

## **Policy Recommendations for Removing the Child Support Requirement for Families Seeking Subsidized Child Care:**

### ***Encouraging Family Responsibility While Keeping Families in Care***

#### **I. Eliminate the Child Support Requirement For Families Seeking Subsidized Child Care.**

The requirement that parents seeking subsidized child care participate in child support enforcement efforts represents a significant obstacle to fulfilling Governor Spitzer's vision of a comprehensive "birth to five" system that provides health coverage and early learning opportunities for all young children. The newly established Children's Cabinet and the unprecedented expansion of Universal Pre-kindergarten are concrete examples of the Governor's commitment to improved educational outcomes for children. Recognizing the importance of making pre-kindergarten available to all children in need, access to this vital program is not dependent on a parent's ability to pursue or enforce a child support order. New York's subsidized child care system should be like Head Start and Pre-kindergarten - available to low-income children without regard for their parents' efforts to obtain child support. A child's entry into this system should not be compromised by volatile parental relationships over which he or she has no control.

**The State and local governments should strive to minimize barriers to subsidized child care.** In New York City, the child support requirement has had a devastating impact on the ability of low-income families to access subsidized child care. According to a survey conducted by the Welfare Reform Network Child Care Committee of 86 ACS centers in Brooklyn and the Bronx, three out of four center directors said that the child support requirement had resulted in the loss of single-parent applicants. Of the directors who were able to provide an estimate of the percentage of applicants lost, estimates were as high as 75%. The average estimated loss was 38%. These results were corroborated by an informal survey of ten of the Federation of Protestant Welfare Agencies' member providers. According to the estimates of program staff at these agencies, over 60% of incoming applicants give up the application process immediately upon being informed of the child support requirement. Another 20% begin the application process, but abandon it before completion because of difficulties with complying with the child support requirement. Furthermore, in New York City, some child care centers are experiencing significant under-enrollment, and providers believe that the child support requirement is a major factor in keeping families from accessing subsidized child care. Seven out of ten of the respondent programs reported that this requirement was followed by a large reduction in enrollment.

While we can appreciate the public policy motivation behind encouraging family responsibility, enforcing this requirement keeps families from accessing subsidized care and undermines other important policy goals:

- *Promoting Self-Sufficiency and Economic Security for Low-Income Families:* For parents, particularly low-income single mothers, access to subsidized care is crucial to maintaining employment and preserving their family's financial security.

- *Ensuring Child Safety:* Parents who turn away from subsidized care because of the child support requirement are forced to place their children in the only care they can afford, which may provide compromised levels of care and safety.
- *Improving Access to High-Quality Early Care and Education:* Research has shown that children who have the benefit of a high-quality preschool education are more likely to achieve academic success, graduate from high school, attend college, participate in the workforce, and experience positive family life.<sup>1</sup> However, children without child care subsidies are far less likely to have access to the kind of high-quality, developmentally appropriate care necessary to prepare them for the future.
- *Building Safe, Healthy Relationships for Parents and Children:* Some parents have established voluntary support arrangements in order to allow the non-custodial parent to maintain a relationship with the child while providing some financial support. The positive impact of this relationship on the emotional development of the child is often more important to the single parent and to the child than receiving the full amount of child support owed. Forcing these parents to pursue court-ordered child support can unnecessarily introduce conflict with the non-custodial parent and jeopardize his or her relationship with the child.

For these reasons, we call on New York State to repeal the child support requirement and to consider these recommendations as an alternative to the requirement that better protects children and families.

## **II. Educate Parents on the Benefits of Child Support and its Role in a Family’s Financial Well-Being by Enrolling Them in Subsidized Child Care.**

We believe that removing the child support requirement would allow the State to engage more families in the child support collection process than it does with the requirement in place. Currently, many parents are discouraged from utilizing subsidized care for fear of being forced to pursue court-ordered child support. Reasons for this include the following:

- Pursuing court-ordered support may disrupt existing informal or voluntary support arrangements and place an unnecessary strain on relationships with the absent parent.
- Immigrant parents are reluctant to pursue child support if the non-custodial parent is here legally, but currently involved in immigration proceedings. These parents are concerned that involvement in Family Court will jeopardize the ability of the non-custodial parent to stay in this country.
- Parents with a history of domestic violence are wary of contacting non-custodial parents for fear of opening up their families to potentially abusive situations. Although there is a good cause exemption for situations in which the pursuit of child support would “adversely affect the health, safety or welfare” of the child or other persons in the child’s household, the application of this exemption is extremely difficult for both parents and child care workers

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<sup>1</sup> Schulman and Barnett, “What Impacts Does Preschool Education Have on Personal Responsibility and Related Social Behavior?,” National Institute for Early Education Research, 2006. Available at <http://nieer.org/resources/research/ImpactsOfPreKOnLifeChoices.pdf>.

to understand. The result is that parents in this situation are scared away from accessing subsidized child care assistance.

**We cannot underestimate how truly fearful many parents are of the court process** – the mere mention of Family Court is enough to drive them away from child care enrollment. Parents who seek to enroll their children in subsidized child care programs are usually struggling with a myriad of issues, including employment, housing, transportation, and food security. For these parents, the added stress of engaging in the court process and interacting with the non-custodial parent is simply too much to take on. The fear of court is so great that parents are abandoning the enrollment process immediately upon hearing of the requirement, even in situations where court interaction would ultimately be avoided due to the grant of a waiver or otherwise. The choice is telling – parents are so afraid of the *possibility* of court that they *instantly* withdraw from the enrollment process, foregoing subsidized care in favor of an uphill battle to find informal child care with no monetary assistance or guaranteed safety regulations in place. Furthermore, going to court to pursue a child support order can compromise the job security of low-income parents who often cannot miss a day of work without financial sanctions or even loss of employment.

When parents abandon the enrollment process, the State loses something too: the opportunity to educate young families on the benefits of child support collection. Once parents walk out the door, interaction with the State ends. However, if parents were allowed to first enroll their children in subsidized child care without being forced to pursue child support, the State would have an ongoing opportunity to provide those parents with the information they need to understand how child support can improve their lives. Parents need guidance on how child support payments can support their efforts to achieve financial security and provide a permanent source of income for their children that, unlike voluntary support arrangements, is not vulnerable to a non-custodial parent's change of mind. This is also an opportunity to provide details on the collection process, making parents feel more at ease with the idea of interacting with the non-custodial parent and Family Court. There are numerous ways in which the State could provide support and education to these families, including:

- Providing child care programs with educational brochures, pamphlets, videos, and other materials that can be passed on to parents.
- Hosting free informational seminars for parents on strategies to improve financial security, including child support collection.
- Staffing Child Support Enforcement Units, ACS Resource Areas, and child care offices in local social services districts with child support consultants who would be available to counsel families on the benefits of child support.
- Providing training for workers in child care programs, ACS Resource Areas, and child care offices in local social services districts so that workers are able to communicate clearly and accurately with parents regarding the process of child support collection.
- Making Child Support Enforcement Unit staff available on evenings and weekends to accommodate working families.

By educating young parents instead of imposing a requirement that may encourage them to leave the subsidy system, we can help them to engage in the child support process in a manner that promotes the safety and health of the family as a whole.

- **Parents who comply will do so in a way that is emotionally healthy for the family:** Parents who fully understand and willingly initiate the process will be far better equipped to handle the stress of court proceedings and contact with an ex-partner in a way that minimizes emotional impact on the child.
- **Parents who choose not to comply will still have access to child support education and the child care services necessary to promote their child's early learning:** For instance, for parents who have reasons to avoid court-ordered child support when they first seek to enroll their children, such as voluntary support arrangements or pending immigration proceedings, access to the subsidized child care system ensures that they have some interaction with the State and an opportunity to receive educational materials should their situations change.
- **Most importantly, for families who *cannot* comply because of the threat to family safety, parents will still have access to critical child care services:** In situations where the pursuit of court-ordered child support presents an ongoing risk to family relationships or safety, parents will have the power to make the decision that best protects their family, including the right to refuse child support collection.

With the current requirement in place, the State will never reach the families that walk away from the subsidy system. Moreover, forced participation reinforces the conflict-ridden nature of pursuing court-ordered support, thus jeopardizing family relationships. By eliminating the requirement, the State would encourage a much healthier form of participation in the child support process for families that voluntarily choose to seek child support AND establish an avenue for educating families who might otherwise fall through the cracks.

### **III. Waive Fees for Legal Services Provided through the Child Support Enforcement Unit for Families Seeking Subsidized Child Care Who Choose to Pursue Child Support.**

Not only does the child support requirement demand that parents abandon informal arrangements that work, take time off from jobs for court appearances, and risk conflict with non-custodial parents, it also requires them to use scant family resources to pay for the legal representation that child support proceedings necessitate. For single parents who understand the importance of establishing a formal child support order and for whom child support collection would not put their families at risk, the State should make all services of the Child Support Enforcement Unit (CSEU), including legal services, free of charge. Although the pursuit of court-ordered child support involves numerous legal procedures, including periodic court appearances, current regulations exclude legal services from the CSEU services provided to parents at no cost. For young parents who are completely unfamiliar with the court process and the substantive law at issue, *pro se* representation places them at a significant and unjust disadvantage. However, many of them are struggling to make ends meet and cannot afford the legal fees of the CSEU or a private attorney. If the State is truly committed to helping these young parents recover child support payments from the non-custodial parent, legal services must be provided as part of the package of free services currently offered by CSEUs.