvement in the child support system (U.S. Census Bureau 2014, Grall 2018).

The focus on legal responsibility, and not responsibility out of love or connection, was in many ways in conflict with how child support system involved parents negotiated their roles as parents and co-parents, while at the same time also contributing to an approach that set up the father as a legal connection, and the mother as a blood one. This dynamic had important consequences for parents attempting to define their role as mothers and fathers, which was often exacerbated by frustrations related to successfully managing the bureaucratic mechanisms of the child support system.

“I KEEP GETTING TWO DIFFERENT ANSWERS DEPENDING ON WHO I TALK
TO”: NAVIGATING THE BUREACURACY OF THE CHILD SUPPORT SYSTEM

As a huge bureaucratic infrastructure, the child support system maintains a large number of personnel which hold diverse roles in counseling and representing parents, setting and amending orders, and enforcing regulations. In a multi-million dollar system, it is not unreasonable for things to sometimes fall through the cracks. In this system, however, when things fall through the cracks, there can be significant consequences for the parents involved in the system. On a number of occasions, parents, both custodial and non-custodial, complained about receiving incorrect information from staff at the DCSE offices, including not properly explaining orders, utilizing incorrect procedures for completing the process of initiating wage-withholding, or having test results sent to the wrong location. The attorneys and paralegals working for DCSE recognized the issue, with one paralegal explaining, “There’s so much turn-over. A lot of times the people in the [DCSE] office don’t really

know what they're doing" (paraphrased from field notes). One non-custodial mother lamented, "I keep getting two different answers depending on who I talk to," (paraphrased from field notes) regarding whether she was current on her order after having her income tax refund intercepted. In another more substantial example of bureaucratic break-down, a non-custodial mother was mistakenly incarcerated for non-payment because of a misunderstanding between DCSE and her attorney. During the hearing when the judge ordered the distraught mother to be let out of jail after being there for more than a week, no one offered her an apology, simply stating that she would be "released later today." She received no compensation for her loss of wages (and potentially the loss of her job for missing a week of work), nor was she assured that another situation like this would not ever occur again. It seemed as if the system personnel did not even recognize the significance of being mistakenly incarcerated. Their lack of concern was likely influenced by the perception that a mother without custody of her children was undeserving of sympathy under any circumstances because of the immorality of not meeting normative expectations for the role of a mother. In these examples, child support system involved parents at the least were unable to have their questions answered and at the worst lost their freedom because of oversight on the part of the state.

The slippage of common rules and statutes around support and system procedures also had significant financial repercussions. Non-custodial parents were often responsible for other costs associated with their cases, such as the fees for paternity testing. The rule of thumb said that if a man requested a paternity test and

was determined to be the father, then he was responsible for the costs of the paternity testing (\$81 for cases involving DCSE and \$210 for cases without DCSE representation). If the man was found to not be the father, the mother was supposed to be ordered to pay for the test. However, I observed instances in which even when the man was proven to not be the father of a child, the judge still ordered him to pay for the test. In one example, when asked by the clerk who should be entered on the forms as the obligor for the paternity testing fee after finding the man to not be the father of the child in question, the judge said, "He is. He asked for the test. This one-time fee is better than child support" (paraphrased from field notes). Even though this man was well within his rights to ask for a paternity test, and even more rightfully so given he was not actually the father, and that the rule of responsibility for payment for paternity tests was in his favor, the judge decided to make him pay, justifying his decision by the fact that the \$210 fee was less than child support would have been had he been ordered to pay support for a child that was not his.

The judge's decision in this example is similar to several others when personnel went against rules or did not provide complete information to men (both those who were proven to not be fathers and non-custodial fathers alike) that would have saved them money or would have otherwise been favorable to them. For example, during my observation period, the state of Virginia had instituted a TANF debt payback matching program.¹⁹⁵ The program matched every dollar repaid by non-custodial parents toward

¹⁹⁵ As of April 1, 2018, the state permanently implemented the matching program, as well as a TANF Debt Compromise Program which was "designed to promote consistent payments by offering a 5% reduction of TANF debt for those who make consecutive monthly payments.... Eligibility is based upon anticipation

their TANF debt. If an individual paid \$500 toward the arrears, the state would forgive an additional \$500 from their debt. The payments had to be made during a particular period of 60 days in order to be matched. DCSE personnel were the primary, if not the only, source of information about the program for non-custodial parents. Essentially caseworkers were instructed to notify their clients, and the staff in the courtroom during hearings was to provide the information by giving a small flyer to parents. However, during the time of my observations which overlapped with the 60 day period for the program, I saw very few instances in which DCSE personnel provided the information to parents who would have benefitted from the program, specifically those with high arrears consisting of TANF debt. The withholding of important information, as well as making decisions that go against common rules and are detrimental to the non-custodial parent highlighted that the court might not consider the interests of the non-custodial parent as worth of consideration, again related to perceptions of their undeservingness, immorality, and lack of responsibility.

In addition, many parents did not understand the judicial process and were not able to have it explained to them during their hearings. One judge stated explicitly, "I see that a lot of non-custodial parents don't know their rights and don't understand the judicial process" (paraphrased from field notes). In one instance, a custodial father was unaware of why he was even in court. When the hearing was nearly over, he said, "But the child lives with me." Shannon, the DCSE attorney, replied, "Right. You're here to

in the Division's Family Engagement Services program and ability to pay." The DCSE website encourages those with TANF debt to meet with a specialist at their local DCSE office to apply.

get child support from her [the non-custodial mother]." The father responded, "Oh, that's why? I thought she took me [to court]" (paraphrased from field notes). In this example, the entire hearing had essentially taken place before the man was even aware of what was happening. And because the court was not able to provide parents with legal advice, when they did not understand the process, the scope of the judge's answers was limited. For example, during a hearing to amend a support order, a custodial mother was confused about what documentation she needed to present as evidence. She said, "I'm sorry. I'm not good with this stuff. If I don't have records, how can I go forward?" The judge responded, "I cannot give you any legal advice. Unfortunately, I can't help you out" (paraphrased from field notes).

The speed of hearings was also an important dimension. In one county, the docket was nicknamed for its swiftness and cases were scheduled for 5 minute intervals, and in other courts, hearings weren't much longer (on average, cases were decided in 9 minutes). Shannon told me of days during which more than 70 cases were heard. While judges regularly asked if the parents had any questions, the fact that hearings typically lasted only 10 minutes, made it difficult for individuals with sometimes little formal education, let alone any legal background, to process all that was taking place, a phenomena that has been highlighted in other literature on the child support system.¹⁹⁶ Defense attorneys frequently spoke on the difficulty that they even face in articulating their case during such a short period of time. Matt said, "It is

¹⁹⁶Harris, Deborah A. 2015. "'You Just Have to Look at It as a Gift': Low-Income Single Mothers' Experiences of the Child Support System." *Journal of Poverty* 19:88-108.

impossible for attorneys to practice like that” (paraphrased from field notes). The fact that many parents did not understand the judicial process and that even attorneys highlighted their inability to practice under the conditions of the child support hearing underscored the focus on bureaucratic procedure over outcome. In not providing parents with more information about the process and not creating conditions for attorneys to present effective cases, the court privileged the quantity over the quality of legal processing. This approach demonstrated that the state’s position for intervening in these matters of the family was not one concerned with the needs of the parents, but instead attending to the bureaucratic functioning of the court and larger child support system.

Of equal importance were the circumstances around the legal representation non-custodial parents received when facing incarceration for non-payment of support, a hearing known as a “show cause” during which parents must show cause or demonstrate the reason for their non-payment or absence from court. The show cause hearings were examples of the ways in which the system operated as a “legal hybrid” in which civil laws had criminal justice sanctions attached, much like the laws for banishment examined by Katherine Beckett and Steve Herbert.¹⁹⁷ The system of appointing attorneys for show cause cases left much to be desired. The attorneys were drawn from a local pool and appointed on a rotation. For each case, the attorneys were paid a total of \$120 for any and all hearings associated with a non-custodial parent’s

¹⁹⁷ Beckett, Katherine and Steve Herbert. 2009. *Banished: The New Social Control in Urban America*. New York: Oxford University Press.

show cause. The attorneys rarely spoke for any significant amount of time with their clients prior to hearings and appeared to put little time into preparation for the hearings, which is not unreasonable given the paltry pay they received for what could sometimes be more than six court appearances. In one example, an attorney asked for a continuance because the previous attorney had to step down from the case and he had not yet had time to meet with his client. Joe said, "My client has been very good about trying to contact me, but I haven't been very good about getting back to him" (paraphrased from field notes). In a system that spends nearly \$7 billion annually, it was remarkable that so little was spent on providing non-custodial parents with effective representation to best achieve a fair process.

Additionally, many court-appointed attorneys were very friendly with the judges and DCSE attorneys they were facing in court. In some cases, the friendliness between DCSE and the defense meant that the defense may not have as forcefully defended their client as possible. At times, I observed what could only be described as DCSE and defense attorneys working together against the non-custodial parent. In one instance, the non-custodial father, Billy, was being held on a bench warrant for failing to appear for a show cause hearing for non-payment of support. On this particular day, a substitute judge was hearing cases in place of the usual judge for the county. When Billy's attorney, Cheryl, entered the courtroom and saw that there was a substitute judge, she said to the bailiff, "I was hoping it was Judge Shaw today. To really lay down the hammer." The bailiff responded, "Me too" (paraphrased from field notes). Surprisingly, the very person who was supposed to be working on Billy's behalf to

secure his freedom was vocally hoping for a judge to deal with his case more punitively. And this statement is not the only time Cheryl expressed her desire to see her client harshly punished.

Later, during a break between hearings, Cheryl spoke with the DCSE attorney to strategize about how to get the substitute judge to continue the case until the following week when the presiding judge was to return. They decided to use the fact that the custodial mother was not present for the hearing as their justification, although the custodial parent was not needed to proceed. Essentially, they hoped that the presiding judge would order a harsher sentence for Billy than the substitute. When the hearing began, Cheryl offered cursory arguments in support of Billy, saying that he had transportation issues and claimed to have only missed one court date. The DCSE attorney asked Billy whether he remembered telling the presiding judge to “have fun” when she called him previously regarding his absence from a hearing. She made a claim that the presiding judge had “specifically put on the order that he is to be held until there is a hearing on the capias” (paraphrased from field notes). This claim was misrepresented however, because the court was at that time conducting the hearing on the capias; the attorneys were just attempting to have it continued to be heard by the presiding judge which was not the instruction that had been added to the original order. The substitute judge ended up ordering the case to be continued for a week “until the custodial parent can be consulted,” and held Billy in custody since he was “not convinced we could create any conditions to ensure his appearance” (paraphrased from field notes). Ultimately when Billy’s case was heard by the regular judge a week

later, he was sentenced to serve six months in jail for his failure to appear. When he attempted to ask about assistance with reentry or securing a job after his release, he was silenced. In many ways, he did in fact have the “hammer come down” on him as his attorney wished for.

In this remarkable scenario, the DCSE and defense attorneys explicitly worked together to keep a client behind bars for an extra week without having a finding on the charge against him. While this example was extreme, the other instances of DCSE and defense personnel having friendly relationships, as well as the meager pay of court-appointed attorneys and very limited time for consultation prior to the hearings, certainly begged the question of whether non-custodial parents facing incarceration were receiving adequate representation. One child support system staff member described this situation saying, “Some of this representation is bordering on malpractice” (paraphrased from field notes). Moreover, these questions were significant for understanding the arc toward perceiving non-custodial parents as criminal and deserving of punishment which undergirded the child support system. It is likely that the DCSE personnel and defense attorneys alike were so comfortable with working together against the non-custodial father in part because of the ways that this group of parents has been symbolically constructed as immoral and irresponsible “deadbeats” who have deserted the care of their children.

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The U.S. child support system is a massive program organized around particular conceptualizations of responsibility and parenthood. The bureaucratic structure of the

system is largely influenced by neoliberal ideas about deservingness, responsibility, and family. These ideas inform the ways that the policies and procedures within the system play out, ultimately creating experiences which have the potential to empower or disempower the parents navigating it depending on their relationship to the children and to the court. In many ways, the structure of the system and its enforcement influence the ways that custodial and non-custodial mothers and fathers experience parenthood during their involvement with the child support system. The mechanisms of enforcement and resulting interactions highlight the many ways through which the government by way of the court and social service agencies intervenes in matters of the family. The next chapter explores the collateral consequences of involvement with the child support system, focusing specifically on the ways that relationships are monetized and parents are criminalized.

CHAPTER THREE

“NOT NECESSARILY DEADBEATS, BUT DEAD BROKE”:

MONETIZING RELATIONSHIPS AND CRIMINALIZING PARENTS

The financial and criminal justice consequences of involvement with the child support system have been a major area of study for this branch of family policy. As 70% of fathers who owe arrears make less than \$10,000 per year¹⁹⁸ the economic outcomes of child support system involvement are a critical area of interest. Like other studies that have described this population of non-custodial parents not as “deadbeats,” but as “dead broke,”¹⁹⁹ the participants in my study highlighted the significant strain that economic conditions and large child support orders can have for parents involved in the system. William described the impetus for the development of the alternative-to-incarceration program he works with, saying “The thrust of this program was they [DCSE case managers] realized that people were not necessarily deadbeats, but they were dead broke. Which says a lot. Because there’s a stigma attached to child support.”

For many non-custodial fathers, involvement in the system itself, without any experiences of other mechanisms of enforcement such as incarceration or license revocation, represented huge penalties in many areas of their lives. Non-custodial parents, even without ever having missed a single payment, were entered into a system of surveillance which required them to report any changes to their employment or address. Moreover, the penalties associated with enforcement, including the revocation

¹⁹⁸ Sorensen, Elaine, Liliana Sousa, and Simone Schaner. 2007. *Assessing Child Support Arrears in Nine States and the Nation*. Washington, DC: The Urban Institute.

¹⁹⁹ Maldonado, Solangel. 2006. “Deadbeat or Deadbroke: Redefining Child Support for Poor Fathers.” *University of California Davis Law Review* 39:991-1022.

of trade, professional and driver's licenses and seizure of assets, including tax refunds, vehicles and other property, frequently presented a major impediment to the payment of child support.²⁰⁰ Scholars have demonstrated that the use of enforcement mechanisms was extremely likely in cases of arrearages, with individuals with higher debt more likely to face these proceedings.²⁰¹ In my observations, enforcement proceedings in DCSE cases could occur after only two months of non-payments, which sometimes came to little more than a couple hundred dollars.

When punitive civil and criminal justice sanctions were utilized for enforcement, non-custodial parents experienced a trickle-down effect into many areas of their lives, as well as the lives of their children, including seriously impacting their ability to support their children financially and emotionally. Fathers who have been incarcerated have been demonstrated to contribute significantly less financial support to their children, especially those from whom they live apart.²⁰² The effects of paternal incarceration also directly impacts children's development; boys who have fathers who have been incarcerated show more aggressive behavior²⁰³ and children of incarcerated parents express feelings of stigma.²⁰⁴

²⁰⁰ Pirog-Good, Maureen A. and Lydia Amerson. 1997. "The Long Arm of Justice: The Potential for Seizing the Assets of Child Support Obligors." *Family Relations* 46(1):47-54.

²⁰¹ Brinig, Margaret F. and Marsha Garrison. 2018. "Getting Blood from Stones: Results and Policy Implications of an Empirical Investigation of Child Support Practice in St. Joseph County, Paternity Actions." *Family Court Review* 56(4):521-43.

²⁰² Geller, Amanda, Irwin Garfinkel, and Bruce Western. 2011. "Paternal Incarceration and Support for Children in Fragile Families." *Demography* 48(1):25-47.

²⁰³ Wildeman, Christopher. 2010. "Paternal Incarceration and Children's Physically Aggressive Behaviors: Evidence from the Fragile Families and Child Wellbeing Study." *Social Forces* 89(1):285-309.

²⁰⁴ Council of Crime and Justice. 2006. *Children of Incarcerated Parents*. Retrieved December 2018 (https://repositories.lib.utexas.edu/bitstream/handle/2152/15162/CCJ_CIP_FinalReport.pdf;sequence=2).

This chapter explores the collateral consequences of involvement with the system, specifically examining the ways that custodial and non-custodial parents navigate the financial impact of their involvement with the system, as well as the implications of their contact with the criminal justice system vis-à-vis the child support system.

“YOUR MOST IMPORTANT BILL IS TO A PERSON”:

MONETIZING PARENT-CHILD RELATIONSHIPS

The bureaucratic processes associated with establishing and amending orders for support worked in service of monetizing the relationships between parents and their children. Based on the conceptualization of responsibility as primarily or solely referring to the provision of financial support, the system constructed an experience of parenthood and family that centered the state’s authority and removed a significant amount of parents’ autonomy in determining how to fulfill their roles as fathers and mothers. And beyond the cognitive underpinnings of the state linking responsibility with financial contributions, system personnel also explicitly spoke about the relationship between non-custodial parents and children in economic terms.

In one example, Allen, a non-custodial father, faced a show cause for non-payment. He had recently received a large sum of money in a motor vehicle personal injury lawsuit and had not made any child support payments. When asked what he’d done with the money, Allen replied, “I had to use it for the lawyers and medical bills.” The judge, clearly not pleased with Allen’s response, said “You’re telling me under oath you got a \$30,000 personal injury lawsuit 2-3 months ago? And you haven’t made any

payments on your child support?" Allen replied, "Yes, but I had to use it for the attorney and medical bills." Exasperated, the judge shot back, "Child support is the most important bill you owe! It's a bill to a person! I'm ordering incarceration until you pay the total arrears, \$4,792.68" (conversation paraphrased from field notes).

This interaction is notable for a number of reasons. First, the expectation that a personal injury lawsuit pay-out should be used for child support is considerable. Typically these types of settlements are reimbursements for expenses associated with an accident, with the potential for additional compensation for pain and suffering, unlike other types of large financial gains, such as lottery winnings. As I did not have access to the details of the settlement, or other information about Allen's situation, such as whether he had medical insurance, it was impossible to make a definitive statement regarding whether he did in fact use the money for attorney fees and medical bills. But the judge did not have this information either, as she did not question Allen on these details before ordering his incarceration. Nevertheless, her expectation was that the money should have been used to pay his child support debt in full before using the lawsuit money for its intended purpose. The judge never asked if Allen had spent time with his child while out of work, or helped the child's mother with childcare or was well enough to be engaged with his child. Instead, the judge was singularly focused on the fact that he had come into a large sum of money and had not brought any of it to the court.

More importantly, the judge unequivocally called child support a "bill to a person" indicating that the payment of child support was not about being a parent but

was instead about paying bills, a sentiment that was also expressed at other times and by other judges. This statement and its underlying logic were representative of a strongly held position that relationships between non-custodial parents involved with the child support system and children were primarily constituted of money. This logic was also representative of the notion that morality can be evaluated in economic terms. Viviana Zelizer explores important debates around the moral consequences related to the commercialization of carework.²⁰⁵ Here however, the state's interest in employing its authority over the family is an economic one concerned with its own moral conceptualizations of responsibility and much less so (or not at all) with the potential consequences.

“A COUPLE BIRTHDAYS CAME AND WENT WHERE I COULDN'T GET THEM A
GIFT”: THE FINANCIAL BURDEN OF CHILD SUPPORT

To fully understand the numerous economic consequences of involvement with the child support system, it is important to first have the financial picture of the parents navigating the system. Robert Lerman's work on the economic capabilities and contributions of unwed fathers has provided an important context for the discussion of the economic consequences of child support enforcement policies on low-income men of color; he cited the Fragile Families and Child Wellbeing Study to demonstrate that a notably high proportion of unwed fathers had not completed high school (40%) and the

²⁰⁵ Zelizer, Viviana A. 2011. *Economic Lives: How Culture Shapes the Economy*. Princeton, NJ: Princeton University Press. Pgs. 269-301.

vast majority (85%) were men of color.²⁰⁶ Perhaps most significant to this conversation was the disparity in relation to the annual incomes of married and unmarried fathers at \$33,572 and \$15,465 respectively in 2005.²⁰⁷ More recently, Ronald Mincy and colleagues have highlighted that of the 7.5 million nonresident fathers in the United States, more than 70% have yearly incomes of \$40,000 or less, a population they've identified as "economically vulnerable."²⁰⁸ As a result, child support policies have had an especially detrimental effect on the economic stability of low-income, minority, and unwed fathers, and have therefore presented a major challenge to compliance for this population.

Equally important to an evaluation of the economic effects of child support policies is a discussion of the inequity relative to percentage of income paid in child support by low-income men. Chien-Chung Huang and collaborators discussed these disparities pointing out that low-income fathers were ordered to pay a substantially higher percentage of their income in child support than middle- or high-income fathers.²⁰⁹ Their research highlighted this considerable inconsistency noting that on average men whose income was less than \$15,800 per year had child support orders requiring payments totaling more than a quarter of their income (27%), while men whose income was in the top 25% made child support payments totaling less than one

²⁰⁶Lerman, Robert. 2010. "Capabilities and Contributions of Unwed Fathers." *The Future of Children* 20(2):63-85.

²⁰⁷ Ibid. Pgs. 66-7.

²⁰⁸ Mincy, Ronald B., Monique Jethwani, and Serena Klempin. 2015. *Failing Our Fathers: Confronting the Crisis of Economically Vulnerable Nonresident Fathers*. New York: Oxford University Press.

²⁰⁹ Huang, Chien-Chung, Ronald B. Mincy, and Irwin Garfinkel. 2005. "Child Support Obligations and Low-Income Fathers." *Journal of Marriage and Family* 67(5):1213-25.

fifth of their income (16%).²¹⁰ Despite the severe financial burden that a child support obligation of 27% of one's total income would create, approximately 40% of these men complied with their orders.²¹¹ Although many of these fathers attempted to comply, the high proportion of income ordered to be paid in child support made it difficult for many low-income men to fulfill their court-ordered obligations as doing so would have created an economic hardship which would have prevented their own sustainment.²¹²

Waller and Plotnick have noted that current child support policy was created from a model of divorced fathers and does not adequately address the economic situations of the low-income fathers whom it impacts most profoundly. And Solangel Maldonado has argued that the majority of fathers who did not comply with their court established child support orders were financially unable to do so.²¹³ Research demonstrating the positive relationship between income and compliance with child support orders has further illustrated this point.²¹⁴

In a number of instances I observed, non-custodial parents openly expressed that it would be very unlikely that they would be able to make their payments in full due to the high proportion of their income which the order called to be paid. In one example, using the formula for support, the judge ordered a non-custodial father to pay \$334 per

²¹⁰ Huang, Chien-Chung, Ronald B. Mincy, and Irwin Garfinkel. 2005. "Child Support Obligations and Low-Income Fathers." *Journal of Marriage and Family* 67(5): 1213-25. Pg. 1218

²¹¹ Ibid.

²¹² Waller, Maureen R. and Robert Plotnick. 2001. "Effective Child Support Policy for Low-Income Families: Evidence from Street Level Research." *Journal of Policy Analysis and Management* 20(1):89-110.

²¹³ Maldonado, Solangel. 2006. "Deadbeat or Deadbroke: Redefining Child Support for Poor Fathers." *University of California Davis Law Review* 39:991-1022.

²¹⁴ Nelson, Timothy J. 2004. "Low-Income Fathers." *Annual Review of Sociology* 30:427-51.; Lin, I-Fen. 2000. "Perceived Fairness and Compliance with Child Support Obligations." *Journal of Marriage and Family* 62(2):388-98.

month. Upon hearing the amount, the dad immediately shouted out, “How can that be? I don’t even make that a month. I gave him [the DCSE paralegal] a paystub.” The judge responded, “That’s what the order is. I know it’s a lot. I’m adding \$20 per month on the arrears. So the total is \$354 per month which is \$81.93 each week.” The dad sat rubbing his face, visibly upset. In this case, the mother ended up dropping her petition for support, saying “I got a question. He [the DCSE attorney] said I could just drop it and we work it out.” The judge explained what it meant for the mother to drop the petition and eventually the case was dismissed after he let the father know how “lucky” he was that the mom had “given him such a huge break” (conversation paraphrased from field notes). In this case, the father was able to avoid facing the inevitable repercussions of his inability to stay current on his order; however, many non-custodial fathers did not experience the same “luck.”

Fathers who were financially incapable of adhering to their child support orders received no respite without requesting and receiving a formal order amendment from the court, a process that was often quite complicated and time-consuming. Because men who were under- and unemployed often faced orders calculated based on their earning potential, a reduction due to a change in one’s economic situation was frequently unlikely.²¹⁵ Judges sometimes even explicitly acknowledged that orders were walking the line of near impossibility. In one example, the judge ordered a non-custodial father to pay \$220 per month. The father presented a list of expenses to the court for three

²¹⁵ Lerman, Robert and Elaine Sorensen. 2003. “Child Support: Interactions between Private and Public Transfers.” In *Means-Tested Transfer Programs in the United States*, edited by R. A. Moffitt. Chicago: University of Chicago Press.

children of whom he had custody which showed little disposable income. Upon setting the order, the judge said, "I know that is probably absolutely all you can pay. So I won't add interest. Good luck with this. Make those payments. I don't wanna see you back" (paraphrased from field notes). Even when recognizing the near impossibility of an individual being able to make their payments, the court still went ahead with hefty orders.

Additionally, child support orders were set and remained in effect during periods of incarceration,²¹⁶ typically remaining at the amount set prior to the non-custodial parent being jailed. As a result, underemployed, unemployed and incarcerated men regularly accrued substantial arrearages and interest charges, further contributing to their inability to keep up with their payments. One homeless, unemployed man interviewed by Leslie Kaufman for a *New York Times* story owed \$119,846 in back child support.²¹⁷ I observed cases in which non-custodial parents had child support debt that they would likely never be able to pay off, one in excess of \$80,000. In another case, a non-custodial father owed more than \$60,000 in interest charges alone. And in two different examples from my observations, non-custodial parents who faced show cause hearings for non-payment were living in tents on the properties of family members or on local campgrounds. In one of those cases, a *capias* was issued because the father failed to appear for the hearing, and in the other, the

²¹⁶ Lerman, Robert and Elaine Sorensen. 2003. "Child Support: Interactions between Private and Public Transfers." In *Means-Tested Transfer Programs in the United States*, edited by R. A. Moffitt. Chicago: University of Chicago Press.

²¹⁷ Kaufman, Leslie. February 19, 2005. "When Child Support Is Due, Even the Poor Find Little Mercy." *The New York Times*. Retrieved September 2018 (<http://www.nytimes.com>).

mother's disability was cynically called into question before she was ultimately granted a continuance to provide medical documentation. These examples of huge debt and extreme poverty highlighted the significant financial burden created by child support obligations. Even DCSE personnel and judges recognized the fact that non-custodial parents with substantial arrears were unlikely to ever be able to get out from under their debt. One DCSE attorney described the situation as "a vicious cycle."

Research has also demonstrated how harsh child support enforcement policy is itself an impediment to employment for low-income men. Harry Holzer, Paul Offner, and Elaine Sorensen have found that child support policy has contributed to the decline in employment rates among Black men by creating another non-violent offense for which these men may be incarcerated.²¹⁸ Involvement with the child support system has also been linked to potential shifts from the formal to the informal labor market.²¹⁹ When low-income fathers considered the prospect of having a majority of their pay garnished for child support, they may have felt they have few options other than retreating from the formal economy in order to earn enough money to sustain themselves.

Some fathers attempted to supplement their meager incomes through under-the-table jobs. James, a non-custodial father participating in the ICMP, reflected on the

²¹⁸ Holzer, Harry J., Paul Offner, and Elaine Sorensen. 2005. "Declining Employment among Young Black Less-Educated Men: The Role of Incarceration and Child Support." *Journal of Policy Analysis and Management* 24(2):329-50.

²¹⁹ Lerman, Robert. 2010. "Capabilities and Contributions of Unwed Fathers." *The Future of Children* 20(2):63-85.; Mills, Cheryl E. 2010. "Fostering Fatherhood: Understanding the Effects of Child-Support Policy on Low-Income, Noncustodial African American Fathers." Pp. 327-50 in *The Myth of the Missing Black Father*, edited by R. L. Coles and C. Green. New York: Columbia University Press.

seeming hopelessness of his current financial situation related to his child support order and his consideration of moving across state lines and into the informal economy. He said, "I might as well skip town to North Carolina. There's no way I can make it here working a job and paying all that in child support. At least in North Carolina, I can work under the table and send something back to my kids" (paraphrased from field notes). James, like a number of other non-custodial parents I spoke with, expressed feeling that there was little chance he would be able to sustain himself while working jobs "on the books" which required wage garnishment. In many instances, including the experiences of the men in Delaware that motivated this study, the paychecks which non-custodial parents received were so meager after their child support garnishments that there was barely anything left to buy food, and certainly not enough to pay rent or manage any type of financial emergency, what one non-custodial parent described as "working for free." And ironically, the child support staff often encouraged non-custodial parents to engage in semi-legal work activity. On a number of occasions, the attorney representing DCSE made strong suggestions that non-custodial parents find some under-the-table work in order to make their child support payments. For example, in one hearing the non-custodial father stated that because he was unable to find a job, it would be essentially impossible for him to make his child support payments. In response, Shannon advised, "Well, you better figure something out. Cut some grass. Find some odd jobs. Something. 'Cuz these payments need to be made" (paraphrased from field notes). On several other occasions, this attorney, and others representing the DCSE, made similar admonitions to non-custodial parents, including

mothers, about taking whatever work they could find to make their support payments. In an example in which a custodial father of three filed a petition to show cause for non-payment against the non-custodial mother of his children, the judge warned the mother, saying, "I don't wanna put you in jail, but this gentleman is supporting three children. You need to do whatever you need to do to start making these payments. If there's no payments, then it's probably gonna be the end of the line" (paraphrased from field notes).

These types of statements made by DCSE personnel were significant for a number of reasons. First, they encouraged these parents, some of whom were already under criminal justice system surveillance through probation or parole, to engage in work that was unreported. While the practice of off-the-books labor might seem inconsequential, participating in this type of work could have criminal or IRS consequences. Furthermore, encouraging semi-legal work through admonitions like, "You better figure something out," might also implicitly encourage illegal work. Making non-custodial parents feel like they have no options for redress through the system, but must rather independently "figure something out," especially in periods or locations of particularly difficult labor markets, sometimes pushed these individuals into making difficult decisions about how to make ends meet. Scholars have discussed the choice that some non-custodial parents make to turn to illegal activities to be able to avoid the consequences of not making their child support payments, such as selling

drugs.²²⁰ One non-custodial mother pointed out the dilemma she faced during her hearing for a show cause for non-payment. Albert, the DCSE attorney, asked Jenny, “Do you have any plan to pay?” Jenny replied, “I’m gonna look for odd jobs, any jobs. I’m trying to put it together the best way I can without doing something illegal, unless that’s what the court would like me to do. I’m not trying to be funny” (paraphrased from field notes). In these cases where child support created an impracticable financial burden and motivated non-custodial parents to engage in illegal activity, there was inevitably more strain placed on their ability to have a positive relationship with their children.

In some instances, child support system personnel explicitly recognized that illegal activity was likely responsible for the payments that were made. The child support system utilized an arrangement of “purges” in many municipalities. Purges were set to avoid incarceration or secure release from incarceration for non-custodial parents in arrears. The purge was a portion of the arrears owed determined by the judge in a case, ranging from just over \$1,000 to the full amount of the debt. The purge typically had to be paid within two weeks; if the amount was not paid, the non-custodial parent remained in jail or reported to jail to begin serving a sentence ranging from 30 days to 1 year, depending on the number of offenses. Shannon told me of men paying \$13,000 or \$16,000 purges, saying, “It’s usually drugs. But that’s not my job. I

²²⁰ Mills, Cheryl E. 2010. “Fostering Fatherhood: Understanding the Effects of Child-Support Policy on Low-Income, Noncustodial African American Fathers.” Pp. 327-50 in *The Myth of the Missing Black Father*, edited by R. L. Coles and C. Green. New York: Columbia University Press.

just want to get the money to who it's supposed to go to" (paraphrased from field notes).

While the financial consequences of involvement with the system appear massive for economically vulnerable men, there are also significant outcomes for non-custodial parents with higher levels of income and more stable employment situations. Marcus, who had a secure middle-class career in a municipal agency, reported being unable to afford to hire an attorney to represent him during his support hearings. Marcus' financial difficulties went beyond his inability to secure legal counsel however. He said,

I could barely pay my own bills. I was messed up. I could barely pay my own rent.... I couldn't afford to live. My rent was late every month.... I had to call and beg the bill collectors not to cut this off, not to cut that off, and pay everything late.... I couldn't get the kids everything that I wanted to get them.... A couple birthdays came and went where I couldn't get them a gift or anything like that.

Marcus' difficulty at making ends meet required him to beg bill collectors to keep his utilities on and prevented him from buying birthday gifts for his children. He went on to describe how he had to explain to his children why he could not get them gifts, an explanation that was rife with shame and sadness, similar to that expressed by fathers in other studies of fatherhood and child support at being unable to fulfill the role of "provider."²²¹ In many ways, fatherhood manifested through financial support represented a man's ability to meet expectations of masculinity. Undoubtedly, the shame felt at being unable to fulfill the provider role had an important effect on the

²²¹ Mincy, Ronald B., Monique Jethwani, and Serena Klempin. 2015. *Failing Our Fathers: Confronting the Crisis of Economically Vulnerable Nonresident Fathers*. New York: Oxford University Press.; Edin, Kathryn and Timothy Nelson. 2013. *Doing the Best I Can: Fatherhood in the Inner City*. Oakland: University of California Press.

decisions to engage in illegal work or non-custodial parents' decisions to avoid the child support system entirely.

"IT'S HARD FOR THIS LADY TO RUN HER HOUSEHOLD NOT KNOWING IF SHE'S GONNA GET \$50 OR \$1,000": THE FINANCIAL VALUE OF CHILD SUPPORT

Despite the extensive negative financial consequences associated with child support system involvement, some studies have found that fathers' involvement had a positive impact on the economic vitality of mothers' households.²²² Lenna Nepomnyaschy and Irwin Garfinkel found that fathers' involvement through formal child support payments, informal support, and contact with their children, reduced the hardships experienced in the mothers' households,²²³ while Bong Joo Lee and collaborators find that formal and informal support only impacted mothers' perceived hardship, but not hardships related to rent, utilities, or food.²²⁴ Other literature has demonstrated that despite situations of extremely difficult financial circumstances, on average, non-custodial fathers fare better economically than custodial mothers.²²⁵ In my study, it was undeniable that the custodial parents I spoke with and observed in court expressed the financial importance of the support they received. For some, the support payments were vital in making ends meet, while for others the support payments were

²²² Garasky, Steven and Susan D. Stewart. 2007. "Evidence of the Effectiveness of Child Support and Visitation: Examining Food Insecurity among Children with Nonresident Fathers." *Journal of Family and Economic Issues* 28(1):105-21.

²²³ Nepomnyaschy, Lenna and Irwin Garfinkel. 2011. "Father's Involvement with Their Nonresident Children and Material Hardship." *Social Service Review* 85(1):3-38.

²²⁴ Lee, Bong Joo, Kristen Shook Slack, and Dan A. Lewis. 2004. "Are Welfare Sanctions Working As Intended? Welfare Receipt, Work Activity, and Material Hardship among TANF-Recipient Families." *Social Service Review* 78(3):370-403.

²²⁵ Cancian, Maria, Daniel R. Meyer, and Eunhee Han. 2011. "Child Support: Responsible Fatherhood and the Quid Pro Quo." *Annals of the American Academy of Political and Social Science* 635:140-62.

more of a means to fund “extras” for their children such as new sneakers or extracurricular activities.

Several custodial parents expressed how critical the receipt of their child support payments was to their household. A number of custodial mothers became emotional and cried during their hearings, expressing that they were under extreme financial pressure without the support of the fathers of their children. One custodial mother, Savannah, pointed to all the expenses associated with her son’s special needs, including caretakers and special classes to assist with his disability. She explained that when she asked his father for help, he never came through and left her to raise their son by herself after he remarried. Another custodial mother, Deidre, spoke of the jobs and hardship she faced when the father of her daughter did not provide any financial contribution. She said,

It’s the same thing every time. He keeps getting off scot-free. There are jobs out there. I work every day. There’s McDonald’s. It’s not a perfect job, but I worked there for eight years for my daughter. I just asked him last week to buy skirts [for her school uniform]. But he keeps saying he ain’t buying anything, he pays child support (paraphrased from field notes).

These incidents were relatively frequent and certainly contributed to the stereotype of the “deadbeat dad.” Child support system personnel also recognized how important the enforcement of orders was in making sure custodial parents and their children were able to stay afloat. In remarks to a non-custodial father facing a show cause for non-payment, a judge said, “You’ve paid over \$2,000 in support this year.²²⁶ But the problem is you haven’t been consistent. It is hard for this lady to run and budget her household

²²⁶ This hearing took place in early September.

not knowing if she's gonna get \$50 or \$1,000" (paraphrased from field notes). Ultimately, involvement with the child support system was a complicated experience which both supported the economic stability of and created financial difficulties for the parents involved. These financial consequences occurred in conjunction with forced involvement with the criminal justice system, an additional experience which parents highly resented.

"I'M NOT A PERSON THAT DEALS WITH THE LAW ON A DAILY BASIS":

SOCIAL CONTROL AND SURVEILLANCE

Like other government systems managing the actions of groups of individuals with high levels of poverty, the child support system maintained a number of mechanisms for social control and surveillance. These mechanisms ranged from the use massive systems of reporting and oversight to punitive methods of enforcement. All of these mechanisms were grounded in the criminalization of non-custodial parenthood built on the cultural conceptualization of the "deadbeat." However, these processes of criminalization have extended beyond the non-custodial parent and now also impact custodial parents involved in the system.

In the child support system, several acts outside of non-payment of support were explicitly criminalized, including missing court appearances and refusing to appear for a paternity test. These mechanisms of criminalization were noteworthy in part because they affect both the non-custodial and custodial parents navigating the system. The informational pamphlet in one jurisdiction provided a telling example of this

criminalization, as well as the court's position on the value of the litigants' time. One passage titled "When Called to Court" read:

All persons required to appear before the juvenile and domestic relations district court should arrive at the time and place stated on the petition, summons, bail form, or subpoena. It is important that everyone involved in a case be ready when the case is called into the courtroom. Though the wait may seem long, everyone must remain until the case is called; to do otherwise is a *criminal offense* [emphasis added]. The court does not have child care services; therefore, the only children who should be brought to court are those children involved in the case or whose presence has been requested or required by the court, an attorney or a probation officer.

This passage highlighted the criminalization at play in restricting litigants' autonomy over their time. In other words, no matter the length of the wait, work or other obligations, or the inability to secure childcare, those who have been called to court must be standing by to appear whenever the case is called and if not, they were committing a criminal offense. The use of the phrasing "the wait may *seem* long" also demonstrated the overall lack of respect for the individuals involved in the child support system, and implied that those individuals were not able to decipher what actually constituted a "long" wait. In fact, in many instances, parents faced wait times of several hours. In one jurisdiction, summonses stated either 9am or 1pm arrival times. Morning sessions lasted from 9am to 12pm and afternoon sessions lasted from 1pm to 4pm—litigants could be called at any point during that time period. Under most circumstances, a wait of three hours or more would be considered "long;" however, under the description of the court, this wait time only "may *seem* long." In these instances, parents who were often in unstable financial positions and had precarious employment situations were forced to decide between losing valuable wages, or in

some instances risking their jobs altogether because of missed work time, and committing a criminal offense. This impacted non-custodial parents, as well as custodial parents who often appeared for several hearings at which the non-custodial parent failed to appear.

Criminalizing lateness or absence from a court appearance represented a form of “temporal domination”²²⁷ in which groups with less power and autonomy were made to wait to access services, an experience that women applying for welfare benefits often reported.²²⁸ Megan Reid described this as a central element of patterns of “sociotemporal marginalization of the poor.”²²⁹ And this strategy of criminalization was used frequently during my observations when judges would issue capiases for parents who did not appear for their hearings, which allowed law enforcement to arrest and hold individuals until they were brought before a judge to answer for their absence. In a number of instances, when judges had issued a capias for a parent, and they later showed up for the hearing late, the judge admonished them saying how lucky they were to be allowed to come before the court that day and avoid incarceration for their failure to appear. In one case, a judge ordered a father to serve 15 days in jail for missing two court appearances for which the father claimed to have not received the proper paperwork. In another, a capias was issued after a non-custodial father was 10

²²⁷ Reid, Megan. 2013. “Social Policy, ‘Deservingness,’ and Sociotemporal Marginalization: Katrina Survivors and FEMA.” *Sociological Forum* 28(4):742-63.

²²⁸ Carroll, Emma M. 2014. “*They Never Seem to Reason with You*”: Welfare, Sanctions, and the Double Bind of Black Women. Electronic Thesis. Retrieved November 1, 2015 (https://etd.ohiolink.edu/ap/10?0::NO:10:P10_ETD_SUBID:97486).

²²⁹ Reid, Megan. 2013. “Social Policy, ‘Deservingness,’ and Sociotemporal Marginalization: Katrina Survivors and FEMA.” *Sociological Forum* 28(4):742-63.

minutes late for a hearing. When the father arrived, the judge made him step into the hallway to be served with the warrant for which she could have ordered him incarcerated.

Importantly, the time of attorneys representing clients in child support hearings was overly respected, in stark contrast to the parents navigating the system. For example, in a county where hearings were scheduled on the half hour, a case scheduled for 3:30pm was called into court at 3:55pm. The non-custodial father was incarcerated and was therefore represented by an attorney for the hearing on a petition to establish a child support order. When the case was called and the custodial parent and defense attorney entered, the judge, speaking directly to the attorney said, "Thank you for your patience. I think all things considered, thirty minutes isn't bad" (paraphrased from field notes). The attorney responded with "It's not." This distinct disparate treatment in respect for one's time highlighted the power dynamics at play in the child support system. And of course, respect for the time of the judge, referred to as "the court's time," was abundant. Judges regularly returned from recess 20-30 minutes beyond the time scheduled for hearings, and only on very rare occasions did they apologize to parents for their lateness.

The threat of incarceration was often used for other behaviors deemed inappropriate for court, including arguing or being "disrespectful." Using the contempt of court offense, judges on occasion threatened parents with jail time if they did not follow the court's rules of engagement. In one example, a custodial mother filed a motion to amend a support order, likely because she thought she would be able to get

more money if the order was amended, but it soon became clear that the order was going to be reduced if it was changed at all which infuriated the mother. The mother and father were going back and forth regarding the father's income, with the mother claiming that the father had access to much more money than he was admitting to, which was causing the guidelines to show a significant decrease in the amount he would be ordered to pay. The judge warned them, "We're not gonna argue in here." After the parents continued their banter, the judge sternly interjected, "If you all do not stop interrupting each other, you're probably gonna go out a different door than you came in. This is a court of law. Do not do it again. You understand?" The judge's threat to have the parents "go out a different door" referred to sending them through the door to the holding facilities which connected to a separate area in the courtroom; essentially, the judge was threatening them with jail time for their conduct. The judge's comment that they were in "a court of law" highlighted the respect and reverence which parents were expected to hold for the court, an arm of the state's authority.

In this example and similar others, the expectations for parents' behavior were so strongly upheld that parents faced incarceration for arguing or otherwise acting outside the expectations of the court. The criminalization of non-appearance, lateness, and courtroom behavior of parents represented one mechanism of social control employed by the child support system as the time and authority of the court overrode any idea of autonomy over one's time or conduct that an individual parent might have. While the time of attorneys coming before the court was respected, parents could not expect the same level of deference. The accumulation of small signs of criminalization converged

to engender a system in which much more severe forms of criminal justice involvement and consequences were often at stake.

The punitive and criminal justice-oriented approach to regulating the child support system also put many individuals otherwise with no criminal justice history in direct contact with the system. For example, child support payments were overseen by the Division of Probation in New Jersey. This meant that this criminal justice agency was in essence surveilling the housing, employment, and payment histories of the non-custodial parents in their stead. Mail was sent with the return address of the Division of Probation and non-custodial parents had to notify the office of any changes in their home addresses or employment status. Many non-custodial parents expressed their resentment at being forced to interact with the criminal justice system, often when they had no other experience with this system in their lives. Hearings for child support were held at municipal court buildings which were guarded by armed Sheriff's deputies. When parents arrived to most courtrooms, they were required to walk through metal detectors and have their person and belongings searched. They were not allowed to bring cell phones or any food or drink into the courtroom. Interactions between the Sheriff's deputies and parents were rife with tense power dynamics and parents were often treated harshly. In two instances, I was even made to remove my shoes and walk barefoot through a metal detector to demonstrate that I was not armed (despite having been conducting observations in those locations for several weeks). If the deputies interacted so intensely with me, it likely that parents entering the court were treated in similar or worse ways. Derrick, a non-custodial father, described this resentment,

saying “It was just upsetting.... I’m not a person that deals with the law on a daily basis. Like, that’s something that I don’t do, because I like my freedom. So I try to take care of what I need to take care of to keep myself out of those situations.” In many ways, involvement with the child support system put non-custodial parents into a panopticon²³⁰ or system of complete surveillance, as they were under permanent supervision from many angles until their children were no longer entitled to support and all debt had been paid off, which could take decades or never happen at all.

Another example of the criminal justice-oriented approach to support was the use of ICMP for individuals behind on their child support payments. The program was described by judges as “essentially being on probation” and required parents in arrears to check in with their caseworker, apply for jobs, and attend weekly sessions for 8-10 weeks. During the weekly meetings, topics such as alcohol and substance abuse, tobacco use, domestic violence, anger management, and discipline were discussed despite the fact that none of these parents had been convicted of any drug, alcohol, or domestic violence-related offenses nor had demonstrated himself to be inept at parenting; the only thing these fathers were “guilty” of was not paying their child support. While the program did include some instruction on job searches and resumes, the program was primarily focused on the quality of parenting. In this way, this group, mostly made up of non-custodial fathers, was treated as incompetent parents, or worse, addicts or abusers in need of paternalistic guidance. Rather than focusing more

²³⁰ Foucault, Michel. 1995[1978]. *Discipline and Punishment: The Birth of the Prison*. New York: Random House.

specifically on the actual issues most of these men faced, like under- and unemployment or an unfamiliarity with the JDR court system (which could prevent them from successfully filing to have their payments reduced or stopped when their employment status changed), these programs treated their participants as though they had fundamental flaws in their abilities as parents. Subjected to sessions that individuals charged with criminal offenses such as domestic violence or assault might face, these fathers were essentially given messages that their situations were a result of their own deficits and not the deficits of a slow economy or an overzealous court system. Even under the guise of offering support for these fathers, the approach of this program was rooted in the idea that these men were not “good” dads and therefore must be taught how to fulfill that role. These types of programs were similar to ones in the welfare system that have likewise been shown to be punitively shaming of recipients.²³¹ For example, welfare recipients are required to attend work-oriented courses that do little to actually help attendees secure employment but rather are perceived as a “waste of time” by the participants.²³² Overall, the processes of social control and surveillance associated with involvement with the child support system made way for the punitive enforcement mechanisms which impacted parents in substantial ways.

“Y’ALL READY? YOU GONNA LOCK ‘EM UP TODAY?”:

PUNITIVE ENFORCEMENT MECHANISMS

²³¹ Chase, Elaine and Robert Walker. 2012. “The Co-Construction of Shame in the Context of Poverty: Beyond a Threat to the Social Bond.” *Sociology* 47(4):739-54.

²³² Ibid.

The child support system directly overlapped in many ways with the criminal justice system, particularly in the sanctions associated with non-payment of support. Non-custodial parents who failed to meet their support orders faced the revocation of driver's and professional licenses, and in some cases incarceration. One important aspect of these overlaps was that the system functioned as a "legal hybrid." One DCSE attorney described child support as "basically putting a criminal system on top of a civil system" (paraphrased from field notes). In other words, the system is situated in the civil court, which was not required to provide Constitutional protections for defendants, while at the same time utilizing criminal justice sanctions. This legal hybrid status had many significant implications. In Virginia, only non-custodial parents facing incarceration for a show cause were entitled to a court-appointed attorney for representation, which went beyond the ruling in *Turner v. Rogers*²³³ described earlier. Non-custodial parents did not receive representation for any other phase of the system (unless they were incarcerated already for unrelated charges), meaning that when orders were set, amended, or stopped, they represented themselves, while in many instances the custodial parent was represented by the DCSE (more than 75% of the cases I observed involved DCSE representation). So while non-custodial parents were represented by an attorney when it was possible they could be ordered to serve time in jail, at all the junctions leading up to jail time, they had to speak on their own behalf. Facing orders that were financially unfeasible or being unable to file petitions to amend or stop their support in times of unemployment were major factors in the possibility of

²³³ *Turner v. Rogers*, 131 S. Ct. 2507 (2011).

future incarceration for non-payment, making the fact that they were not entitled to representation during these hearings significant.

Within the system, the use of punitive mechanisms of enforcement were often embraced and even joked about. During my observations, on a number of occasions DCSE staff, as well as the judges, bailiffs, and court clerks engaged in humorous banter about non-custodial parents being incarcerated for non-payment. For example, before the start of the morning sessions in one court, the bailiff on duty asked the DCSE attorney, "Y'all ready? You gonna lock 'em up today?" After some laughs, the attorney responded, "No. Only one show cause today. Gonna be nice and easy" (paraphrased from field notes). Later that day, despite already having been told that there was only one case in which the parent might actually face jail for a show cause and that case having been already heard, the same bailiff joked, "Gotta go out with a bang. The last one's gotta go to jail" (paraphrased from field notes). This consistent focus on sending non-custodial parents to jail highlighted the relationship between the child support system and broader processes of criminalization and mass incarceration.

During my observations, Malcolm, a 32 year-old non-custodial father, faced a show cause for non-payment on an arrears debt of more than \$20,000. He was currently unemployed and living with his girlfriend in the home of an elderly man for whom his girlfriend was employed as a caretaker. He explained that he had previously been injured by a log truck during his employment with a tree service company, but did not have any medical records to support his injury. Despite trying to find employment at fast food restaurants, he explained he had been unable to get a job. The judge chided

him for “wasting time” taking care of an old man and not having a job, saying, “These young women [his children’s mothers] have nothing to do with this old man.” The DCSE attorney requested the judge order jail time “because apparently that is the only time the Division gets its money” (paraphrased from field notes). After a bit more scolding, the judge ordered Malcolm to serve 90 days in jail and pay a purge of \$1,500. Malcolm was immediately taken into custody by the bailiff, and the mothers stepped out of the courtroom while Malcolm’s court-appointed attorney remained to chat with the DCSE staff and the judge. Smiling, the DCSE attorney said, “Did you see his [Malcolm’s] body language.” Malcolm’s attorney shook his head in amused pity and said, “If it’s not gonna work, it’s not gonna work.” Everyone, including Malcolm’s own attorney, began to laugh as the DCSE attorney added, “It’s [his arrears] gonna follow him until the grave” (paraphrased from field notes). Child support arrears posed a substantial issue in the current system, as arrears have grown to more than \$100 billion in the United States.²³⁴ Research has demonstrated the potential negative consequences of carrying child support debt, concluding that this debt has a detrimental effect on formal earnings and child support payments.²³⁵ Research has also suggested that the accumulation of arrearages might hinder father’s involvement with their children.²³⁶

²³⁴ Sorensen, Elaine, Liliana Sousa, and Simon Schaner. 2007. *Assessing Child Support Arrears in Nine States and the Nation*. Washington, DC: The Urban Institute.

²³⁵ Cancian, Maria, Carolyn J. Heinrich, and Yiyoon Chung. 2013. “Discouraging Disadvantaged Fathers’ Employment: An Unintended Consequence of Policies Designed to Support Families.” *Journal of Policy Analysis and Management* 32(4):758-84.

²³⁶ Turner, Kimberly J. and Maureen R. Waller. 2017. “Indebted Relationships: Child Support Arrears and Nonresident Fathers’ Involvement with Children.” *Journal of Marriage and Family* 79:24-43.

Nevertheless, non-custodial parents faced orders under which the accumulation of debt was likely and were punished when they were unable to manage this debt.

In other examples of the ways that child support system personnel made light of the use of serious mechanisms of enforcement, on two separate occasions DCSE personnel and Sheriff's deputies joked about tasing a non-custodial parent in open court. In one of the incidents, everyone in the court was waiting for the judge to return to continue the day's proceedings. They were discussing the non-custodial father for the next hearing, Billy, whose case was discussed earlier. The DCSE attorney and paralegals commented on how much they did not like Billy and where they would hide if he broke free from the arm and leg shackles worn by non-custodial parents being brought to court from holding facilities or jail. The attorney then joked, "Can you guys [bailiffs] just tase him? I really wanna see him get tased" (paraphrased from field notes). The harshness and even violence that system personnel seemed willing to enact (or at least joke about enacting) on Billy and other non-custodial fathers like him demonstrated the extreme stance which they took on the actions of these non-custodial fathers. Not only were they willing and supportive of using punitive enforcement mechanisms like which criminalized this group of parents, they were also at the least lightheartedly joking about inflicting bodily harm and at the most were completely willing to see that harm carried out. This level of sanction, which might be understood as extreme and even cruel, pointed to the ways that non-custodial fathers not providing financial

support to their children was viewed as a highly immoral act which represented a threat to the collective conscience deserving of repressive punishment.²³⁷

In these comments, and others that frequently occurred in which child support system staff joked about “locking up” or tasing non-custodial parents, the significance and severity of physical punishment and incarceration for these individuals was not only not appreciated, but was mocked. In fact, Shannon told me of one judge who “locks people up like it’s going to the principal’s office” (paraphrased from field notes). These attitudes toward the use of punitive enforcement methods demonstrated an eagerness to use a heavy-handed approach for non-custodial parents. Moreover, these sentiments highlighted the underlying focus on undeservingness and criminality within the system, specifically that non-custodial parents were not only undeserving of sympathy when they are unable to meet their orders for support, but were also deserving of being labeled “deadbeats” and treated as criminals.

Even when not specifically joking about the use of jail to punish non-custodial parents, this enforcement practice did not appear to always be taken seriously by the judges and DCSE attorneys. In one instance, making the case for a father to be ordered to serve jail time, the DCSE attorney argued, “It’s not gonna hurt anybody. Put him in jail and give him a realization” (paraphrased from field notes). Importantly, these jokes and the seeming ambivalence toward incarcerating non-custodial parents were in direct contrast to DCSE personnel’s explicit understanding of the seriousness of jail and prison as an institution. For example, in a conversation with a new attorney apprenticing for a

²³⁷ Durkheim, Emile. 1964. *The Division of Labor in Society*. New York: Free Press.

veteran defense attorney, Albert asked whether he had yet visited any incarcerated clients. When the apprentice responded that he had, Albert said, “That first trip to prison is eye-opening. You’ve gotta be pretty brave to go in there and be locked in. It’s sad. It’s a tough place to visit” (paraphrased from field notes). Here Albert seemed to be more sympathetic to an attorney having to visit a client in jail than to the actual men who were incarcerated.

There were a myriad of other examples that demonstrated the extent to which the courts and law enforcement went to harshly punish those perceived as “deadbeat” parents. Take for instance a video of a November 2014 news broadcast from ABC’s Action News (Philadelphia, PA area local broadcast) which depicted a police raid rounding up individuals accused of non-payment of support (WPVI-TV 2014). This raid, and others similar to it, involved armed law enforcement and sometimes members of SWAT surrounding the home of an accused child support delinquent, arresting him on the spot with handcuffs (and sometimes ankle chains), and taking him to jail, often while being recorded by local media. This video along with countless other examples of newspaper articles and coverage of police raids showed the pervasiveness of labeling and treating these Family Court debtors as criminals. Importantly, many of those obligors owed little more than \$1,000. This sum would never be cause for a burglar or any other petty criminal to have his “perp walk” run on the news or for an overnight raid of his home. It is unlikely that an individual who owed \$1,000 in a civil case would ever be arrested. However, non-custodial fathers faced public shaming in the same ways that we might see for violators of much more serious offenses involving violence.

When non-custodial parents did not make their child support payments for more than two months, they became eligible for incarceration for non-payment and could have a bench warrant issued for their arrest. Judges in JDR frequently used the threat of incarceration as an “encouragement” to parents to get up to date on their support payments. Mike, a non-custodial father in ICMP, described the impact of the threat of jail, saying, “My fear of being back incarcerated is a weight. It makes you wanna take off and run” (paraphrased from field notes), much like what Walter Scott did before being shot and killed by a police officer during a routine traffic stop. The idea that non-custodial parents had to live in constant fear of incarceration for non-payment of support, so much so that they considered going on the run, was a serious consequence of involvement with the system, even if they were never actually put in jail.

Nevertheless, in 10% of the cases I observed, non-custodial parents were actually incarcerated or ordered to be incarcerated either for non-payment or failing to appear for their hearings. Brandon explained his feelings after an interaction with law enforcement in this context, saying,

My son's grandmother...called the state police...and had them pick me up at semi-pro football practice. It embarrassed me, it humiliated me, it angered me. It had me ready to, to—I just didn't know how to deal. I wanted to die. I just wanted to die. 'Cause there's no way gettin' around child support even if you pay child support. Even if you are good with your child support payments but you owe arrears, child support still owns you.

Noting the embarrassment, humiliation, and anger felt at this public encounter with law enforcement, Brandon articulated the psychological and emotional significance of this form of punishment. Brandon and others also discussed being forced to hide from law

enforcement and sometimes even the mothers of their children to avoid incarceration which they knew would mean a continued cycle of being unable to meet their support obligations and being unable to be involved in their children's lives.

The use of punitive enforcement mechanisms served as an important form of social control to get non-custodial parents to comply with the orders of the court. Not only did these forms of punishment and control reinforce the symbolic boundaries between "deadbeat" and "responsible" fathers, they were also perceived by parents as punishment for having a child. Marcus described this sentiment, saying,

I feel like the system is geared towards men that run out, that don't want to be a father.... And I think it's us men who actually wanna be there, actually wanna be fathers, are the ones that suffer.... I'm not the type of guy to run away from my responsibilities. I'm diving in head first. But I feel like I'm getting punished. How do you get punished for having a child?... They're used to deadbeat dads walking up in there tryin' to get a break.

Marcus' comments illustrated the belief that the child support system was casting an unfairly wide net to punish all non-custodial fathers through labeling as "deadbeats" and criminals regardless of their actual efforts at being a father. When non-custodial parents faced incarceration, they were separated from their children (both the ones for whom the support was owed, but also any children with whom they may have been currently residing), they were unable to work, and they often faced a great deal of stigma and shame. These forms of actual punishment, which also represented symbolic punishment by holding a constant threat of enforcement over the heads of non-custodial parents, allowed the child support system to maintain its authority in regulating how parents provided for their children.



The collateral consequences of involvement with the child support system had a substantial impact on the lives of the parents who navigated the system, and by default their children who sometimes were left to face a father's incarceration for non-payment of support or a mother who lost her job for missing too much time from work for court appearances. While the system's stated goal was to encourage the regular and complete payment of child support to contribute to the financial stability of custodial parents and their children, a number of the mechanisms used in the enforcement of the system had major negative repercussions which created significant barriers to this goal. Ultimately, in maintaining normative ideas around responsibility and criminality, the system contributed to upholding criminal justice sanctions that had significant consequences for the families it was supposed to help. The next chapter explores how parents with cases in the child support system respond in their roles as mothers and fathers, women and men, and individuals vis-à-vis their involvement in the system.

CHAPTER FOUR

“I DIDN’T NEED YOUR HELP MAKING ‘EM, SO I DON’T NEED YOUR HELP TAKING CARE OF ‘EM”: PARENTS’ RESISTANCE AND ACCEPTANCE OF THE CHILD SUPPORT SYSTEM

Since the 1990s, several scholars have offered major ethnographic explorations of how women and men understand their roles as mothers and fathers through post-relationship conflict, economically vulnerable circumstances, and contact with state social service agencies. Some of these projects have focused specifically on parents’ experiences with the child support system. Earl Johnson, Ann Levine, and Fred Doolittle used interviews in their study of the ways that low-income men navigated the child support system, specifically focusing on fathers participating in the multi-state Parents’ Fair Share Program. The program was designed to provide employment training to non-custodial parents to help them meet their support obligations and reestablish relationships with their children.²³⁸ Johnson and colleagues highlighted the consequences of a system that sought to harshly punish fathers who could not meet their child support obligations through no fault of their own.²³⁹ Other studies have more broadly focused on men’s experiences of fatherhood. In a unique study of African American custodial fathers using a case study and personal narratives approach, Roberta L. Coles has highlighted the challenges that this group of dads faced navigating the bureaucratic mechanism of the child support system which was not designed to

²³⁸ Johnson, Earl S., Ann Levine, and Fred C. Doolittle. 1999. *Fathers’ Fair Share: Helping Poor Men Manage Child Support and Fatherhood*. New York: Russell Sage Foundation.

²³⁹ Ibid.

manage the unique circumstances they faced.²⁴⁰ In a study of divorced fathers in Canada, Deena Mandell has explored the “dualistic nature of constructs such as ‘good’ father versus ‘bad’ father, breadwinner versus debtor, and victim versus ‘bad guy’.”²⁴¹ Furthermore, Mandell raised important questions around “the private family versus state/societal responsibility for the family” which has contributed to the ideological foundation of the family law system.²⁴²

On the other side, a number of studies have explicitly examined the experiences of mothers. Sharon Hays’ seminal study of mothers receiving welfare benefits explored the impact of 1996 welfare reform on these women, demonstrating the contradictions between the significance placed on traditional family values in this set of policies and the requirement that women work outside of their homes.²⁴³ Kathryn Edin and Laura Lein have highlighted the economic struggles facing low-income single mothers, providing insight into how they navigate motherhood (and their own survival) under taxing financial circumstances.²⁴⁴ Similarly, Edin and Maria Kefalas have developed the context around low-income women’s decision-making processes related to having children and establishing a family structure.²⁴⁵ They have demonstrated that marriage has undergone a redefinition which has rendered many low-income couples unable of

²⁴⁰ Coles, Roberta L. 2009. *The Best Kept Secret: Single Black Fathers*. New York: Rowman and Littlefield.

²⁴¹ Mandell, Deena. 2002. *Deadbeat Dads’: Subjectivity and Social Construction*. Toronto: University of Toronto Press. Pg. 210.

²⁴² Ibid.

²⁴³ Hays, Sharon, 2003. *Flat Broke with Children: Women in the Age of Welfare Reform* New York: Oxford University Press.

²⁴⁴ Edin, Kathryn and Laura Lein. 1997. *Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work*. New York: Russell Sage Foundation.

²⁴⁵ Edin, Kathryn and Maria Kefalas. 2005. *Promises I Can Keep: Why Poor Women Put Motherhood Before Marriage*. Berkeley: University of California Press.

meeting their own standards for making the decision to marry, ultimately encouraging them to have children without making a marital commitment. These studies have provided important context for exploring the complicated dynamics of parenthood while navigating precarious economic situations and contact with state agencies.

For the parents I spoke with and observed, involvement with the child support system played a significant role in shaping their experiences of parenthood. They were reluctant to have state intervention in what they believed were private matters of the family. Non-custodial parents in particular highlighted the ways that government oversight and having the courts involved often created significant barriers to their ability to parent their children in ways that felt authentic. In some ways, they felt involvement with the system punished them for having children that they were not able to provide for according to the standards of the state. This “punishment” began immediately upon having an order for support made against them and in many instances, these enforcement practices were the only time parents had any interaction with the criminal justice system in their entire lives. Being surveilled by the criminal justice system, despite committing no crime, created resentment among these parents in many cases. And as such, many non-custodial and custodial parents created strategies for resisting the bureaucratic mechanisms of the child support system.

Despite the resentment felt in response to the policies and procedures of the system, parents with child support cases still expressed a strong affinity for being mothers and fathers. Having children can be one of the most intimate and exciting experiences that individuals have during their life. Research has captured the joy that

parents, even those not in a stable relationship with the other parent, expressed during pregnancy and the birth of a new baby.²⁴⁶ Similarly, my participants expressed great excitement, hope, and love at becoming parents. They talked about the ways that being fathers and mothers made them better men and women and what they wanted to be able to offer to their children, in many cases an emotional connection and experiences that they did not receive in their childhood. While involvement in the child support system often interfered with their ability to parent according to their vision of parenthood, in some ways, their participation in the system positively contributed to their ability to parent. This chapter explores the ways that parents who are involved in the child support system negotiated their involvement, both resisting and embracing the bureaucratic mechanisms that intervened in their definitions and enactments of parenthood.

“I WASN’T READY. BUT THEY PRETTY MUCH MADE ME READY”:

DEFINING PARENTHOOD FOR CHILD SUPPORT SYSTEM-INVOLVED PARENTS

Like most other studies of parenthood, the parents in my study described the fulfillment and purpose that being mothers and fathers brought to their lives. While involvement with the system often created complicated dynamics for parents and their children, there were no parents that I spoke with who did not take seriously and appreciate their role. Many expressed the positive impact that becoming a parent had on their lives. Derrick, a non-custodial father of 2, said, “I feel good about being a

²⁴⁶ Edin, Kathryn and Timothy Nelson. 2013. *Doing the Best I Can: Fatherhood in the Inner City*. Oakland: University of California Press.

father.” At this moment, his inflection changed and a smile crossed his face, making clear the happiness that this role brought to his life. He continued saying, “I wasn’t ready. But they pretty much made me ready. I’m happy they’re here. ‘Cause I don’t know, I probably wouldn’t be doin’ as good right now. They kept me focused.” In a way, Derrick’s sentiments reflected a growing responsibility, achieved because he now had children to support and nurture, similar to the men in Edin and Nelson’s study who expressed the ways that becoming a father made them grow up.²⁴⁷ Without his children, Derrick was not sure he would have achieved the stability in life that he currently enjoyed.

Similarly, Brandon explained how he attempted to put himself in a better position when he found out he was expecting two children. He said,

I was really excited, and then in that same breath it became bittersweet, because I found out that I had impregnated two women at the same time.... I was really happy and then nervous at the same time.... I got in touch with my job to get more hours.... I was bragging to all my friends and the people I was close to. When people would ask me for a ride somewhere, I would tell them, “I can’t. I got two car seats in the back.”

Despite the precarious situation that Brandon found himself in, he still remained optimistic about his new identity as a father and found that the upcoming challenge of becoming a father twice over pushed him to work harder. Here again, Brandon’s sentiments indicated an increasing sense of responsibility accompanying his step into parenthood. This reflection on newly acquired commitments to hard work and focus,

²⁴⁷ Edin, Kathryn and Timothy Nelson. 2013. *Doing the Best I Can: Fatherhood in the Inner City*. Oakland: University of California Press.

representative of the values of duty and dependability, highlighted perceptions of the characteristics of good moms and dads held by these fathers.

When asked directly what made a good mother or father, the parents in my study had strong opinions, and more often than not, for both sides, this did not primarily, or even at all, mean financial support, much like the vulnerable fathers interviewed by Mincy and his colleagues whom pointed to being teachers, friends, advisors, and disciplinarians as central dimensions of fathering.²⁴⁸ Brandon described the characteristics that he believed made someone a good dad, saying,

In the beginning, that's [finances] what I thought made a good dad. But now, I know what makes a good dad. My opinion is raising your children. Being able to do for them without anyone having to ask of you. Teaching them morals, teaching them respect, giving them guidelines. Being a physical presence. And letting them know that you love them and that you are there. It's your job to be there for them as a protector, and as a provider, and as a teacher, and as a mentor.

Brandon's feelings about what made a good parent were echoed by many others, including custodial parents who expressed that more than financial support, they were interested in having the non-custodial parents of their children be an emotional and physical presence in the lives of their children.

Courtney, a custodial mom of two children, made a similar point to Brandon's succinctly describing her desire for the fathers of her children to be involved in their lives, saying "I don't even need the money. I don't care about that. I just wish they would be in their lives. I want them to have relationships. I don't care about the money"

²⁴⁸ Mincy, Ronald B., Monique Jethwani, and Serena Klempin. 2015. *Failing our Fathers: Confronting the Crisis of Economically Vulnerable Nonresident Fathers*. New York: Oxford University Press.

(paraphrased from field notes). Despite being owed close to \$30,000 in child support from the father of one of her children, Courtney's statements demonstrated the value that even the recipients of child support place on relationships between non-custodial parents and their children over and above the potential financial benefit of child support payments. The involvement of the fathers of Courtney's children was particularly important in times when she felt as though she "needed help" with childcare and keeping up with the kids' activities while she worked. She went on to say that she would go without the child support she received if it meant that her children were able to spend more time with their fathers. Courtney recalled a time in the past when she was able to depend on the fathers for help when they seemed more willing to contribute based on Courtney's work schedule and their own unemployment. While the situation had shifted and the fathers were no longer actively engaged with her children, Courtney's desires and her recollections of her previous experiences were in line with other literature which has explored fathers' opportunities and motivations for involvement. Specifically Maureen Waller has found that non-custodial fathers were often motivated to participate more actively during periods of unemployment, particularly when the mothers of their children were working.²⁴⁹

Like other mothers who have spoken about their view on the importance of fathers' involvement with their children,²⁵⁰ Courtney's comments pointed to the priority she placed on paternal engagement in conceptualizing the most important or valuable

²⁴⁹ Waller, Maureen R. 2009. "Family Man in the Other America: New Opportunities, Motivations, and Supports for Paternal Caregiving." *Annals of the American Academy of Political and Social Science* 624:156-74.

²⁵⁰ Haney, Lynne and Miranda March. 2003. "Married Fathers and Caring Daddies: Welfare Reform and the Discursive Politics of Paternity." *Social Problems* 50(4):461-81.

dimensions of fatherhood. This perspective was largely in conflict with the on-the-ground outcomes of the decisions made by those in authority in the child support system. Despite judges recognizing the distinction between meeting formal support obligations and being an engaged presence in the life of a child, the system did not allow for these considerations in their decisions about enforcement. One judge stated, “I know that many non-custodial parents are very involved in their kids’ lives. And that not paying doesn’t mean you don’t spend time with your kids” (paraphrased from field notes). But during a hearing in which the father attempted to bring up how much time he had spent with his children, the judge responded with, “That’s not relevant to the case here today” (paraphrased from field notes).

Nevertheless, for parents, involvement in their children’s lives was at the core of their descriptions of good parenting, not having the ability to provide financially. Marcus offered a description of good fatherhood that articulated his distinction between a “deadbeat dad” and a father that others should strive to be like. He said,

This city, this state, this country is in a bad way, man. It’s hard for us out here to make our ends meet.... I can’t just call somebody who can’t pay child support ‘cause they ain’t got no money a deadbeat dad. You hear what I’m saying? You could still be a good father.... There’s some good broke dads out there.... It’s the ones that run away from their responsibilities that I ain’t got no remorse for.

Ultimately, the parents in this study defined “responsible parenthood” as spending time with their children. But in many of the cases that were processed through the child support system, dynamics created by the court and by difficult relationships between the custodial and non-custodial parent presented barriers to spending time and meeting this definition of “responsible parenthood.”

“SHE JUST WASN’T EXPECTING ME TO BE THERE”:

CO-PARENTING RELATIONSHIPS

While parents with and without custody frequently expressed their desire for the non-custodial parent to have a strong relationship with their children, there was still often tension in their interactions. Researchers have demonstrated the benefits of amicable relationships between parents, both for their own interests and for the interests of the children, specifically in making non-custodial fathers more likely to pay formal and informal child support.²⁵¹ Being able to come to agreements on their own was also a benefit to their experience in the child support system. Caleb, a defense attorney I spoke with, expressed this point, saying, “As an attorney, I always tell my clients if they can come up with an agreement, it is much easier to swallow than having the judge tell you what your life is gonna be like” (paraphrased from field notes). Similarly, Shannon, an attorney for DCSE, said, “I’m pro-mediation and this judge is also. I think people are more likely to comply when they come to agreements. If I have time, I’ll take the guidelines to them and say, ‘Any other numbers y’all wanna work out?’ I try to get them to talk. Sometimes it works, sometimes not.” Shannon and Caleb’s comments pointed to the important theory related to perceptions of procedural justice which says that when individuals view the court process as one that was fair, transparent, and unbiased, and during which they were able to express their position,

²⁵¹ Goldberg, Julia S. 2015. “Coparenting and Nonresident Fathers’ Monetary Contributions to Their Children.” *Journal of Marriage and Family* 77(3):612-27.

they were more likely to comply with the orders of the court.²⁵² While parents were able to come to agreements in a handful of the cases I observed, for the most part, the interactions between parents in the court were tense.

In studies of single parenthood, many parents report strained relationships with their co-parent, which were exacerbated by involvement with the child support system.²⁵³ Kathryn Edin and Timothy Nelson have described fathers' adversarial interactions with the mothers of their children, highlighting their participants' concerns that strained relationships with the mothers would mean they wouldn't be able to see their children.²⁵⁴ This theme has been a consistent one in the study of non-marital parenthood, with scholars frequently discussing the ways that custodial parents act as "gatekeepers"²⁵⁵ to the children, often negotiating their own terms for visitation based on things like whether the non-custodial parent cheated in the past²⁵⁶ or whether the custodial parent is willing to drive the distance to drop the child off.²⁵⁷

The theme of gatekeeping was echoed by the parents I met. Patrick and other fathers reported a great deal of these behaviors by the mothers and maternal family of their children. In Patrick's case, his daughter's mother severely limited the time he

²⁵² Tyler, Tom. 2007. "Procedural Justice and the Courts." *Court Review: The Journal of the American Judges Association* 44(1/2):25-31.

²⁵³ Hutson, Royce A. 2007. "Child Support and Parental Conflict in Low-Income Families." *Children and Youth Services Review* 29:1142-57.

²⁵⁴ Edin, Kathryn and Timothy Nelson. 2013. *Doing the Best I Can: Fatherhood in the Inner City*. Oakland: University of California Press.

²⁵⁵ Fagan, Jay and Marina. Barnett. 2003. "The Relationship Between Maternal Gatekeeping, Paternal Competence, Mothers' Attitudes About the Father Role, and Father Involvement." *Journal of Family Issues* 24(8):1020-43.

²⁵⁶ Waller, Maureen R. 2002. *My Baby's Father: Unmarried Parents and Paternal Responsibility*. Ithaca: Cornell University Press.

²⁵⁷ Mincy, Ronald B., Monique Jethwani, and Serena Klempin. 2015. *Failing our Fathers: Confronting the Crisis of Economically Vulnerable Nonresident Fathers*. New York: Oxford University Press.

spent with his child each week. After many arguments, Patrick and his daughter's mother agreed on a weekly visitation for several hours one day per week. At times this schedule worked; however, even after agreeing to the visitation, Patrick reported that the mother would cancel visits for reasons like "it was raining outside" or she had made other plans for the child. Patrick described these attempts to prevent him from seeing his daughter as extremely frustrating and emotionally distressing. He described feeling like he was not being given the opportunity to actually be a father to his daughter, evidenced by the fact that he believed his toddler-age daughter did not recognize him as her father, but instead looked to her mother's boyfriend in that role.

Brandon described similar gatekeeping behavior in his experiences with the mother and maternal grandmother of one of his sons. In Brandon's case, the gatekeeping was even more severe and had prevented him from seeing his child more than once a month or every other month since his birth. According to Brandon, his attempts to be an active father to his son were not only discouraged but often explicitly thwarted. After his son was born, Brandon went to the home the mother of his son shared with her parents for a visit. The first two occasions were very strained and he described that his son's mother had to "beg" her mom to allow him into the house. He told me what happened on his third attempt at visiting his infant son:

Then the third time I went to see him, she [my son's grandmother] wouldn't even let me into the house. She literally made me hold my month-old child standing on a porch with a hornet's nest over my right shoulder. And I have a picture of me doing so.... She just wasn't expecting me to be there. She didn't know I was gonna be there. And when I say there, I don't mean the house. I mean there as in being a father for my son. She wasn't expecting anything. She

pretty much just wanted to chalk me up as a statistic.... She's an older lady. She's not really racist per se, but she comes from a little bit of those times.

Brandon's later experiences throughout the course of his then three-year-old son's life were similar. And as a young Black father, his attention to the potential impact of race on the interactions he had with his son's grandmother were telling. Undoubtedly, ideas about Black fathers situated in racial stereotypes and the tropes presented in popular culture, such as Moyers' television special, impacted the conceptualization of the "deadbeat dad." In addition, descriptions of the rationale for or the implications of the rise of non-marital childbirth among Black families contributed to a widespread cultural belief that Black men could be expected to be "deadbeats," unwilling to contribute financially or otherwise to the upbringing of their children. (It is important to also note that while the Black community did experience an increase in the rate of never-married women having children, this was the case across all other demographics as well.)

Others who worked in the system identified a bias similar to that articulated by Brandon. William, who worked in the ICMP, said, "There's an assumption that certain people do not pay child support. There's an attitude felt by people who pay child support from the people that work at child support enforcement that it was just beating people down all the time." When I asked him who were the certain people that were assumed to not pay child support, he responded immediately, "Men. Black men, especially." This perception was important because, much like the ways in which the "welfare queen" stereotype was racialized and classed, the "deadbeat dad" has also

been in many of the same ways. In creating and reinforcing racist narratives about the supposed hyper-sexuality and predatory, criminal nature of Black men and boys in diverse ways, such as the news media coverage of The Central Park Five and George H. W. Bush's use of the Willie Horton story, popular stereotypes of irresponsible and even dangerous Black fathers further permeated systems of social policy development and enforcement. As the child support system has expanded its reach of enforcement mechanisms which criminalize non-custodial parents, many of the racialized and gendered stereotypes associated with Black fathers have bled over onto all men who are labeled as "deadbeats." Because the disgrace associated with non-custodial parenthood has become so great, in large part because of the assumption that the issue originated and is most common in Black families, any non-custodial parent involved in the child support system might face the consequences originally meant for Black men. Ultimately, the impact of non-custodial fathers being perceived or stereotyped as "deadbeats" had serious implications for system personnel's encouragement or support of unsympathetic treatment and punishment, as well as their willingness to facilitate fathers' access to their children.

During my observations in court, non-custodial fathers often attempted to speak out on being prevented from seeing their children. In many of these instances, judges refused to allow them to speak or brushed off their requests with responses like "That's not what we're here for today." In one incident, Thomas, a non-custodial father, was in court for a show cause for failure to pay. As the short hearing was wrapping up, Thomas, who was enrolled in the ICMP, began asking his attorney questions about

what could be done to lighten the major financial burden caused by his support obligation. Addressing the court, Thomas said, "When I get my check, I have no money. I get my son and I have to feed him. He asks me for stuff, and I can't get it for him. If they could just meet me halfway, I could make it." The judge responded, "I can't amend your support on a show cause. If you want to do that, you need to file a motion." Thomas replied, "I did that. I filed the motion. They said they couldn't add it [to the hearing today]" (paraphrased from field notes). Thomas continued trying to explain that he thought he had taken the necessary steps to have his arguments heard about his difficulty meeting his support obligations and the burden it was creating for his visitations with his son. But the bureaucratic procedures employed in the child support system made it difficult for parents, both custodial and non-custodial, to navigate it without legal representation. By making it difficult to file petitions and have their positions heard, the state was then able to maintain authority over parents' financial contributions and access to their children. Furthermore, in Thomas' case, his difficulty in meeting his support obligations was exacerbated by the regular visitation he had with his son, during which time he felt he was barely able to care for him. The hardship he had in providing for his son while he was in his care had the potential to contribute to less frequent visitation or other negative consequences for his ability to successfully parent. Nevertheless, in Thomas' case and similar others, the court did not seem motivated to help make his visits with his son more feasible.

Importantly, scholars have discussed the potential implications of fathers' involvement with their children on their likelihood to pay child support, finding that

more interaction is positively associated with making both formal and informal child support payments, although the causal relationship has not been clearly determined.²⁵⁸ Other research has demonstrated that formal child support, in-kind support, and visitation are all positively correlated,²⁵⁹ which suggests that encouraging father-child contact would also be beneficial for motivating financial contributions. This is important if the goal of the child support system is to “increase the reliability of child support paid by parents when they live apart from their children.”²⁶⁰ Nevertheless, the structure of the child support system did not make it easy for non-custodial fathers to increase the time they were able to spend with their children.

To be forced to enact the dimension of parenthood which they viewed as of secondary importance without being provided the opportunity to enact their main priority did not sit well with many of the fathers in this study. This disconnect was significant in the ways that the child support system reinforced cultural messages about how to be a good and responsible parent. By centering and prioritizing financial support over involvement with their children, in the eyes of many non-custodial parents, the child support system was not recognizing the true value they had in their children’s lives. Ultimately, for many non-custodial fathers, involvement with the child

²⁵⁸ Nepomnyaschy, Lenna. 2007. “Child Support and Father-Child Contact: Testing Reciprocal Pathways.” *Demography* 44(1):99-112.; Huang, Chien-Chung. 2009. “Mothers’ Reports of Nonresident Fathers’ Involvement with Their Children: Revisiting the Relationship between Child Support Payment and Visitation.” *Family Relations* 58(1):54-64.

²⁵⁹ Garasky, Steven, Susan D. Stewart, Craig Gundersen, and Brenda J. Lohman. 2010. “Toward a Fuller Understanding of Nonresident Father Involvement: An Examination of Child Support, In-Kind Support, and Visitation.” *Population Research and Policy Review* 29(3):363-93.

²⁶⁰ Administration for Children and Families. nd. Office of Child Support Enforcement Fact Sheet. Washington, DC: Office of Child Support Enforcement. Retrieved January, 2019 (https://www.acf.hhs.gov/sites/default/files/assets/2015factsheets_ocse.pdf.)

support system represented the inability to define their parenthood. Nathan, a social services professional, described these feelings as a “loss of control,” which was a “psychological barrier” for many men involved in the system. And this caused a great deal of hostility toward the system, leading many parents to attempt to get around their involvement altogether.

“LET ME PROVIDE FOR MY CHILD. DON’T TELL ME HOW TO DO IT”:

RESENTMENT AND RESISTANCE

Because of the major implications of involvement with the child support system, many parents made the decision to resist its bureaucracy and parent on their own terms. In their narratives of navigating the child support system, many parents expressed that at best they were uneasy with and at worse they actively resisted the ways that the system regulated their parenting. And in my observations, many outwardly expressed their dissatisfaction with being forced to participate in the child support system and comply with orders they felt were not appropriate for their situation. For many parents, the child support system simply represented the “State” with which they were attempting to avoid interaction in all areas of their lives. This avoidance was often a direct result of actual or likely negative experiences with officials or procedures in those spaces.

Because of the total authority exercised by the child support system, many parents, both custodial and non-custodial, expressed unambiguous discord with having their personal family matters brought before the court. For example, Trey, a parent with primary custody of one child and the non-custodial parent of his other, reflected on his

experience, saying “I tried to stay out of court at all costs. I wasn’t really [comfortable] with having them [the judges] making decisions about my family and what I did with my kids. But it ended up that we had to go to court, but I really tried to avoid it” (paraphrased from field notes). Because Trey, and other parents who expressed similar sentiments, recognized the potential repercussions of involvement with the system, they did what they could to avoid having to go before a judge. But in a number of instances, the custodial parent of their children used the threat of court as a tool of control.

Research has demonstrated that non-custodial fathers resent the child support system for criminalizing men because of their inability to make their support payments²⁶¹ and that the mothers of their children were empowered to threaten to use the system as a tool of control.²⁶² I observed similar situations in the courtroom and heard from a number of non-custodial fathers that these dynamics were at play in their experiences. In many instances, these threats and retribution were associated with the non-custodial parent entering into a new relationship. Marcus described the first time his child’s mother filed a petition in court:

I had another girl I was talking to...and she didn’t really like the fact that I was talking to the other girl. And then, the other girl was kinda putting in some type of influence [on the custody situation]. It’s not like I wasn’t being there for my daughter.... I was getting her just as much as her mother was getting her. But something happened. I started talking some trash to her. She didn’t like it. So, first opportunity she got, she went to the court and filed for custody and child support.

²⁶¹ Threlfall, Jennifer and Patricia Kohl. 2015. “Addressing Child Support in Fatherhood Programs: Perspectives of Fathers and Service Providers.” *Family Relations* 64(2):291-304.

²⁶² Edin, Kathryn. 1995. “Single Mothers and Child Support: Possibilities and Limits of Child Support Policy.” *Child and Youth Services Review* 17(1/2):203-30.

Marcus' case was not uncommon. In the court, many fathers expressed that there had been no contention around seeing their child or arranging for informal support until they started new relationships. Even the child support system staff recognized the fact that their involvement in these matters was often a direct result of a custodial mother feeling scorned by the father of her children having a new girlfriend. One DCSE attorney described these situations, saying "Often guys don't start assessing their rights until they get a new boo [girlfriend]. If I was the old boo and we had something arranged, and now the arrangement changes with the new boo, I would be mad too" (paraphrased from field notes). This dynamic was valuable in highlighting the underlying processes at play in the child support system. Not only was the system a place to divvy up the financial support of non-marital children, but it was also a site which could be weaponized against non-custodial fathers when relationship tensions among parents erupted.

While it was fair to expect that both parents provide financial support (as well as emotional support) to their children, it was also true that in many of the cases in my study the non-custodial parent was already contributing responsibly without the intervention of the court and the threat of the potential consequences of involvement with a system singularly focused on monetary transactions. Nevertheless, the custodial parent was able to utilize the system as a means of retaliation for having her feelings hurt, putting the non-custodial parent into a system of surveillance and enforcement that could have very damaging legal, economic, and interpersonal consequences.

Child support system personnel also empowered custodial parents over non-custodial parents in a number of other ways despite persistent claims that they were there to serve the interests of the children and not either parent. On several occasions, judges and DCSE attorneys demonstrated their perspective that custodial parents who came to agreements with the other parent were doing the non-custodial parent a favor. For example, after a custodial mother and non-custodial father came to an agreement which would reduce the arrears owed by the father, the judge said, "Sir, I assume you have no objection to that. She's giving you a pretty substantial break on that. That's a pretty good break" (paraphrased from field notes). In some instances, child support personnel even put custodial parents in a position of power over the fate of the non-custodial parent, asking what they wanted to see happen during hearings for non-payment of support. In one case, a grandmother, Catherine, had custody of her daughter, Cassie's, children. During a hearing for a show cause for non-payment, Shannon, the DCSE attorney, asked Catherine, "What do you want to see done here?" Catherine replied, "I don't want her to go to jail. I want her to pay what she needs to pay. She's so far behind. It is getting ridiculous. Something has to be done. I don't feel I should have to ask. School starts the same time every year. Go buy some clothes" (paraphrased from field notes). Ultimately, the judge decided to follow Catherine's wishes and continued the case, ordering it back for review in six months, at which time he promised to send the mom to jail if she had not been making consistent payments. In this example, and similar others, the state lent its authority to the desires of the custodial parent.

In some instances, because of the adversarial dynamics between parents, and the loss of control felt by non-custodial parents described earlier by Nathan, non-custodial parents expressly refused to pay in open court. These situations were typically exacerbated by circumstances in which the non-custodial parent felt that the custodial parent was misusing their child support to buy things for themselves or was not fit to be the primary parent. In one example, after the judge set the order for \$100 per month, Sam, a non-custodial father in court to establish parentage of and support for a child he had in an affair, said, "I'm not gonna pay her nothing. I'll tell you that now. She's on dope. I'm not gonna pay her nothing." The judge, unmoved by the claims of drug use, responded, "Well, you'll go to jail. You can appeal [the order in Circuit Court] if you want" (paraphrased from field notes). In a number of similar situations, fathers indicated that they did not agree with their order because they did not trust that the custodial parent was using the support to actually provide for the child. Many of these parents seemed to feel that they were better able than the court to determine what and how to provide for their children.

In essence, many non-custodial parents felt that the child support system's orders removed their autonomy to be fathers and mothers in the way that they defined and felt connected to. Marcus said, "Let me provide for my child. Don't tell me how to do it. Don't force me. That's just how I feel, 'cuz I'm not the type of guy [that's] tryin' to run away from it. I want to provide. I look forward to providing. It makes me feel whole." Marcus' sentiments clearly articulated the fulfillment and satisfaction that he felt at being a father that provided for his children, without the threat of punitive

measures of enforcement by the court. He went on to say, "It's like they're robbing me. They're stealing my opportunity to be a father." Marcus' feelings of theft went beyond just the financial aspect, but also related to his outlook on the fulfillment that providing for one's children provided. In some ways, the child support system was actually stealing his opportunity to achieve that fulfillment on his own in a way that was authentic and defined by and for him.

Other participants expressed similar feelings about the ways that child support system involvement removed their autonomy as parents. Derrick described the ways that not only was his identity as a father interfered with, but also his identity as a man. He said, "I'm a grown man. I don't need you to supervise what I do or how I take care of my kids. I don't need you knowing what I do for mines. Like, I don't need your help. I didn't need your help making 'em, so I don't need your help with me taking care of 'em." These sentiments underscored an important cognitive distinction between the definitions of parenthood promulgated by the child support system and those maintained by the parents themselves. For these dads, independence as men and as fathers was central to their understanding of parenthood. This independence was largely situated in their ability to define their value as parents through their individual relationships with their children. However, participation in a massive government program of oversight like the child support system immediately removed the value of relationships and replaced it with a hyper-focus on transactions and procedures. And because the system was concerned only with financial support, anything that could not

be monetized in accordance with their guidelines was not viewed as worthy of consideration.

Nevertheless, while there were many ways that parents resented the system and made use of diverse strategies for resisting it, there were several examples of parents reinforcing the ideas and processes which undergirded the system and showing appreciation for the mechanisms that worked in their favor.

“DEADBEAT DADS DON’T DESERVE NO BREAKS”:

APPRECIATION AND ACCEPTANCE

The parents I spoke with and observed articulated varied reasons for resenting and avoiding the child support system. However, these sentiments did not entirely represent the experiences of parents in navigating their involvement. In many ways, custodial and non-custodial parents alike reinforced the cognitive underpinnings of the system which framed the harsh labeling and treatment of “deadbeat dads,” and were ambivalent about or in some cases appreciative of the mechanisms employed by DCSE.

While many parents chose to avoid any additional involvement with the court, specifically in filing petitions for additional visitation or for reducing or stopping their support orders when their employment circumstances changed, some non-custodial parents did assert their right to use the system. One non-custodial father, Armando, described this process as “filing child support on myself,” and several others mentioned knowing of similar situations or considering doing the same thing themselves. In these instances, non-custodial fathers filed petitions for visitation and/or custody because the mothers of their children were not granting them access. They referred to this use of the

system as “filing child support on myself” because they knew that their initiation of the process would undoubtedly mean that the mothers of their children would file a counter-petition for support. They described this decision-making process as a “no-win” because while they had strong desires to spend time with their children, they knew the potential consequences of being involved with the child support system. In these cases, the non-custodial parents were certainly ambivalent about their willing participation in the system, but nevertheless chose that option because they felt they were left with little choice.

Interestingly, in a number of cases in which custodial mothers filed petitions for support as a result of being upset with the father of their children, the order for support set by the judge or decided by the mediator was significantly less than the father had been previously informally providing. In these cases, the use of the court as retribution essentially backfired on the mother and was then appreciated by the non-custodial father. Nathan described his experience of this, saying “[My daughter’s] mother was very upset about the fact that basically what they said that I owed per month for child support was less than what I was already giving her.... I never heard her curse in my life. She cursed that day!” A number of non-custodial fathers described similar experiences, including Patrick who had the order set for support during a period of collecting unemployment benefits. The figure that was determined by the formula using his unemployment benefit amount was significantly less than what he had until that time been providing to his daughter’s mother.

In other situations, fathers who had previously been supplementing the money they provided directly to their children's moms with in-kind support justified stopping these additions by citing the court's order. For example, Nathan described, "I had really been giving money and buying clothes and pampers and food and all that stuff. And then one day I got home and there was a summons in my box.... So I was hot, just because the whole opposition to having to deal with the court system. But it was the best thing I ever did." Nathan's comments highlighted the complexity that both custodial and non-custodial parents faced in navigating the outcomes of pursuing state intervention into matters of the family. While Nathan was initially very apprehensive about being involved with the child support system, after seeing that his mandated payments were less than what he had previously been paying voluntarily, he described system involvement as "the best thing that could have happened." In this way, he embraced the outcome of his involvement with the system, despite his previous resistance. But this situation is important for another reason; while the child support system explicitly stated its primary goal as "increas[ing] the reliability of child support payments"²⁶³ in an effort to make the financial situations of custodial parents and non-marital children more stable, intervention in the family and actually reducing the amount of support paid created a complicated situation. If the goal was to encourage healthy relationships and the support of children, how then could the system reconcile

²⁶³ Administration for Children and Families. nd. Office of Child Support Enforcement Fact Sheet. Washington, DC: Office of Child Support Enforcement. Retrieved January, 2019 (https://www.acf.hhs.gov/sites/default/files/assets/2015factsheets_ocse.pdf.)

reducing the support provided to children and contributing to hostile relationship dynamics?

Some parents involved in the child support system also embraced its mechanisms of enforcement. As a massive bureaucratic system of oversight, the federal and state OCSEs have implemented a number of procedures to maintain compliance with support orders. Although many parents, especially non-custodial ones, complained about and actively resisted these procedures, there were some which many did not regard as especially problematic, and in some cases even embraced them for simplifying their situation. For example, few of the non-custodial fathers I spoke with expressed any discord with the system of wage-withholding utilized by the child support system. In practice, as soon as a non-custodial parent was hired for a new job, he must provide his employer with the documents necessary to begin the automatic deduction of his support obligation. For some non-custodial parents, this process contributed to feelings of shame associated with involvement with the child support system, but for most, the fact that their payments were made automatically without any action on their part after the initial provision of paperwork, meant that their experiences with the child support system were streamlined. Prior to the system of wage-withholding, non-custodial parents often had to make a physical visit to their local DCSE, which caused their payments to sometimes be late or just otherwise introduced an additional barrier to their ability to stay current with their order. Some non-custodial fathers I spoke with whom had longstanding orders for support reflected on the

inconvenience of this process and when compared to how things were done previously were appreciative of the ease with which their payments were now made.

Moreover, a number of the parents embraced the more punitive mechanisms of enforcement used by the system. As both a social services practitioner and non-custodial father with a child support order, Nathan supported the use of incarceration “depend[ing] on the case.” He said, “Sometimes the incarceration thing can be used to get people’s attention. If it’s just child support and you just refusing to pay and you’re working, I don’t know, man, maybe that’s a way to get your attention.” Like Nathan, other non-custodial fathers expressed their support of punitive enforcement mechanisms, especially for fathers who were willfully refusing to provide financial support for their children. A number of fathers articulated a strong unsympathetic perspective of dads who were not supporting their kids, including Marcus who said, “I ain’t got no remorse for no deadbeat dad. I’m sorry.... It’s they fault I’m going through what I’m going through right now. I ain’t got no respect [for them].” Not only did Marcus believe that incarceration was a justified punishment for “deadbeat dads,” he also blamed them for his negative experiences in the child support system. For Marcus, the actions of “deadbeat dads” made it harder for “good fathers” to navigate the system.

And certainly, custodial parents often embraced the punitive mechanisms of enforcement used by the system. As the ones who were directly affected by the non-payment of support (except in TANF cases), custodial parents were often supportive of whatever tools could be used to get their money. In one telling example, a custodial

mother, Sheila, and non-custodial father, Henry, were in court for a show cause hearing. The father had an order to pay \$175 per month and had an arrearage amount that was just over \$700, which consisted of interest-only debt. He had fallen behind on making his payments in full, so the part of his payment that was supposed to go toward paying the interest arrearage down had stopped. At the start of the hearing, the judge addressed Sheila who had filed the petition for the show cause, asking, "He's been paying pretty steadily every month. Why did you file?" Sheila replied, "If he was paying so religiously, he wouldn't be that far behind. I just want what he owes my son."

The judge responded, "Well, I've had people in here that are \$150,000 behind. So he's not bad." The judge turned to Henry to discuss his circumstances. Henry said that he was "having a very hard time" and "would like to lower the amount if possible." He went on to explain that he did not have a steady source of income and had been doing odd jobs to keep up with his child support payments. In addition, he had to travel two hours to get to court and even after speaking with his caseworker, he did not understand why Sheila "brought me here."

The judge explained why Sheila was receiving slightly less than the \$225 she believed she was ordered to receive; because Henry had multiple cases, the amount he paid toward his arrears was split between his cases, which he had no control over. The mother was visibly annoyed with the explanation and seemed set on Henry being sentenced to serve time in jail. The judge then turned back to Sheila and said, "He's been paying. And you can't get blood from a turnip." Sheila quickly snapped back, "But you can put the turnip under the jail!" (conversation paraphrased from field notes). This

story was remarkable in that it was a rare example of a judge and DCSE personnel being sympathetic of a non-custodial parent, demonstrating what seemed like an understanding of the difference between a “deadbeat” who was unwilling to pay their support and a “turnip” who was unable to pay it.²⁶⁴ What was common in this story was the strongly held support for the use of punitive enforcement mechanisms by many custodial parents. In this example, the child support system personnel showed sympathy toward the non-custodial father despite the fact that the mother did not feel that what he was paying was sufficient to care for their child. Nevertheless, because the father was meeting the demands the court had placed on him, in the eyes of the state, he was doing all that needed to be done to be considered responsible and deserving of sympathy. Overall, parents demonstrated complex and varied reactions to their experiences in the child support system. In many instances, they resented and attempted to resist involvement, while in others they appreciated the mechanisms utilized by the system and reinforced the system’s cognitive underpinnings.



State intervention in matters of the family has a significant impact on the ways that child support system involved mothers and fathers experience parenthood. The bureaucratic mechanisms of surveillance, enforcement, and punishment directly intercede in decisions about how to responsibly and meaningfully support children and this oversight impacts the ways that parents construct their identity as mothers and fathers, and as women and men. In the next chapter, I explore the ways that these

²⁶⁴ Mincy, Ronald B. and Elaine J. Sorensen. 1998. “Deadbeats and Turnips in Child Support Reform.” *Journal of Policy Analysis and Management* 17(1):44-51.

dynamics also worked to stigmatize and shame parents involved with the system, and how that stigma and shame impacted the interactions parents had within the system and the relationships they maintained with their children and co-parents.

CHAPTER FIVE

“THEY LOOK AT YOU LIKE YOU’RE NOTHING”:

STIGMA AND SHAME IN THE CHILD SUPPORT SYSTEM

Although in recent years scholars have become more interested in the lived experiences of individuals navigating the child support system, one major area of concern has gone largely unstudied—the emotional processes associated with system involvement and government oversight of parenthood. Some scholars, in their interview projects with non-custodial parents, have hinted at the significance of emotions related to child support system involvement;²⁶⁵ however, exploring the actual processes by which emotions have a central role in the system has not been discussed. And because no studies to date have gone into the courtroom to explore what is happening in the system from the inside, we have previously known very little about the interactions between child support system staff and the parents involved in the system. These dynamics are central to having a more complete understanding of how the system functions.

In this chapter, I examine stigmatizing and shaming experiences for custodial and non-custodial parents involved in the child support system. Stigma and shame had several important functions in the bureaucratic processes and procedures that regulated the ways non-custodial and custodial parents were mandated to financially support their minor children. Involvement in the child support system was a stigmatized

²⁶⁵ Mincy, Ronald B., Monique Jethwani, and Serena Klempin. 2015. *Failing Our Fathers: Confronting the Crisis of Economically Vulnerable Nonresident Fathers*. New York: Oxford University Press.; Edin, Kathryn and Timothy Nelson. 2013. *Doing the Best I Can: Fatherhood in the Inner City*. Oakland: University of California Press.

position and parents experienced a great deal of shame in their interactions with system personnel. In some ways, the use of stigmatization and shaming acted as a tool of social control which highlighted the power differentials between parents and child support system staff. In addition, the use of stigma and shame had a number of significant social consequences, including reinforcing cognitive boundaries between “deserving” parents and “undeserving,” or “responsible parents” and “deadbeats.”

FINANCES AND FAMILY AT ODDS:

THE SOCIAL NATURE OF STIGMA AND SHAME

Erving Goffman has described two types of stigma—of character traits and of group identity—which were relevant for the parents involved in the child support system. The first type of stigma, of character traits, referred to elements of one’s personality including “weak will” or “dishonesty,” which can be determined from an individual’s “known record” of behaviors such as imprisonment and unemployment.²⁶⁶ The second type of stigma, of group identity, came from an individual’s association with a particular identity; this stigma can be passed through family lines and cause all members of a family to also be stigmatized.²⁶⁷ One of the primary social functions of stigmatization is social control and stigmatization can have a serious impact on those considered to have a “spoiled identity.” The stigmatized experience social isolation which is undergirded by cognitive boundaries between them and their non-stigmatized counterparts. Those who have been stigmatized may try to avoid the symbols of their

²⁶⁶ Goffman, Erving. 1963. *Stigma: Notes on the Management of Spoiled Identity*. New York: Simon and Schuster.

²⁶⁷ Ibid.

stigma by using “disidentifiers” which allow them to try to pass as “normal.”²⁶⁸ Overall, processes of stigmatization give rise to potential feelings of shame among the stigmatized. Although feelings of shame are largely internal, the genesis and experience of these internal emotions are often strongly related to and impacted by external forces. As an emotion, shame is fundamentally social in nature because it is one of the only emotions that requires an external stimulus. Shame represents a threat to social bonds²⁶⁹ and is tied to an individual’s perception of his appearance.²⁷⁰ Since shame is the “premier social emotion,”²⁷¹ examining the manifestations and effects of shame in diverse social settings is valuable.

Scholars have explored the ways that shaming manifests in social contexts. Terrell A. Hayes has examined the influence of shame on the dimensions of labeling theory in exploring how a typically invisible condition—indebtedness—invokes stigma and social definitions of deviance in part through social interactions and gender dynamics.²⁷² Glen Pettigrove and Nigel Parsons have demonstrated the collective nature of shame and its relevance to conflict dynamics in the case of Palestine.²⁷³ These studies have highlighted important characteristics that are also central to the shaming processes in the child support system—debt and conflict. Both Hayes and Pettigrove

²⁶⁸ Goffman, Erving. 1963. *Stigma: Notes on the Management of Spoiled Identity*. New York: Simon and Schuster. Pgs. 44.

²⁶⁹ Scheff, Thomas J. 2003. “Shame in Self and Society.” *Symbolic Interaction* 26(2):239-62.

²⁷⁰ Retzinger, Suzanne M. 1995. “Identifying Shame and Anger in Discourse.” *American Behavioral Scientist* 38(8):1104-13.

²⁷¹ Scheff, Thomas J. 2003. “Shame in Self and Society.” *Symbolic Interaction* 26(2):239-62.

²⁷² Hayes, Terrell A. 2000. “Stigmatizing Indebtedness: Implications for Labeling Theory.” *Symbolic Interaction* 23(1):29-46.

²⁷³ Pettigrove, Glen and Nigel Parsons. 2012. “Shame: A Case Study of Collective Emotion.” *Social Theory and Practice* 38(3):504-30.

and Parsons ultimately underscored that social processes are central to experiences of shame; nevertheless, the examination of shame in social contexts has been somewhat lacking.²⁷⁴

As a site of policy enforcement largely focused on processes related to debt and conflict, which have been demonstrated to be important dimensions in the practice of shame, the child support system allowed for personnel to use their positions of power to shame the parents that used DCSE services and came before the court. As involvement with the child support system was typically the result of some disagreement between parents, whether they were unable to agree on an amount of support, or completely unable to communicate at all, the role of conflict was central, an important aspect of the processes related to shaming. The significant role that conflict played in experiences within the child support system brought forth a number of emotional processes. In addition, child support orders were essentially a form of civil debt, although there were criminal justice consequences attached to non-payment. And what's more, the payment and receipt of child support was largely connected to financial outcomes, especially for low-income parents navigating the system. In many ways, the prevalence of conflict was related to criminal justice system processes, while the role of debt was related to welfare policies and procedures, further underscoring that child support was located at the intersection of these two systems.

²⁷⁴ Scheff, Thomas J. 2000. "Shame and the Social Bond: A Sociological Theory." *Sociological Theory* 18(1):84-99.; Scheff, Thomas J. 2003. "Shame in Self and Society." *Symbolic Interaction* 26(2):239-62.

Because of the connection between the welfare and child support systems, understanding the ways in which stigma and shame were constructed through the dynamics of welfare policy is important. It has been widely documented that recipients of welfare face stigma and discrimination from the general public, as well as welfare system staff.²⁷⁵ This stigma was often directly associated with the perceptions of immorality associated with single parenthood and unemployment,²⁷⁶ statuses shared by many involved in the child support system. Some literature of child support system involvement has explored the internal feelings of shame that parents, particularly those who are low-income, experience as a result of not being able to meet certain standards of parenthood which they held for themselves and which society holds for them. Specifically, research on fatherhood has articulated the internal pressures that men felt when they were not able to live up to expectations to be the breadwinner for their children, resulting in a situation identified as “provider role strain,”²⁷⁷ particularly an issue for those fathers facing under- or unemployment.²⁷⁸ The economically vulnerable men in the study by Mincy and colleagues, as well as those in Edin and Nelson’s study, expressed that they felt strain and regret as a result of their inability to provide enough

²⁷⁵ Seccombe, Karen. 1990. *“So You Think I Drive a Cadillac?:” Welfare Recipients’ Perspectives on the System and Its Reform*. Needham Heights, MA: Allyn and Bacon.

²⁷⁶ Jarrett, Robin L. 1996. “Welfare Stigma among Low-Income African American Single Mothers.” *Family Relations* 45:368-74.

²⁷⁷ Bowman, P. J. 1990. “Coping with Provider Role Strain: Adaptive Cultural Resources among Black Husband-Fathers.” *The Journal of Black Psychology* 16(2):1-21.; McAdoo, J. L. 1993. “The Roles of African American Fathers: An Ecological Perspective.” *Families in Society* 74:28-35.

²⁷⁸ Hamer, J. 2001. *What it Means to Be a Daddy: Fatherhood for Black Men Living Away from Their Children*. New York: Columbia University Press.; Marsiglio, W. and Kevin Roy. 2012. *Nurturing Dads: Social Initiatives for Contemporary Fatherhood*. New York: Russell Sage Foundation.

financial support for their children.²⁷⁹ This pressure, which resulted in feelings of shame and incompetence, had the potential to cause fathers to retreat from their children and other familial relationships.²⁸⁰ Other studies have found contradictory outcomes of financial strain, highlighting that fathers that cannot meet breadwinner expectations focus on other forms of involvement with their children.²⁸¹ These examples represent important internal experiences of shame for fathers facing child support obligations; however, since no studies to date have gone inside the system, the external processes of shame have not been explored.

The criminal justice system is another important case for the examination of the functions and consequences of stigma and shame in policy-related sites. John Braithwaite's definition of shaming in the criminal justice system encompassed "all societal processes of expressing social disapproval which have the intention or effect of invoking remorse in the person being shamed and/or condemnation by others who become aware of the shaming."²⁸² Shame in regulatory settings, such as the criminal justice system, has been conceptualized in two main ways—as a social threat and as personal failure.²⁸³ As a social threat, shame was the perception of current or future

²⁷⁹ Mincy, Ronald B., Monique Jethwani, and Serena Klempin. 2015. *Failing Our Fathers: Confronting the Crisis of Economically Vulnerable Nonresident Fathers*. New York: Oxford University Press.; Edin, Kathryn and Timothy Nelson. 2013. *Doing the Best I Can: Fatherhood in the Inner City*. Oakland: University of California Press.

²⁸⁰ Anderson, Elijah. 2008. *Against the Wall: Poor, Young, Black, and Male*. Philadelphia: University of Pennsylvania Press.

²⁸¹ Roy, Kevin. 2004. "You Can't Eat Love: Constructing Provider Role Expectations for Low-Income and Working Class Fathers." *Fathering* 2:253-76.

²⁸² Braithwaite, John. 1989. *Crime, Shame and Reintegration*. Cambridge: Cambridge University Press. Pg. 100.

²⁸³ Harris, Nathan. 2017. "Shame in Regulatory Settings." Pp. 59-76 in *Regulatory Theory: Foundations and Applications*, edited by P. Drahoš. Canberra, Australia: Australian National University Press.

rejection or disapproval, and as personal failure, shame was an individual's belief they have not met an ideal or standard.²⁸⁴ Overall, stigma and shame are important dimensions of policy domains, including in the experiences of child support system involved parents.

“WHERE’S YOUR MORAL OBLIGATION TO SUPPORT YOUR KID?”:

SHAME AND COGNITIVE BOUNDARY MAINTENANCE

Involvement with the system was generally stigmatized despite how common it was for parents to use it to settle disputes over child support. William, a case manager for DCSE, said plainly, “There’s a stigma attached to child support.” He described how parents, especially those who had difficulty making their payments, were often stereotyped as “irresponsible” and not deserving of the sympathy of the court, even when he felt it was clear they were trying to do their best. One major source of stigma was related to employment, connected to the linkage between morality and responsibility and work. Non-custodial parents who were not working were implicitly and explicitly shamed by custodial parents and system personnel alike. Importantly, the shaming related to not working in order to provide financial support extended beyond traditional gendered ideas of parenthood. In one example, Janet, a non-custodial mother faced a show cause for non-payment on a pair of cases in which her arrears were just over \$4,000. Janet explained to the court that she had six children she cared for in her home (two of her own, and her fiancé’s four), in addition to suffering from a number of mental health conditions, including Bipolar Disorder, Attention Deficit Hyperactivity

²⁸⁴ Ibid.

Disorder, and anxiety. These circumstances made it difficult for her to work, Janet claimed. When the judge asked the position of DCSE, Shannon, the Division's attorney, began indirectly scolding Janet. Shannon said,

There doesn't really seem to be much of a plan. Depending on the fiancé to pay this support is not a plan. Being a stay-at-home mom is not an option when you have these cases.... She needs to find some way to start making payments. She needs to get employment. Eventually this will come back to haunt her (paraphrased from field notes).

Shannon's tone and words about Janet's circumstances underscored the stigma associated with non-custodial parents not maintaining employment to support their children. What was even more interesting in this case was that the non-custodial parent was a mother who was staying at home, at least in part, to care for her children. Had she been a custodial mother to all of her children who was without employment in order to care for them, and the non-custodial father was before the court for a show cause, it is unlikely she would have been reprimanded for being a stay-at-home mom. However, her status as a non-custodial parent inherently prevented staying-at-home for child-rearing from being an acceptable option, despite the fact that Janet claimed that her fiancé would be helping her make her child support payments. In this way, the child support system reflected patterns of stigmatizing unemployed parents similar to those that exist in the welfare system.

In the welfare system, the stigma connected to the receipt of welfare was so prevalent that even recipients themselves attempted to distinguish between their own

status and that of other recipients deemed “welfare queens.”²⁸⁵ Ideas about the morality of certain groups of individuals receiving welfare benefits influenced whether these individuals were deemed worthy of support and assistance or conversely were blamed and shamed for their poverty.²⁸⁶ A number of factors have been suggested to be important in reinforcing this relationship between poverty and shame, including dominant social discourses, cultural institutions, and social policy institutions.²⁸⁷ These social and political mechanisms have frequently served as the social sites in which the co-construction of shame occurred. The internal feelings and external projections of shame created social distance between those who conformed to social norms and those who did not. These judgments were central in creating cognitive distinctions between those parents who were perceived as moral and responsible and those who were not. In the welfare system, because of the prevalence of the stigmatization and shaming of the proverbial “welfare queen,” when interviewed on the fairness of the system, poor women receiving benefits, “whom many would describe as welfare queens,” separated themselves from the stereotypical deviant woman abusing the system “by asserting their positive roles as mothers.”²⁸⁸ These cognitive distinctions represented a

²⁸⁵ Gustafson, Kaaryn S. 2011. *Cheating Welfare: Public Assistance and the Criminalization of Poverty*. New York: New York University Press.

²⁸⁶ Battle, Brittany Pearl. 2019. “War Widows and Welfare Queens: The Semiotics of Deservingness in the American Welfare System.” In *The Oxford Handbook of Cognitive Sociology*, edited by W. Brekhus and G. Ignatow. New York: Oxford University Press.

²⁸⁷ Jo, Yongmie Nicole. 2012. “Psycho-Social Dimensions of Poverty: When Poverty Becomes Shameful.” *Critical Social Policy* 33(3):514-31.

²⁸⁸ Gustafson, Kaaryn S. 2011. *Cheating Welfare: Public Assistance and the Criminalization of Poverty*. New York: New York University Press. Pg. 152.

widespread buy-in to ideas about the deservingness of some for respect and sympathy and of others perceived deviants for contempt and blame.²⁸⁹

Similarly, parents in the child support system articulated a distinction between “responsible parents” and “deadbeats.” And like individuals involved in the welfare system, parents who were involved in the child support system worked to reinforce boundaries between themselves as “good” and “responsible parents,” and “deadbeat” others. They described being treated as “deadbeat dads,” although they viewed themselves as “good fathers.” These sentiments demonstrated the significance of the use of moral indignation in strengthening boundaries between those considered “deadbeat dads” and those considered “good fathers” in the child support system. While both of these groups of dads may have in fact participated actively in the lives of their children, even by contributing financially through in-kind or informal types of support, and be similar in many other characteristics, the failure to comply with a court order served as the criterion by which some were marked “deadbeats” and others were marked “responsible.” In this way, the identity of “responsible” dads was in part created by emphasizing the contrast in relation to “deadbeat” dads.²⁹⁰ In other words, according to these fathers, because they did not behave like their “deadbeat” counterparts, they were “responsible.”

²⁸⁹ Battle, Brittany Pearl. 2019. “War Widows and Welfare Queens: The Semiotics of Deservingness in the American Welfare System.” In *The Oxford Handbook of Cognitive Sociology*, edited by W. Brekhus and G. Ignatow. New York: Oxford University Press.

²⁹⁰ Zerubavel, Eviatar. 1991. *The Fine Line: Making Distinctions in Everyday Life*. Chicago: The University of Chicago Press.

Importantly, this boundary between “deadbeat” and “responsible” dads was endorsed by those often considered by others to be “deadbeats” themselves, just as the women often considered “welfare queens” endorsed the boundary between “welfare queens” and “good” mothers. Because the identities of the “deadbeat” and the “welfare queen” were so stigmatized, men and women avoided being associated with them at any cost. To be labeled in such a way would have represented a “spoiled identity”²⁹¹ that individuals viewed in this way attempted to disidentify with by drawing distinctions which highlighted the flaws of the stigmatized group in comparison to their positive characteristics. In the child support system, parents’ attempts to distance themselves from the “deadbeat” label they felt the system was placing upon them in many ways represented a resistance of the system, but it also implicitly represented their acceptance of a sociocognitive structure which conceptualized some fathers as irresponsible or “deadbeat” and others as “responsible.”

For example, Derrick said, “I’m not like one of the deadbeat dads that’s not doing anything, or not even trying to see the kid, or none of that. I’m doing what I’m supposed to do to stay out of the trouble that I would be in if I wasn’t doing what I was supposed to do.” While Derrick’s cognitive boundary between “good” dads and “deadbeat” dads fell along the lines of whether fathers saw their children and remained active in their lives, his endorsement of the distinction between “good” and “deadbeat” dads provided an important example of the ways in which individuals, including non-

²⁹¹ Goffman, Erving. 1963. *Stigma: Notes on the Management of Spoiled Identity*. New York: Simon and Schuster.

custodial parents themselves, created morality-based divides that rested heavily on social interactions and judgmental perceptions of behavior.

In the child support system, non-custodial parents used their understandings of shame and the boundaries it reinforced between “responsible fathers” and “deadbeats” to attempt to avoid punitive enforcement mechanisms. In one example, Sherman, a non-custodial father in his 50s with an arrears balance of more than \$26,000, faced incarceration for non-payment. When asked by the judge for his defense, Sherman began emotionally pleading, saying

I was going through a separation and a lot of other things. I’m trying. I’m not just being a deadbeat dad. I know it looks like that, but I really am trying.... I’m asking for the mercy of the court, to please give me another chance. If I go to jail for six months, I’m only gonna fall further behind. I really am trying (paraphrased from field notes).

Sherman’s pleas ultimately fell on deaf ears, as he was sentenced to 180 days in jail and ordered to pay a \$1,500 purge. Nevertheless, as Sherman had been before the court on a number of occasions for show causes, his experience with the ways that the process played out was extensive. Sherman’s strategy to beg and plead for “mercy,” and attempt to differentiate himself from “deadbeat” others, highlighted the prominent role that perceptions of shame and deservingness play in the system.

Ultimately, the boundaries expanding the social distance between deserving and undeserving parents rested on ideas about morality, which have long been central to the policing of sexuality and reproduction and subsequently parenthood. Historically,

diverse debates around parenthood from the legalization of birth control²⁹² to the use of welfare benefits²⁹³ have centered at least in part on questions of morality. These debates highlighted perceptions of “responsibility,” whether in reproduction or in raising children, resting in large part on whether one was enacting cultural norms of morality whether through chaste sexual behavior or working enough to be able to independently financially support their children.

The questions of morality around parenthood had a distinct influence on the mechanisms at play in the child support system. Because the system was singularly concerned with parenthood, beyond the partial concerns of parenthood found in the welfare or criminal justice systems, the stakes for perceptions of morality were even higher. As such, ideas about who should and should not have children were pervasive. Child support system personnel frequently expressed their opinions about the reproductive decisions of the parents with whom they interacted. For example, during a conversation with Albert, a DCSE attorney, about responsibility and parenthood, he expressed his views on the reproductive decisions of some of the parents he interacted with plainly saying, “There are a lot of people that have kids that probably shouldn’t have kids.” When I asked Albert what motivated his belief that many parents should not have had kids, he referenced examples of men with 7-8 children who “jump from

²⁹² Gordon, Linda. 2002. *The Moral Property of Women: A History of Birth Control Politics in America*. Urbana: University of Illinois Press.

²⁹³ Battle, Brittany Pearl. 2019. “War Widows and Welfare Queens: The Semiotics of Deservingness in the American Welfare System.” In *The Oxford Handbook of Cognitive Sociology*, edited by W. Brekhus and G. Ignatow. New York: Oxford University Press.

one woman to the next” and “don’t realize they’re responsible.” Albert went on to say, “Their prospects for a future are pretty much nil” (paraphrased from field notes).

Albert’s comments, and many similar ones made by his colleagues, were reflective of neoliberal restrictions on family planning and reproduction. In their minds, unless an individual was able to provide a certain lifestyle to their child, marked by responsibility which was specifically characterized as financial support, he should not become a parent at all, ideas which have been often included in definitions of “normative readiness” by family planning practitioners.²⁹⁴ And moreover, in some cases, becoming a parent was perceived as not only “unfair to the child,” but also as completely wiping out any prospects an individual might have for building a future.

In many ways, the child support system explicitly reinforced the value of work for perceptions of “responsible parenthood” and stigmatized those who did not meet these standards. When parents did not meet these expectations for responsibility, their morality was in question, including from other parents who were involved in the system. April, a custodial mother, spoke on this issue, saying, “I suggest he [the father of her children] stop making kids he can’t pay for. So I don’t care if he can’t afford it. Whatever they order is appropriate” (paraphrased from field notes). April was clear in having no sympathy for any consequence which her children’s father might have faced. In some cases, even those who were supposed to be defending non-custodial fathers shared in this perspective. Matt, a defense attorney who represented non-custodial

²⁹⁴ Stevens, Lindsay M. 2015. “Planning Parenthood: Health Care Providers’ Perspectives on Pregnancy Intention, Readiness, and Family Planning.” *Social Science and Medicine* 139:44-52.

parents in his private practice, as well as a court-appointed attorney, said, “And the thing with these deadbeats, they always have a job starting Monday. But you never know if it’s true ‘til you come back” (paraphrased from field notes).

Child support system personnel certainly questioned the morality of parents who did not provide for their children. Shannon, a DCSE attorney said explicitly, “I know people get frustrated and might hate the other parent, but where’s your moral obligation to support your kid?” (paraphrased from field notes). Shannon’s comment underscored the strong perceived relationship between providing financial support for children and morality. And the underlying beliefs that child support system staff held of parents involved in the system were significant for influencing the interactions between these two groups, interactions which were frequently rife with stigma and shame. Overall, the use of stigma and shame in the child support system played a prominent role in upholding moral boundaries between those parents perceived as “responsible” and those perceived as “deadbeats.” These distinctions had an important influence on the interactions that parents had with child support system personnel.

“IT’S A DEAMEANING EXPERIENCE”:

SHAME IN SOCIAL INTERACTIONS

Involvement with the child support system required a great deal of social interaction, both expressly in relationships between custodial and non-custodial parents or contact between parents and system staff, and implicitly in the relationships between parents and their children that the system exercised control over. The cultural representations discussed in this and previous chapters—morality, deservingness,

responsibility, criminality, and the desirability of the “traditional” family structure—greatly impacted all of these interpersonal relationships. Importantly, stigma and shame became a major part of these interactions as a response when parents did not meet the standards of the cultural representations which undergirded the system.

In interactions with child support system staff, both custodial and non-custodial parents faced shame at not fulfilling the norms of the “traditional” family structure, thereby diminishing perceptions of their morality and deservingness. Shame acted not only as an internal emotional force, but was also externally influenced vis-à-vis the social interactions that an individual had with those in a position of authority or power.²⁹⁵ In these instances, staff members who held positions of authority over the parents reinforced these norms by expressly and implicitly shaming the decisions, behaviors, and statuses of the parents with whom they interacted. Nathan described his experiences interacting with DCSE staff as “demeaning,” even as a social services professional himself. He said,

When I went over to DCSE to do what I had to do in terms of filling out paperwork and everything, it was a very, um, adversarial situation. Maybe it’s some of the questions they just have to ask, but it’s not like I had been through it before. It’s kinda a demeaning experience, really. Because of the way they interact with people.... I specifically remember the lady just not looking at me at all, seeming so nonchalant about the whole situation. And then, she didn’t ask me what my daughter’s birthday was. She’s like, “Do you know your daughter’s birthday.” And I said, “Yeah, I was there.” It was just the whole perception. I walked out of there saying, “Wow.”...I just thought about it. I’m here to pay child support, ya know? And it’s cool with me. So I imagine how people who really have an attitude about the whole situation, then have to deal with this person I’m talking to here—it’s probably really rough for them.

²⁹⁵ Scheff, Thomas J. 2000. “Shame and the Social Bond: A Sociological Theory.” *Sociological Theory* 18(1):84-99.; Scheff, Thomas J. 2003. “Shame in Self and Society.” *Symbolic Interaction* 26(2):239-62.

Nathan's reflections on his experiences with DCSE staff demonstrated the humiliation that parents were often made to feel when navigating the child support system. In most cases, these non-custodial parents did not have the option of whether or not to interact with child support system personnel and were therefore forced to experience what are often shameful experiences under the state's intervention in their family.

Another way that these interactions took place was in status degradation ceremonies described as "any communicative work between persons, whereby the public identity of an actor is transformed into something looked on as lower in the local scheme of social types," which ultimately degrades the "total identity" of the individual.²⁹⁶ In the child support system, interactions between court staff and parents, both custodial and non-custodial, frequently took the form of these ceremonies. For example, after not addressing the parents throughout nearly an entire hearing, a judge looked up and noticed the arm tattoos of Ken, a non-custodial father. The judge said, "I see you have several tattoos. How much did you spend on those? That looks like at least \$100 in tattoos. Probably should have spent that on your child" (paraphrased from field notes). After the parents exited the courtroom, the judge joked with the DCSE staff about almost "catching" Ken, saying, "They [the tattoos] looked new. I thought I had him" (paraphrased from field notes). All the staff chuckled at the judge's comments, sharing in the judge's humor around being able to "catch" parents who might be spending money in a way that did not match their ideas of responsibility.

²⁹⁶ Garfinkel, Harold. 1965. "Conditions of Successful Degradation Ceremonies." *American Journal of Sociology* 61(5):420-24.

Incidences such as the one with Ken were frequent, with judges asking the price of parents' cell phones or whether they smoked cigarettes. The shame placed on the perceived irresponsibility of maintaining the expense of a cigarette habit might also be related to the idea that smoking overall is viewed as an immoral and stigmatized behavior of fathers.²⁹⁷ During a conversation with Shannon following this incident, she told me that judges regularly asked non-custodial parents about tattoos, phones, shoes, and jewelry. She told me of one judge who was actually known for making non-custodial parents empty their wallets and pockets in search of money they were holding onto. Other system personnel shamed parents for how they spent their money, including in a few instances, their own defense attorneys. In one example, a defense attorney, Gerald, questioned his client, Phil, during a hearing for a show cause for non-payment. Gerald said to Phil, "You have transportation. You are well-dressed, well-groomed. You're not malnourished. How have you met your needs?" "My family. I owe them," answered Phil. Gerald responded, "Well your family can't put you in jail. The judge can. You wanna go to jail? You ever been to jail? You were in the Marine Corp, right?" Phil replied, "Yes, sir. Honorably discharged." Gerald said back, "Well, you need to be in ICMP. If not, you're gonna go to jail. You need to meet with the caseworker whenever she wants. If it's inconvenient, change your plans. Arrange your schedule around it. If you have to go without eating, this support needs to be paid. Otherwise, you're gonna go to jail" (conversation paraphrased from field notes). While

²⁹⁷ Greaves, Lorraine, John L. Oliffe, Pamela Ponc, Mary T. Kelly, and Joan L. Bottorff. 2010. "Unclean Fathers, Responsible Men: Smoking, Stigma and Fatherhood." *Health Sociology Review* 19(4):522-33.

Gerald spoke, Phil hung his head and never made eye contact with anyone. His responses were quiet and he appeared to be humiliated. In the end, the judge decided that Phil be ordered into the ICMP. Although it is possible that Gerald was using this interaction with Phil as a performative strategy to help Phil avoid a jail sentence, his questioning was in fact a display of public shaming. Ultimately, all of these examples, and similar others, were undeniable external forces of shame for non-custodial parents.

During my interviews with parents, many non-custodial fathers in particular described their interpretations of interactions with child support system staff as explicitly disrespectful. Non-custodial parents' interactions with judges were particularly shaming because of the extremely unequal power dynamic and the perception that they were not fulfilling their roles as parents. Brandon described his experience of shaming in the child support system as a lack of respect, saying,

They disrespect you. They look at you like you're nothing. Like you're less than nothing. And then, at the same time, you have to look at them like, "Dude, I'm here for child support. I didn't shoot nobody. I didn't rob nobody. I'm not knocking folks over. I'm not a drug dealer. I'm not a child molester. I'm here for child support." And yet, they're looking at you like you were. Like you have horns on your head and you're out here killing babies. That's how judges look at you.

Brandon described the perception that judges looked at fathers defaulting on child support payments with the same contempt shown to violent criminals. He expressed the feeling that judges think these fathers are "less than nothing."

Marcus described a similar sense that he was not respected by system personnel. He said, "I honestly don't feel as though these judges respect us unless we go in there with a lawyer. Because everything I was trying to say to him, he was just shootin' it

down. I was tryin' to get more time with my child, and he was like, 'Nope. Nope. Nope. You can't do this. You can't do that.'"

Participants' descriptions of interactions with child support staff as disrespectful strengthened the previously demonstrated relationship between shame and a perceived lack of respect.²⁹⁸ Moreover, Marcus' description of the shaming he felt at the hands of child support system judges also pointed to the legitimacy some non-custodial parents might be afforded through the presence of an attorney. Without the presence of legal representation, their status was devalued, often resulting in very negative outcomes in their hearings. The importance of legal representation was noteworthy for several reasons. First, as a large proportion of non-custodial fathers in arrears have been shown to be in extremely unstable financial situations (70% make less than \$10,000 per year²⁹⁹), it is highly unlikely that they would be able to afford to hire an attorney and thus access the legitimacy and respect from judges that came with legal representation (non-custodial parents in my study had legal representation in just about 40% of cases, the vast majority of which were court-appointed for show cause hearings). In addition, in Virginia, custodial parents who had open cases with the DCSE were granted the representation of an attorney and the services of a paralegal during all hearings related to child support. This meant that during hearings, custodial parents were spoken for by their attorneys and thus received the legitimacy and respect afforded to legal professionals, further contributing to unequal experiences and outcomes. And lastly,

²⁹⁸ Retzinger, Suzanne M. 1995. "Identifying Shame and Anger in Discourse." *American Behavioral Scientist* 38(8):1104-13.

²⁹⁹ Sorensen, Elaine, Liliana Sousa, and Simone Schaner. 2007. *Assessing Child Support Arrears in Nine States and the Nation*. Washington, DC: The Urban Institute.

when non-custodial parents were represented, as discussed earlier, there were often a number of issues, including little time to meet with attorneys and low compensation for attorneys potentially leading to less rigorous representation.

In many instances during my observations, judges did not address parents at all during the hearing, neither custodial nor non-custodial and with or without representation by legal counsel. Judges often passed over the parents in requesting information about the child, such as names and birthdates and addresses, asking the DCSE staff and not the parents, thereby relegating the parents' statuses to that of merely observers in the hearing. On many occasions, both custodial and non-custodial parents were not granted the opportunity to speak at all during the hearings, as if they were not in the courtroom at all. This perceived and actual invisibility has also been previously linked to experiences of shame.³⁰⁰

At times when judges and child support system staff did interact directly with parents, the interactions often proved difficult because of differences in communication styles, language or education barriers, or characteristics of the non-custodial parent that the judge deemed inappropriate, ill-mannered, or unseemly, like tattoos, as the earlier example affirmed. These communication barriers were sometimes classed and/or racialized as explained by Kenny, who said, "I have to look at the make-up of the courtroom, the judges, the prosecuting attorneys, and even the defenders [defense attorneys]. Often they don't look like us [Black males]. And what I've seen over the

³⁰⁰ Retzinger, Suzanne M. 1995. "Identifying Shame and Anger in Discourse." *American Behavioral Scientist* 38(8):1104-13.

years is an inability to relate to the human aspect of relation.... And I think we have that and it's called implicit biases." Kenny's explanation highlighted the intersectional importance of race and gender, and implicitly socioeconomic status, in the interactions between non-custodial parents and child support system staff. While Kenny was clear in his perceptions about the impact of implicit bias for Black fathers in the system, in my observations, which were just about evenly split between Black and white non-custodial fathers (38% and 37% respectively), I did not detect any racialized patterns of especially stigmatizing or shaming behaviors. While the non-custodial parents in the urban jurisdiction were predominantly Black, the non-custodial parents in the rural jurisdictions were predominantly white. And in both places, they were stigmatized and shamed frequently, as well as equally facing incarceration and other punitive enforcement mechanisms. Ultimately, the stigmatized status was being perceived as a "deadbeat" which cut across gender, racial, and class lines. Nevertheless, because of disparities in child support system involvement on the whole—mothers account for more than 80% of custodial parents; more than 50% of these mothers are women of color and their poverty rate is more than 30%³⁰¹—these stigmatizing and shaming interactions in the system at large³⁰² were disproportionately experienced by this particular demographic.

³⁰¹ Grall, Timothy. January, 2018. "Custodial Mothers and Fathers and Their Child Support: 2015." *Current Population Reports*. Washington, DC: U.S. Government Printing Office. Retrieved December 2018 (<https://www.census.gov/content/dam/Census/library/publications/2018/demo/P60-262.pdf>).

³⁰² I was not granted access to all case information to allow for a demographic breakdown of the parents involved in the system in which I observed, so this discussion of the system at large assumes similar demographic patterns as the national figures on child support system-involved parents.

Child support system personnel also often engaged with parents in an exceedingly informal way. Judges frequently simply used “mom” or “dad” to refer to parents, and not their names. Relatively speaking, among all of the ways that judges might address parents (e.g. sir and ma’am, mister and missus, the father or the mother), using “mom” and “dad” was arguably the most colloquial and casual. The informal style of communication on the part of the judges was striking given the formality cloaking all procedures in the courtroom—all litigants, staff, and spectators were required to rise when the judge entered the courtroom, litigants and attorneys addressed the judge as “Your Honor,” and there was to be no side conversations or otherwise inappropriate interactions. This discrepancy in the level of formality expected and shown from the judge to the parents compared to from the parents to the judge demonstrated unequal levels of respect. In some ways, not referring to an adult by their name, and instead by “mom” and “dad” might even be considered infantilizing in mimicking the ways that children refer to their parents, not in the ways that other adults would refer to these individuals.

In addition, in a number of hearings I observed, DCSE personnel spoke condescendingly directly to non-custodial parents or indirectly mocked their situation to the judge when responding to the testimony given by the parent. In these instances, the tone and words used presented as what I coded as “getting smart,” meaning passive aggressively speaking down to or about the parent. For example, in one case, a mother and father, Monique and Brian, had recently switched custody to have the children live with the father. This change in circumstances required DCSE to stop the support order

for Brian to pay Monique, and to issue a new order for Monique to pay support to Brian. At a previous hearing on the matter, Monique had testified about mental health issues she was having that were preventing her from obtaining employment, so a temporary order for support was entered with Monique paying the statutory minimum of \$68. At the current hearing, a final order was to be set. Explaining the circumstances to the judge, Shannon, the DCSE attorney, stated, "Mom was supposed to bring evidence of her disability."

Not understanding the language used, Monique began to ask a question, "I was supposed to bring a paper...," before being cut off by Shannon. Shannon tersely interjected, "You were supposed to bring *evidence* that you can't work. From a doctor or something." Monique attempted to explain her situation, "I can't work and apply for disability while I'm trying to deal with my mental state. I have depression, anxiety, and bipolar. I'm going to [the local health clinic] to try to get treatment." Shannon ignored Monique's explanation and submitted to the court, "Well, our position is I can just walk in and apply for disability. Doesn't mean I'm gonna get it. This is not fair to the child. You understand applying for disability doesn't make you disabled?"

The judge ordered that the case be continued once more, giving Monique what he called, "the benefit of the doubt." He said, "But let's make it crystal clear today. You need medical *evidence* that you can't work." Monique, still not understanding what was being requested of her, asked what paperwork she would need to bring to court next time. Shannon replied, "No ma'am. Paperwork is not enough. You need medical evidence." Before she exited the court, the judge asked Monique three times whether it

was “crystal clear” what she needed to do for the next hearing (conversation paraphrased from field notes). His question was ironic given that each time Monique tried to get clarity regarding what she needed to bring, she was cut off by Shannon.

The interaction between Monique and Shannon was one of a number I witnessed in which child support system personnel spoke curtly or even harshly to parents. These interactions shamed parents for not following or not understanding what was expected and required of them. And because they were not able to ask for instruction during hearings, despite child support system personnel recognizing their unawareness of the process, parents could expect to be repeatedly subjected to these types of interactions.

Moreover, the stigma attached to child support system involvement for parents was strongly reinforced by system personnel. The opinions personnel held of parents were often shared after hearings had ended. On one occasion, following a hearing to establish a support order, after the parents exited the courtroom, everyone laughed at the way the parents had interacted, and the bailiff commented, “Well, she’s semi-retarded and he’s mentally impaired” (paraphrased from field notes). These opinions no doubt influenced the ways that parents were treated in the courtroom and when navigating other elements of the bureaucracy. If child support system staff had little or no respect for the parents coming into the courtroom, it was not likely that they would be treated with respect during their interactions. These interactions in part served as mechanisms by which to regulate the behaviors of the parents who entered the court, and were part of larger structures of social control enacted on these parents. Not only did these shaming interactions police the specific actions of the parents in the court,

they also contributed to a broader policing of the parents' lives, from their dress inside the courtroom to their interactions with their partners outside the court.

"APPROPRIATE DRESS IS REQUIRED": SHAME AS SOCIAL CONTROL

As discussed, in many instances child support system personnel directly exerted their power and authority to publicly shame the parents with whom they interacted. Many of these interactions, however, went beyond just causing shame to the parent, but were also attempts to use stigma and shame to regulate specific behaviors which the system viewed as inappropriate, unseemly, or immoral. In the courtroom, nearly every potential action by parents was regulated. For example, many of the courts had dress codes posted in their waiting areas. In one county, the dress code read "Appropriate dress is required in the courtroom. You may not enter the courtroom if you are wearing the following: shorts, halter tops, tank tops, cut-offs, t-shirts, hats. All shirts must be tucked in." While the dress codes were not always enforced, the posting did present the opportunity for judges to enforce it at their discretion, creating a potential source of anxiety for parents who were unable to purchase more formal or professional clothing just to wear to court. And Shannon told me of instances in courtrooms where the judge had thrown out parents who were wearing sweatpants or "pajama pants" to court. In one instance which I observed, before a hearing, a judge reprimanded a woman for having sunglasses on top of her head in the courtroom.

Sometimes other pet peeves of the judges were dealt with in a harsh manner. For example, on one occasion, I witnessed a judge kick a parent out of court for chewing gum. In this particular building, there was no sign that gum was not allowed, but

because the woman had irritated the judge with making noise while sifting around in her purse, he used her chewing gum as an opportunity to publicly reprimand her. The judge said, "If you can't sit still, then you need to leave. Actually just leave. Get rid of that gum. If you come back, sit still. You're distracting me" (paraphrased from field notes). This interaction, and others during which spectators and parents were reprimanded or asked to leave the courtroom, again highlighted the respect expected to be shown to judges and the court. Moreover, in these instances the judges' reactions reflected the notion that "The Court" held a status that was above and beyond the respect held for any single person coming through the system. Judges were not to be distracted, disturbed, or otherwise annoyed during hearings, regardless of the circumstances or how their own behavior might be interpreted.

Overall, parents were required to engage in the hearing process in very particular ways. Everything from how they sat to when and how they spoke to how they exited the courtroom was open for regulation by any one of the individuals working within the system. Defense attorneys commonly told their clients to sit up straight or apologize to the court for their lateness. Bailiffs told parents when to enter and exit the courtroom and to refrain from speaking to each other. And judges certainly demanded particular behaviors from parents in the courtroom. In one example, during a hearing for a show cause for non-payment, the judge and non-custodial parent had a particularly difficult interaction. At one point, the non-custodial father, Kevin, inquired whether he could ask a question. The judge replied harshly, "You may be quiet until I am done speaking" (paraphrased from field notes). Kevin did not get to ask his

question, and appeared extremely frustrated with the exchange. As previously discussed, parents were often not given an opportunity to ask questions or state their positions in the court. In this example, when a non-custodial parent attempted to have his questions answered, he was somewhat harshly prevented from doing so, likely because the judge viewed what he had to say as trivial and did not appreciate his behavior in participating in the hearing. Here, the judge expressly regulated Kevin's behavior by not allowing him to speak. Ultimately, many of these interactions were infantilizing similar to the examples of parents being referred to as "mom" and "dad." Judges telling adults to "sit still" or "stop distracting me" was reminiscent of a parent scolding a child. These examples demonstrated the ways that judges were able to publicly shame parents for nuanced annoyances and require or prohibit particular behaviors at their will.

Parents were also prohibited from bringing children into the courtroom in many counties unless their presence was specifically requested by the judge. If parents brought their children, the judge could refuse to hear their case and potentially hold them in contempt, thereby criminalizing the act of being without childcare. However, this scenario was also important for understanding the uses of shame as a social control in the ways that child support system staff responded to parents who brought their children to court. In one example, between hearings, Albert, a DCSE attorney, and the Clerk of Court, Sarah, began a conversation about these situations. Albert said, "Why bring your child in as a prop? Oh yeah, you don't have a babysitter? First thing I think

is you're trying to use the kid as a prop. For sympathy." Sarah replied, "They care more about themselves than the children."

Sarah added that it was "scarring for the child." And Albert described an instance in which he witnessed a judge "go off on someone" for bringing their child to court. The DCSE paralegal, Sean, added, "Some judges will call DSS [the Division of Social Services to report the parent]." Sarah chimed in, "Yeah. Even more scarring" (conversation paraphrased from field notes). Here the child support system personnel expressed their opinions that parents bringing their children were doing intentional harm to them in order to try to get sympathy from the court. At no time did they consider that parents might in fact not have money to pay a sitter or have someone they trust to leave their children with, and were not actually using their children as props. This belief no doubt contributed to the stigmatization of these parents.

Importantly, the regulation of parents' behavior was influenced by ideas about the distinctions between "good" or "responsible" parents and "deadbeats." For example, during a session on anger management in ICMP, the instructor for the session openly shamed a participant for cursing at the mother of his children. The instructor asked the participants to raise their hands if they had ever used obscenities with their girlfriends, then looked around and waited for anyone to put their hands up. When one father tentatively raised his hand, the instructor said, "See, that's what you can't do. I have never cursed at my wife or called her out of her name" (paraphrased from field notes). The instructor then continued on with class, with most participants visibly uncomfortable and no longer engaging in the discussion, without actually offering any

alternative ways to handle the anger that would contribute to someone cursing, even though the session was on anger *management*. This interaction was one of many that I observed in which even those who were tasked with supporting non-custodial parents participated in the stigmatization and shaming of these parents. The non-custodial parents in the ICMP could have benefitted immensely from the provision of resources and support, however, most parents who participated in the program did not see it through until the end. While some were able to secure jobs, per conversations with Beverly, the caseworker who managed the program, most participants stopped coming because of lack of transportation or just stopped answering her calls. While exit interviews were not conducted with parents who dropped out of the program, it was unlikely that they would have casually stopped attending had they really been having a fulfilling and valuable experience. During my observations, many presentations in the weekly meetings were not well-planned, sometimes facilitators failed to show up, and many interactions appeared cursory and not meaningful.

In the end, interactions between child support system personnel and parents displayed pervasive patterns of stigmatization and shaming. Not only did these stigmatizing and shaming interactions regulate the behaviors of parents while inside the system, they also impacted the ways that these parents lived their lives even outside the child support system.

“WITH CHILD SUPPORT, THAT DREAM BECOMES LESS AND LESS POSSIBLE”:

THE SOCIAL CONSEQUENCES OF STIGMA AND SHAME

The use of stigma and shame in social interactions and as a tool of social control in the child support system resulted in many social consequences for the parents involved in the system. The destructive potential of shame, mainly because of the threat to an individual's sense of self, has been extensively documented, particularly in regulatory settings.³⁰³ And unacknowledged shame, which many experience due to the taboo nature of this emotion, can result in a host of defensive affects including "hiding behaviors," "negation of other," repression, resentment, anger, and violence.³⁰⁴ In the child support system, stigmatization and shaming did have a number of destructive consequences, including many fathers' loss of hope spurred by the threat to their identity both as fathers and as men. Non-custodial fathers frequently expressed that their involvement with the child support system made them feel inadequate and, in some cases, their inability to make their child support payments, made them feel hopeless. Brandon described this feeling, saying,

It's just a flesh eating disease.... I plan on getting back to where I was when I was twenty-two, twenty-one, having my own car, having my own place where all my kids can come and go as they please, or whatever the case may be. And, with child support, that dream becomes less and less possible. With these kind of numbers hanging over my head, it doesn't look like it's any time in the near future.

Brandon was clear in explaining how his child support obligations made him feel helpless and as though it would be a long time before he would be able to achieve his goals.

³⁰³ Harris, Nathan. 2017. "Shame in Regulatory Settings." Pp. 59-76 in *Regulatory Theory: Foundations and Applications*, edited by P. Drahos. Canberra, Australia: Australian National University Press.

³⁰⁴ Retzinger, Suzanne M. 1995. "Identifying Shame and Anger in Discourse." *American Behavioral Scientist* 38(8):1104-13.

While on the surface the loss of hope was an individual and internal response, this sentiment had important consequences for the ways that non-custodial parents planned for their futures with their children or even arranged their daily interactions with them. Brandon described the fear he had of being arrested while with his children, saying

I'm nervous. I'm scared. I have very particular things about me. I have a red jacket and I have an orange bicycle with my son's bike on the back.... Anybody that knows me knows that that is me and my son's livelihood to our survival in [our hometown], to get to and from daycare, to school, or work, or the grocery store. That is how me and my son get around.... So all I'm waiting for them to do is to come to my house one day when I'm not there, to see this orange bicycle locked up outside, and to see me riding it one day and place my face or my bicycle and jump out on me. God forbid, I pray that I do not have my son with me if it happens.

For many parents, the stigma and shame that came with their involvement with the child support system discouraged them from maintaining important relationships, including with their children and the custodial parents of their children. These processes of stigmatization and shaming contributed to what were already very tense contacts, impacting the non-custodial parents' desire and motivation to continue and grow these relationships.

The feeling that they were being stigmatized and treated unfairly on account of being labeled "deadbeats" caused a number of men to contemplate the extent to which they participated in the lives of their children or whether they wanted to continue an amiable co-parenting relationship with the custodial parent. Marcus described his feelings about his relationships with his child and his child's mother, saying

I think it jacks that [relationship with the children] up, man. I think it jacks up the relationship with the mother and the father, man. Sometimes it literally makes a man not wanna be a father, man. For real. It can drive men away, man. Fuck this, fuck her, fuck both of them. Y'know what I'm saying? It makes us angry. It makes us mad.

Here Marcus explicitly expressed his anger and hostility, affects that have been linked to unacknowledged shame.³⁰⁵ The potential to interfere with fathers' engagement with their children is a significant consequence, particularly in a system currently attempting to encourage healthy parent-child relationships.

In some instances, fathers described their feelings of shame over the ways that the mothers of their children used the threat of the child support system as leverage to make demands on their time and money. Brandon recounted having to negotiate a great deal with the mother of one of his children who reinforced the stigma and stereotypes associated with non-custodial fathers in the child support system. He described the experience, saying

It's embarrassing. And then at the same time it pisses me off. And then it frustrates me. And then, at the same time, it's almost like, like I wanna wash my hands of the situation. 'Cause I have so much love to give, and like wisdom and guidance that I want to give to my son, that I give to my other son on a daily basis and that my other son's just being deprived of. That it, you know, it almost forces me to wanna quit dealing with the situation.

Not only did Brandon indicate his own frustration at the effects of his stigmatizing involvement with the child support system, he also indicated the negative implications for his child who he felt was missing out on his love, wisdom, and guidance.

³⁰⁵ Scheff, Thomas J. and Suzanne M. Retzinger. 1991. *Emotions and Violence: Shame and Rage in Destructive Conflicts*. Lexington, MA: Lexington Books.

The shame experienced as a result of child support system involvement, specifically when non-custodial parents were unable to make their payments, also encouraged some to engage in semi-legal and illegal activity in order to avoid these feelings. For many parents who were unemployed or underemployed, the threat of punitive enforcement encouraged illegal activity in an attempt to avoid incarceration and but also to save “face.”³⁰⁶ Kenny described this dilemma succinctly, saying “And to a lot of guys, what’s worse? To be called a deadbeat dad or a drug dealer?” For many non-custodial parents, particularly fathers, who faced precarious financial circumstances, the availability of illegal work made it tempting, especially when the alternative was receiving the stigmatizing and shameful label of a “deadbeat.” Not only did this label diminish their identity as fathers triggering shame as a result of their devalued self-image,³⁰⁷ it also impacted perceptions of their manhood and masculinity which were largely tied to being able to support a family.³⁰⁸



Stigma and shame were pervasive in the child support system as a way to reinforce expectations for respect and also to control the behaviors of parents. Situated at the intersection of matters of the family, finance, and conflict, child support brings together the welfare and criminal justice systems, two sites where stigma and shame are common. Exploring the ways that stigmatization and shaming occur in the child support system allows for a fuller understanding of the norms for interactions and

³⁰⁶ Goffman, Erving. 1955. “On Face-Work: An Analysis of Ritual Elements in Social Interaction.” *Psychiatry* 18(3):213-31.

³⁰⁷ Lister, Ruth. 2004. *Poverty*. Cambridge: Polity Press.

³⁰⁸ Connell, R. W. 1995. *Masculinities*. Berkeley: University of California Press.

mechanisms of control within the system. The impact that these processes have on relationships between parents and with their children is important to having a complete picture of the ways that individuals navigate the system. Ultimately, the system is a significant mediator for the experience of parenthood, impacting how parents understand and enact their roles.

CONCLUSION

Since its origin, the U.S. child support system has increased and expanded its reach into the lives of American families. This state intervention in matters of parenthood and family has had a significant impact on the lives of the individuals involved in the system. This dissertation examined that impact through exploring the experiences of fathers and mothers who were navigating the state's authority over their relationships with each other and their children. I explored how fatherhood and motherhood, and family more broadly were conceptualized in relationship to involvement with the system. Parents' experiences were influenced not only by interactions with system personnel and engagement with the bureaucratic mechanisms of enforcement, but also by the sociocognitive underpinnings of the system which provided cultural messages about morality, deservingness, responsibility, and criminality. These normative ideas were framed by evolving cultural conceptualizations of poverty, welfare, and the family, the conceptual triad used for this sociocognitive analysis of parenthood, family, and the government systems that intervened in them.

In the nearly five decades since the federal government first became involved in matters of child support, the legislation in this area of social and family policy has shifted dramatically. The federal child support system began essentially unregulated with no legal requirements for non-custodial parents to financially support their children. The system first transitioned to weak civil regulation, and then to strong criminal justice penalties for non-compliance. Currently, punishment has been somewhat less central at the government and agency level, replaced by a stronger focus

on healthy relationships between parents and children, although in practice the system still often utilizes harsh enforcement mechanisms. This shift corresponded with changes in welfare policy, culminating in the 1996 passage of PRWORA which made the previously de facto link between welfare policy and child support policy de jure. As approximately 50% of child support-eligible custodial families are recipients of cash benefits or other types of means-tested welfare benefits,³⁰⁹ the government has been more intensely focused on using the law to “lighten the massive burden of welfare”³¹⁰ through the contributions of fathers.

Overall, these transformations in child support and welfare legislation, and the related conceptualizations of poverty, welfare, and the family were impacted by demographic shifts around single motherhood. Growing rates of non-marital births meant that children living in female-headed households were more likely to be children of low-income never-married mothers, rather than middle-income widowed mothers. This shift had particular salience for cultural beliefs about the desirability of “traditional” family structures and the aid that was offered to women who did not meet the standards of morality associated with having children only within a marriage. Furthermore, as the rates of non-marital child births and female-headed households were notably higher for Black women than for white women, this demographic trend

³⁰⁹ Lippold, Kyle and Elaine Sorensen. October, 2013. *Characteristics of Families Served by the Child Support (IV-D) Program: 2010 Census Survey Results*. Washington, DC: The Urban Institute. Retrieved January 2019 (https://www.acf.hhs.gov/sites/default/files/programs/css/iv_d_characteristics_2010_census_results.pdf).

³¹⁰ Battle, Brittany Pearl. 2018. “Deservingness, Deadbeat Dads, and Responsible Fatherhood: Child Support and Rhetorical Conceptualizations of Poverty, Welfare, and the Family.” *Symbolic Interaction* 41(4):443-64.

had particular consequences for the notions of respectability of the Black family, who were stereotyped as particularly immoral and irresponsible. While many of these women relied on the government for financial and in-kind assistance due to extreme structural inequality, these demographic shifts were nonetheless closely associated with the exponentially rising costs of welfare.³¹¹ As such, notions of acceptable “need” and “dependency,” and thereby “deservingness,” were strongly connected to racialized and classed ideals of family structure.³¹²

While non-custodial fathers were similarly punished, stigmatized, and shamed across races, the consequences of these processes would likely have more extensive implications for Black men navigating other forms of structural inequality. In essence, I am suggesting that facing the enforcement mechanisms of the child support system compounds other inequality faced by these men, specifically in the contemporary use of mass incarceration and neoliberalism. Furthermore, because the “deadbeat dad” stereotype originated as a racialized and classed image of low-income Black men, whether other men now experience similar labeling and the subsequent consequences, the former group still disproportionately carries the symbolic burden of the representations of irresponsible absentee fathers. Moreover, the sociocognitive foundations of the child support system reinforce a normative ideal of family structure which is not the reality for many families of color and low-income white families who often rely on extended networks for survival. Enforcing expectations of “responsibility”

³¹¹ Wilson, William Julius. 1987. *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy*. Chicago: University of Chicago Press.

³¹² Abramovitz, Mimi. 1996. *Regulating the Lives of Women: Social Welfare Policy from Colonial Times to the Present*. Cambridge, MA: South End Press.

and support that are largely unattainable for some parents due to systems of oppression in the United States means that these parents are doubly burdened.

Official policy and unwritten rules regarding custody and visitation have had important implications for the cultural norms which impact child support policy. Because there have been persistent preferences for mothers in custody decisions, there were widely shared cultural notions of mothers as primary caregivers and fathers as secondary parents. Moreover, the narrow definition of support contributed to the family and parenthood being conceptualized in a way that monetized the relationship between parent and child, a conceptualization that was not subscribed to by the parents involved in the child support system. Based on the conceptualizations of responsibility as primarily or solely referring to the provision of financial support and the external and internal shame associated with not being able to meet the normative expectations of fathers to be the provider, the system constructed an experience of parenthood and family that centered the state's authority and removed a significant amount of parents' autonomy in determining how to fulfill their roles as fathers and mothers.

This singular focus on the financial aspects of parent-child relationships was also related to processes which created legal ties to parenthood that superseded biological ties, sending a significant message about the conceptualization of parenthood within the system. Essentially, the system's focus was on who was going to be legally (i.e. financially) responsible for the child, not who actually held a biological or emotional connection. Labeling someone other than the biological parent, or even someone in the role of a step-parent, a "custodial parent" because they held a legal role meant that the

state's interest in child support cases was about legal relationships and financial support. Participation in the child support system immediately removed the value of relationships and replaced it with a hyper-focus on transactions and procedures. And because the system was concerned only with financial support, anything that could not be monetized in accordance with their guidelines was not viewed as worthy of consideration not only in the actual legal decision-making process, but also in the symbolic conceptualization of "responsible parenthood."

The ways that the child support system conceptualized morality, deservingness, responsibility, and criminality have also impacted its willingness to employ harsh enforcement mechanisms which have substantial collateral consequences for parents involved in the system. These enforcement mechanisms also directly linked the child support system to criminal justice as all three major components of the criminal justice apparatus—law enforcement, courts, and corrections—were utilized regularly by child support enforcement agencies. Because of the significant consequences associated with involvement with the system, non-custodial parents often held feelings of resentment and developed strategies to resist involvement. When punitive civil and criminal justice sanctions were utilized for enforcement, non-custodial parents experienced a trickle-down effect into many areas of their lives, as well as into the lives of their children, including seriously impacting their ability to support their children financially and emotionally.

Furthermore, the organization of the child support system, including its harsh enforcement mechanisms, contributed to the prevalence of the stigmatization and

feelings of shame among parents, which helped maintained the social distance between “deserving” and “responsible parents” and their “undeserving” and “deadbeat” counterparts. These boundaries, framed by the policing of sexuality and reproduction and subsequently parenthood, have long been central to social norms of morality. Furthermore, in experiencing the system, parents often did not feel respected, heard, or considered. These sentiments were connected to ideas about who was deserving of support and compassion and conversely who was deserving of disdain and blame.

The experience of parenthood throughout the life course has long been seen as one of the most defining dimensions of a person’s identity.³¹³ But involvement with the child support system shaped the experience of parenthood through the oversight of a massive government program. For many parents who found themselves under the regulation of the child support system, their primary concerns for their children were more centered on relationships and less on finances. When their value or responsibility as a parent was called into question because they had not met the court’s order for support, there was a disconnect between how parents identified themselves and how they were perceived by the bureaucratic system regulating support enforcement. The distance between how non-custodial parents perceived their importance in the lives of their children and the expectations of the child support system resulted in feelings of shame and threats to their identity, as well as impacted how they related to the other parent and their children. Ultimately, because parents’ involvement in the child support

³¹³ Feeney, Judith A., Lydia Hohaas, Patricia Noller, and Richard P. Alexander. 2001. *Becoming Parents*. Cambridge: Cambridge University Press.

system had significant implications on the ways that they experience parenthood, they were often faced with having to develop ways to either actively resist or accept the state's intervention in their family.

Overall, the conceptual triad of poverty, welfare, and the family maintained cultural messages around morality, responsibility, deservingness, and criminality which undergirded the child support system. These implicit and explicit messages underscored sociopolitical ideas about who had the right to become a parent, what "responsible parenthood" looked like, and what should happen when individuals did not meet these standards of responsibility. In this way, the state was authorized to intervene in matters of the family to reinforce its neoliberal positions which privileged conceptualizations of parenthood focusing on financial and legal transactions. In many ways, this neoliberal definition of family abstracted the relationship from parent-child dynamics. In the U.S., it has been taken for granted that biological parents, and more so fathers, hold all the responsibility for the financial support of children; however, this definition of the family is not the only way for individuals to engage in these relationships. This study of the child support system has highlighted that in the United States, the state has upheld a particular conceptualization of parenthood and family that is largely in conflict with that held by the parents involved in the system.

LIMITATIONS

While this project provided a much more in-depth look at parents' experiences with the child support system, it was not without significant flaws. First, due to the nature of my observations, I was not able to access detailed background information on

the parents I observed during hearings. The lack of this information had a number of important considerations. First, I did not have the details of prior hearings or orders in each case, other than the information provided during the hearings I observed. This meant that potentially relevant information about the hearings was not included. A longitudinal study that takes a case study approach to follow parents as they navigate the system, observing them visiting their local DCSE, filling out petitions, and attending hearings, might contribute even more to our understanding of parents' experiences in the system.

In addition, while in the cases of formal interviews, I explicitly asked participants for their age and racial identification, I estimated the ages and made assumptions about racial identity based on phenotypic appearance during observations. This process for estimation was problematic for a number of reasons, including the possibility for inaccuracy and misidentification. However, I am comfortable with using these estimates because the court room personnel with whom the parents interacted were making similar estimations based on appearance as they did not have access to the information either, which had the potential to impact the ways in which they interacted with the mothers and fathers. In essence, the potential implications for gender, race, and age impacting parents' experiences in the child support system would be based on their appearance. While I cannot guarantee that the personnel with whom the parents interacted would have made the same exact estimations as I did in every situation, it is likely that we had similar perceptions of the parents in the courtroom.

Although the parents and courtroom personnel with whom I spoke and observed were somewhat diverse, most of the sample was either Black or white and there were no same-sex couples included in the study due to the overall lack of representation in the child support system. While a Black/white comparison is one used often in social science research, it does not allow for a comprehensive examination of the impact that race or ethnicity might have on experiences. Future research in the area of child support system involvement could include a broader sample of racial and ethnic backgrounds. Furthermore, the absence of same-sex couples in the system is also reflected in the literature on this area of family policy, as to my knowledge, there have not been any studies on issues of child support among this family type. In addition, while I did not have direct access to information on immigrant status, I can comfortably assume that the overwhelming majority of the parents in the study were American citizens (there was only one case in which the father was identified as a non-citizen). The literature on child support issues among immigrant families is also severely lacking.³¹⁴ Future examinations of parents' experiences with the child support system should broaden the family structures included.

POLICY RECOMMENDATIONS

While federal and state Offices of Child Support Enforcement have taken important steps toward reforming the child support system to make it more efficient, effective, and encouraging for parents' financial and emotional support of their

³¹⁴ Nepomnyaschy, Lenna and Louis Donnelly. 2014. "Child Support in Immigrant Families." *Population Research and Policy Review* 33(6):817-40.

children, there is still a great deal that could be done to improve the system. Many of these recommendations have been addressed by other scholars studying the impact of involvement with the child support system, including reconsidering the use of criminal justice enforcement mechanisms for non-payment of support,³¹⁵ expanding the types of involvement (i.e. informal and in-kind support) that are considered in policy development,³¹⁶ developing debt forgiveness programs,³¹⁷ incorporating practices which center the family and parents in the system rather than the interests of the court,³¹⁸ implementing policies which better close the poverty gap for welfare recipients through child support enforcement,³¹⁹ reforming responsible fatherhood initiatives and developing new programs,³²⁰ better understanding the unique impact of policy and practice on families of color,³²¹ improving work-focused antipoverty strategies to better support custodial and non-custodial parents alike,³²² and allowing more of the

³¹⁵ Office of Child Support Enforcement. June 18, 2012. *Alternative to Incarceration (IM-12-01) Information Memorandum*. Washington, DC: U.S. Department of Health and Human Services. Retrieved September 2018 (<https://www.acf.hhs.gov/css/resource/alternatives-to-incarceration>).

³¹⁶ Nepomnyaschy, Lenna, Daniel P. Miller, Steven Garasky, and Neha Nanda. 2014. "Nonresident Fathers and Child Food Insecurity: Evidence from Longitudinal Data." *Social Service Review* 88(1):92-133.

³¹⁷ Heinrich, Carolyn J., Brett C. Burkhardt, and Hilary M. Shager. 2011. Reducing Child Support Debt and Its Consequences: Can Forgiveness Benefit All? *Journal of Policy Analysis and Management* 30: 755-774.

³¹⁸ Knowlton, Natalie Anne. 2016. *The Family Law Bar: Stewards of the System, Leaders of Change*. Denver: Institute for the Advancement of the American Legal System. Retrieved January 2019 (http://iaals.du.edu/sites/default/files/documents/publications/the_family_law_bar_stewards_of_the_system_leaders_of_change.pdf).

³¹⁹ Bartfeld, Judi. 2003. "Falling Through the Cracks: Gaps in Child Support Among Welfare Recipients." *Journal of Marriage and Family* 65:72-89

³²⁰ Martinson, Karin and Demetra Nightingale. 2008. *Ten Key Findings from Responsible Fatherhood Initiatives*. Washington, DC: Urban Institute. Retrieved September 2018 (<https://www.urban.org/sites/default/files/publication/31516/411623-Ten-Key-Findings-from-Responsible-Fatherhood-Initiatives.PDF>).

³²¹ Boggess, Jacquelyn L. 2017. "Low-Income and Never-Married Families: Service and Support at the Intersection of Family Court and Child Support Agency Systems." *Family Court Review* 55(1):107-19.

³²² Cancian, Maria, Daniel R. Meyer, and Deborah Reed. 2010. "Promising Antipoverty Strategies for Families." *Poverty and Public Policy* 2(3):151-69.

payments made to pass through to the custodial parents receiving TANF benefits.³²³ Looking abroad can provide a number of valuable suggestions for managing child support. Many countries take a much less punitive approach, as the U.S. is one of only five countries which use incarceration as an enforcement mechanism and all European countries except the Netherlands provide a guaranteed child support payment to all custodial parents regardless of whether the non-custodial parent is able to pay.³²⁴

As the first project to enter the courtroom to study the child support system, this dissertation provided additional insight into the ways that this set of policies and procedures might be improved. The stigmatization and shaming that parents experience in interactions with system personnel, as well as through mechanisms meant to enact social control through shame should be reformed. In my view, the motivations for these experiences of stigma and shame were both conscious and unconscious. On the one hand, court room personnel might have expected that being harsh and appearing to “bring the hammer down” may motivate some non-custodial parents to make their child support payments. On the other hand, much of these types of interactions were likely a result of the unequal power dynamics typical of courtroom protocol. Either way, the stigmatization and shaming of those who were involved with the child support system caused resentment and had significant negative consequences that were unlikely to be overridden by the potential motivation it might have had. Even

³²³ Cancian, Maria, Daniel R. Meyer, and Deborah Reed. 2010. “Promising Antipoverty Strategies for Families.” *Poverty and Public Policy* 2(3):151-69.

³²⁴ Garfinkel, Irwin and Lenna Nepomnyaschy. 2010. “Assuring Child Support: A Re-assessment in Honor of Alfred Kahn.” In *From Child Welfare to Child Well-Being: An International Perspective on Knowledge in the Service of Policy Making*, edited by S. B. Kamerman, S. Phipps, and A. Ben-Arie. New York: Springer.

if shaming some parents caused them to make their payments, a large proportion of those who owed child support debt were extremely economically vulnerable meaning that they were likely unable to make their payments in full regardless of their motivation. Further, for many parents, likely most, these external forces of shame did little more than cause unproductive feelings of resentment regarding their experiences with the system which could negatively impact their desire to comply with orders, or more importantly to build and maintain strong relationships with their children.

My observations of courtroom proceedings also made glaringly evident the need for non-custodial and custodial parents alike to have better education in the processes and policies of the child support system. A substantial number of parents I observed demonstrated misunderstandings of the processes associated with filing petitions, presenting evidence in court, and navigating the bureaucracy, a phenomena which was also recognized by system personnel. These parents would be better served by a system that valued their ability to understand the legal processes they were involved in by providing them with accessible education on their rights. Such an intervention might include providing free informational workshops for parents which would include topics such as identifying and filing the correct petitions, the rules of evidence, the etiquette of the court, the enforcement mechanisms utilized by the state, and the consequences of signing the acknowledgement of paternity document.

These recommendations for policy interventions will help provide non-custodial and custodial parents alike with more and better opportunities to be co-parents and have healthy relationships with each other and their children. It is my hope that parents

who are attempting to do their very best to raise happy and healthy children, parents, like Marcus, who said of the child support system, *"It's like they're robbing me. They're stealing my opportunity to be a father,"* will in the future be able to have the full experience of motherhood and fatherhood in ways that they visualize, define, and enact for themselves.

APPENDIX

As I engaged with the literature on the child support system prior to beginning this project, it quickly became clear that the research relied solely on accounts of parents' experiences with the system through surveys or interviews. This method of data collection has been able to give a great deal of insight into the ways that parents navigate the system and make sense of their experiences. However, relying singularly on parent interviews has meant that the literature is missing a major component of child support policy—how the system actually functions. While scholars are able to give explanations of policy and procedure through specific legislation or information provided by child support agencies, exploring the actual mechanisms of enforcement firsthand is important to a deeper understanding of the experiences that parents have within the system. And these experiences have important consequences for the ways that women and men parent children. Moreover, much of the literature on the child support system was focused on urban communities in the Northeast and Midwest, including Camden and Trenton, New Jersey, Philadelphia, New York City, and Milwaukee. These settings are valuable for exploring large systems in which custodial and non-custodial parents have access to diverse resources due to geographic proximity and population size—ranging from extensive public transportation systems to employment agencies—which are strongly related to individuals' ability to move through the system. And on the other side, these agencies boast large budgets and staff contingents, making for a system which is likely more bureaucratic and impersonal. I was interested in whether the trends found in these geographic locations also held for

slighter systems in smaller communities in previously unexamined sites. Specifically I wanted to explore how systems that dealt with many fewer individuals in more suburban and rural communities with less access to the types of services available in big cities function.

Through a professional contact, I identified a location that met the criteria I had set out for my research site. I explored the website for the JDR court in that location and identified the Chief Judge for that district. I sent the Judge an email explaining my project to which his secretary quickly responded asking for my contact information to arrange a time to speak with the Judge further. After this initial phone call, the Judge seemed very excited about my research and invited me to meet with him in his chambers. During this meeting, I further explained the rationale for my proposed method of data collection. At this point, the Judge invited me to give a short presentation before the other judges in the district, as well as Shannon, the DCSE attorney, and John, a local defense attorney to discuss my project. He told me the judges would need to approve my proposal unanimously in order for me to be allowed to observe the child support hearings in their district. At that meeting, I spoke with the judges about the IRB process, and my research questions and design, and highlighted the significance of the project for the child system more broadly. The judges were primarily concerned with the types of questions I might ask participants. They also were completely against me recruiting interview participants while observing JDR hearings. I assured them that I would not recruit at the courthouse and gave some examples of the types of questions I planned to ask. They explained that they would not

be able to agree to audio recorded interviews with me, but would be happy to answer questions I might have if I was invited into the court. One source of potential contention among the judges appeared to be whether my research would reflect badly upon them, especially since there had recently been an exposé-style newspaper article written about the child support system in their area. I assured them that my project was completely confidential and that no identifying details of the district, their courtrooms, the judges, or the parents would be shared with anyone. The meeting ended with the Chief Judge encouragingly explaining that they would discuss the matter and take a vote and he would let me know their decision soon. Within the week, the Judge let me know they had decided to allow me to conduct observations in the court and that my primary contact would be Shannon, the DCSE attorney. I began my observations shortly after that phone call in April 2015. While conducting more than 130 hours of observations in the courtroom over a 6 month period (in addition to approximately 1 ½ years of observations in other sites and interviews), I took detailed field notes on a legal pad, including descriptions of the settings, interactions, behaviors, and demographic information. I later created an Excel spreadsheet which included details for each hearing I observed.

My social and professional networks provided me more than enough referrals to generate contacts for interviews and connections to other child support-related sites. I “spread the word” about my project by letting my friends, family members, and other associates know that I was conducting research on the child support system and asking them to refer me to potential participants, including parents with cases and individuals

working in the system. Shannon introduced me to many of the staff working for DCSE. While individuals working directly in the JDR court or for DCSE were not permitted to conduct recorded formal interviews, I spoke extensively with many of these individuals. I counted a staff person as an informal interview participant if I spoke with them for more than 30 minutes about the system. For most of these individuals, I spoke with them substantially more than this timeframe as I spent hours engaging them in conversation during my observations. I frequently went to lunch with DCSE staff and was even invited to other activities on occasion. In many ways, I believe that the data obtained through these informal conversations were more valuable than the data I may have gotten during formal recorded interviews.

I ended up having significantly more referrals for interviews of parents than time or resources permitted me to conduct for this project.³²⁵ Similar to the courtroom personnel, I included parents as informal interviewees if I spoke with them for more than 30 minutes about their experiences in the child support system, although many of the parents I spoke to on multiple occasions. The informal interviews consisted of brief to 2-hour long conversations which took place during my observations in child support related sites, such as ICMP or reentry programs, or while I was otherwise in the community engaged in non-research-related activities or events. During and after these conversations, I took detailed notes on the participants' statements. While I made every effort to note the exact phrasing used by participants during informal interviews and in

³²⁵ I plan to conduct additional interviews and observations in the secondary site this spring to expand the project.

my observations, I recognize that because the conversations were not recorded, I may be paraphrasing some portions. For that reason, I note when the quotes might be non-verbatim using “paraphrased from field notes.” The formal interviews with parents lasted on average 1.5 hours and were audio recorded and transcribed. I use pseudonyms for all names to protect the identity of participants.

In my coding process, I was ultimately interested in identifying the themes that were most central to parents’ interactions with and in the child support system through the words and lived experiences of those individuals. For that reason, I used an inductive process to identify themes in the field notes, transcripts, and cultural artifacts through a close reading and several rounds of line-by-line coding.³²⁶ I used colored pens and highlighters to organize the themes within the documents, and created a separate coding sheet to manage the larger themes and subthemes. This process really allowed me to know my data well and tell the narrative of parents’ experiences in the system from their perspective as much as possible.

The individuals with whom I spoke were very open and enthusiastic about having the opportunity to talk about their experiences within the child support system. They had strong feelings about their identities as parents, often that their conceptualization of parenthood was largely in conflict with that of the system; these feelings motivated them to share their stories. Many expressed that they hoped their contribution to my project would help make what they felt were critical changes to the

³²⁶ Saldaña, Johnny. 2016. *The Coding Manual for Qualitative Researchers*. Los Angeles, CA: Russell Sage Foundation.

system which would benefit others in the future. Ultimately, my hope is that I was able to be true to their lived experiences in this project.

TABLE 1: HEARING PETITIONS

PETITION	PERCENT
Paternity	9
Support Establishment	24
Motion to Amend Support	25
Motion to Amend Sentence	1
Show Cause for Nonpayment	44
Show Cause for Failure to Appear	11
License Reinstatement	2
Unknown/Other	5

n=296

*Total is more than 100% because hearings often involved more than one petition.

TABLE 2: NON-CUSTODIAL PARENTS IN HEARINGS

NON-CUSTODIAL PARENT	PERCENT
Father	78
Black	38
White	37
Other Race	6
Unknown Race	19
Mother	17
Black	16
White	51
Other Race	8
Unknown Race	25
Unknown	7

n=296

*Total is more than 100% because in 8% of cases, the custodial parent was someone other than the biological parent, making both the mother and father non-custodial parents. And in one case, both the mother and father had primary custody of one child.

TABLE 3: CUSTODIAL PARENTS IN HEARINGS

CUSTODIAL PARENT	PERCENT
Mother or Father	84
Grandparent Custodial Parent	8
Grandmother*	83
Grandfather	17
Other/Unknown**	8

n=296

*One case involved a great-grandmother as custodial parent.

**One case involved an aunt as custodial parent and one case involved the Virginia State Foster Care system.

TABLE 4: DCSE & ATTORNEY REPRESENTATION IN HEARINGS

REPRESENTATION	PERCENT
DCSE	77
ATTORNEY	41

n=296

TABLE 5: PARENT INTERVIEW SAMPLE

DEMOGRAPHICS	PERCENT
Non-custodial Fathers	76
Black	100
White	0
Non-custodial Mothers	10
Black	0
White	100
Custodial Fathers	4
Black	100
White	0
Custodial Mothers	10
Black	50
White	50

n=21

TABLE 6: CHILD SUPPORT SYSTEM PERSONNEL INTERVIEW SAMPLE

ROLE	PERCENT
Judges	24
DCSE Attorneys & Paralegals	21
DCSE Caseworkers	6
Other Child Support System Personnel	28
Defense Attorneys	21

n=29

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