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Who Is Not Paying Child Support?

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INTRODUCTION

A longstanding issue among policy-makers and researchers has been the extent to which noncompliance with child support orders is an issue of parents who were unwilling to pay or unable to pay (e.g., Bartfeld & Meyer, 1994; Mincy & Sorensen, 1998). In response to a sense that some nonresident parents were able but unwilling, the child support enforcement system has been strengthened over the past four decades in an attempt to make payments nondiscretionary and automatic. Examples of these changes include routine withholding of child support from the paychecks of noncustodial parents, systems to ensure that withholding continues when parents change employers (i.e., New Hires reporting), and automatic collections from federal and state tax refunds when noncustodial parents are behind in payments. If improvements in administrative capacity for monitoring and collecting child support were effective (i.e., if the main issue behind noncompliance was an unwillingness to pay), we might expect close to full payment of child support orders by noncustodial parents with earnings.

But if the issue is more an inability to pay support, these administrative tools, which largely address payments from formal earnings, will not be effective. Indeed, despite the automated enforcement system, recent statistics show substantial numbers of noncustodial parents who do not pay the full amount of what they owe. In Wisconsin, a recent study found that among noncustodial fathers who had their first child support order in 2010–2012, only 57% paid the full amount and 11% paid nothing in the first year of the order (Hodges, Meyer & Cancian, 2020). Similarly, nationwide in 2017, only 46% of custodial mothers who were due child support reported receiving the full payment and 29% reported receiving no support (Grall, 2020).

What are some of the factors related to nonpayment? In research that is now somewhat dated, Yoonsook Ha and colleagues (2008) used Wisconsin data from couples whose first child

support order was in 2000 to examine the extent to which nonpayers and partial payers had characteristics associated with an inability to pay required support (unstable employment, limited earnings, and incarceration) or characteristics that would suggest that administrative tools would be limited (employer changes, changes in order amounts). They found that administrative tools generally worked as intended: fathers who had employment throughout the year and had earnings more than \$20,000 typically paid everything that was due. In contrast, they found that nearly all fathers who did not pay had unstable employment or earnings. In this report we update these analyses to reassess the questions of factors related to noncompliance with child support orders. We focus on three interrelated analyses: comparing the characteristics of those who are not complying with their child support orders with those who are, describing the noncompliers in more depth, and showing the likelihood of noncompliance for those with different combinations of characteristics.

In addition to updating earlier analysis, this report makes three new contributions. First, while the prior report incorporated data from the Wisconsin prison system, we now also include data from Milwaukee County Jail; given the role of incarceration as a factor in noncompliance, this addition is potentially important. Second, we examine how noncompliance is related to orders based on imputed income and related to burdensome orders (i.e., owing more than 50% of earnings); this addresses growing concerns that noncompliance may reflect orders that are inconsistent with ability to pay. Finally, while the previous report was focused only on characteristics of noncustodial fathers, in this report we also include select information about the custodial mothers who are associated with them.

PRIOR LITERATURE

High rates of nonpayment may result from gaps in the effectiveness of the automated child support enforcement system or noncustodial parents' unstable financial capacity. In addition, orders that are "too high" may result in partial payment (or even no payment). In this section we provide a brief overview of research on the effectiveness of the child support system, the financial capabilities of noncustodial parents, and the interaction between child support order amounts and payments.

Research supports the effectiveness of the child support enforcement system for those in the formal economy who have stable employment and whose orders do not change. The most directly relevant evidence comes from the previous report by Ha and colleagues (2008). Compliance rates (i.e., amount paid divided by amount owed) for those with four quarters of formal employment and the same employer all year, moderate earnings (i.e., over \$20,000 annually), and no change in their order (i.e., a "base group") were very high; 85% paid the full amount due and only 1% paid nothing. Among similar cases except with an order change, 79% paid in full and 2% paid nothing; order changes were thus found to be associated with some disruption in payment patterns, but these were small. Cases like the base group except with a change in employers had lower compliance, with 56% paying in full and 0.3% paying nothing. Similar to order change, a change in employer can disrupt full compliance, but has little if any relationship with nonpayment. Cases like these but with lower earnings did have lower rates of full compliance, but again the proportion not paying any support was quite small (3%). These findings suggest some payment is nearly universal when there is employment in all quarters, regardless of earnings levels or changes in employers or orders. The child support system generally works well when noncustodial parents have consistent formal employment.

A related strand of research has explored the effectiveness of different enforcement tools and policies, either individual tools or an index of enforcement activities (e.g., Sorensen & Hill, 2004; Huang & Edwards, 2009; Nepomnyaschy & Garfinkel, 2010; Meyer, Cancian & Waring, 2020). This research shows that a variety of enforcement policies are effective—although recent research suggests that some policies, like suspending drivers' licenses, may actually be counterproductive (Meyer, Cancian & Waring, 2020). In sum, previous research suggests that the child support program collects some support from nearly all those who are consistently employed in the formal economy because the program's tools are largely effective even when situations are somewhat unstable (e.g., individuals change employers or the amount due changes), as long as employment continues.

A substantial number of prior studies have focused on the relationship between noncustodial parents' financial capacity and child support payments. These studies find a very strong link between earnings and child support payments. For example, a Wisconsin study showed average compliance rates of 30% for those with known earnings less than \$10,000, compared to 99% for those with earnings of \$40,000 and over (Meyer, Ha & Hu, 2008). Noncustodial parents with low earnings or irregular employment are particularly unlikely to pay or to pay only a portion of what is due. As a result, substantial arrears accrue, and these arrears may then be associated with further difficulties paying support (Cancian, Heinrich & Chung, 2013). Similar conclusions come from research in other states as well. For example, the average earnings of those who pay in full in Maryland was over \$42,000, compared to earnings of less than \$7,000 for those who did not pay anything (Hall, Passarella & Born, 2014). Those in Orange County, California who were in the lowest income quartile paid on average 17% of what they owed; those in the highest income quartile paid 78% (Takayesu, 2013). Those who have

been incarcerated also have lower child support payments, in part—but not fully— because they have more difficulty in the labor market, a result found particularly for African Americans (Berger et al., 2021).

Some studies have analyzed the relationship between the burden of a child support order (i.e., the owed amount relative to earnings of noncustodial parents) and child support compliance (i.e., the amount paid relative to the amount owed) and found that a high burden is associated with a decline in compliance rates (Hodges, Cancian & Meyer, 2020), although Wisconsin studies also found that higher burdens do not necessarily lead to lower payments (Hodges, Cancian & Meyer, 2020; Meyer, Ha, and Hu, 2008). These studies suggest that modification of child support orders to reflect noncustodial parents' changing economic situations may be related to order compliance.

A study from Orange County, California tried to analyze all factors related to compliance simultaneously using a machine learning approach (Takayesu, 2013). The most important factor emerged as the noncustodial parents' income. Also important were the noncustodial parent's education, age at first birth, and criminal history; the burden of the order was also quite consequential.

In summary, prior research provides insights into some potential factors that may be related to noncompliance with child support orders. However, only a little research has fully examined a range of reasons for noncompliance and the relative importance of each factor given the automated enforcement system (Ha et al., 2008, and, to some extent, Takayesu, 2013). This report builds on the previous research by focusing on how changes in orders, noncustodial parents' employment patterns, their economic status, and incarceration are associated with noncompliance with child support orders. Understanding how these reasons, alone and together,

are related to noncustodial parents' compliance may provide information on systematic issues related to noncompliance.

DATA AND METHODS

Data and Sample

Our primary data are drawn from Wisconsin Court Record Data (CRD), a sample of child support-related cases filed in 21 Wisconsin counties.¹ We draw our base sample and key information on child support-related variables from the CRD. The Kids Information Data System (KIDS) is a statewide child support information system and provides other information on child support. We also use information from other Wisconsin administrative data sources. Data on earnings and employment are extracted from the state's Unemployment Insurance records. We use data both from the state Department of Corrections and the Milwaukee County Jail to include information on whether a noncustodial parent has been incarcerated.² Finally, we use information on noncustodial parents' demographic characteristics (e.g., age, race and ethnicity, and whether having been out-of-state) from the Wisconsin Administrative Data Core, a compilation of state administrative records from a variety of programs.

Our base sample includes the four most recent cohorts in the CRD: Cohorts 28, 29, 30, and 33, which consists of cases filed with the courts from July 2007 to August 2010 (Cohorts 28–30) and in 2013 (Cohort 33).³ In these cohorts there are 3,368 couples who were assigned a

¹The 21 CRD counties are: Calumet, Clark, Dane, Dodge, Dunn, Green, Jefferson, Juneau, Kewaunee, Marathon, Milwaukee, Monroe, Oneida, Ozaukee, Price, Racine, Richland, St. Croix, Sheboygan, Waukesha, and Winnebago.

²Our incarceration data do not include fathers who were incarcerated in other states, those in the federal prison system, or those in county jails other than in the Milwaukee County Jail. Therefore, we underestimate the number of incarcerated fathers.

³No data were collected for cases that would have been in Cohorts 31 or 32.

child support order within our observation period, for whom the father is designated as the payor⁴ (noncustodial parent) and the mother the payee (the custodial parent), and who had a minor child (less than age 18) throughout the five-year period.⁵ To be consistent with Ha et al. (2008), we exclude 435 cases in which the noncustodial parent lives out of state or have a child support order for a very short period.⁶ This leaves a final sample of 2,933 couples for the first-year analysis. The sample for the fifth-year analysis further excludes 1,046 couples who do not owe support in the fifth year and 97 couples where noncustodial fathers moved to another state, leaving 1,790 couples.

Measures

Consistent with Ha et al. (2008), we are primarily interested in the amount of child support ordered and paid. For the purpose of this report, we only count current child and family support orders between the couple, ignoring other orders including back support, arrears, lying-in costs, and other court costs (e.g., blood tests, fee, etc.). Accordingly, we focus on payments for these types of support. We define the compliance rate as the proportion of amount owed that is paid. When the amount paid exceeds the amount owed, we top-code at 100 percent. Based on the

⁴In cases with equal placement (i.e., the child spends half the overnights with each parent), both parents can be seen as custodial. We use “noncustodial” to refer to the person who owes support and “custodial” to refer to the person who is to receive support.

⁵Our base sample size is smaller than the KIDS-based sample used for the previous report (Ha et al., 2008) because we now only include cases that went through the courts in 21 counties. Our observation period includes six months prior and twelve months following the “main action,” that is, the final judgement in a divorce, the paternity establishment date, or the first court action date in a voluntary paternity action. This excludes cases that may have had an earlier child support order or whose first order was substantially after a key point in the case. We include only cases in which the father owes support, as these are the most typical cases in the child support program.

⁶In this study, we analyze years relative to the date of the first order, aligning the years by calendar quarter to match the employment data, which are only available by calendar quarter. That is, the “first year” will include the first calendar quarter after the order begins and the next three quarters, and the “fifth year” will include the 17th to 20th calendar quarters after the first order begins. Due to the use of this method, some cases that had orders only in the very first or second month of the observation period appeared to have zero orders for the whole observation period in our analysis, which we exclude from the sample (n = 293). In this step we also exclude 293 cases in which the noncustodial father is found to have moved to another state in the first year and 3 duplicate cases.

compliance rate, we divide noncustodial fathers into three groups: (1) nonpayers (who paid nothing); (2) partial payers (who paid something but less than 90 percent of what they owed); and (3) full payers (who paid at least 90 percent of the owed amount).

We are also interested in potential reasons for nonpayment. Given the automated enforcement system, we consider whether any changes in order amounts are related to the compliance rate. We distinguish cases with no change in order, one change during the given year, and two or more changes in the given year. Next, as a new addition to this report, we look at the use of imputed income when setting the original child support order. We search the court record for information on the source of income used to set an order and can identify some of the cases that use imputed income (Hodges & Cook, 2019).⁷ Given prior research (Cancian, Cook & Meyer, 2019), we expect those with orders set based on imputed income to be less likely to pay in full.

We also examine noncustodial fathers' employment patterns. Given the automated enforcement system, we expect that fathers who have a year-round job in the formal labor market are more likely to pay child support in full. In contrast, we expect fathers with unstable employment are more likely to be nonpayers or partial payers. We categorize employment patterns in five ways as done in Ha et al. (2008): (1) fathers who had only one employer during the year but had consistent employment (worked in all four quarters of the given year); (2) fathers who had more than one employer during the year but at least one consistent employer (worked for that employer in all four quarters); (3) fathers who did not have a consistent employer over the four quarters but did have earnings in each of the four quarters in the given

⁷This includes cases in which a coder reading the court record concluded that the amount of the order was based on potential income or had a written record in which the order deviated from the guidelines related to potential earnings. This is an undercount of cases that used imputed income because the imputation may be done by the judge or family court commissioner without an indication in the written record.

year; (4) fathers who did not have earnings for all four quarters; and (5) fathers who had no formal employment in the given year (e.g., fathers with zero earnings). We also look at the level of fathers' earnings, a strong predictor of child support compliance. Fathers' earnings are divided into five categories (zero earnings; \$1–\$10,000; \$10,001–\$20,000; \$20,001–\$30,000; and \$30,001 or more).⁸

Additionally, we examine whether the order amount is burdensome, defined by being more than 50% of fathers' earnings. We also describe the proportion of fathers who had been incarcerated in Wisconsin state prison or in Milwaukee County Jail sometime in the given year. Finally, we include several demographic characteristics of the fathers such as age, county that the case was filed, race and ethnicity, and whether having other support obligations, all measured on the court action date.

We also newly add information on custodial mothers' employment and earnings, measured in the same way described above for noncustodial fathers.

Analytical Approach

Using a merged dataset from all relevant data sources, we conduct a variety of interrelated analyses. Our interests are in comparing the characteristics of those who are not complying with their child support orders with those who are, describing the noncompliers in more depth, and showing the likelihood of noncompliance for those with different combinations of characteristics. All analyses are straightforward descriptive analyses that show relationships, rather than ones that reflect an attempt to conduct a causal analysis.

⁸We adjust all dollar values to be in 2019 dollars, using the CPI-U, to account for inflation.

We primarily focus on the first year after the first order was in place though we also show selected data for the fifth year after the first order. Table 1 shows the mean compliance rate and distribution of the three categories of compliance defined above: nonpayment, partial payment, and full payment. We then compare the characteristics of those not paying, partially paying, and paying in full in Table 2. In Table 3, we select nonpayers and partial payers in each period and consider potential factors contributing to noncompliance in a hierarchical order: a history of incarceration, having less than four quarters with employment, employment instability, changes in orders, and having low earnings (< \$20,000). In Table 4, we consider all the factors mentioned above in combinations. We start with a case of a combination of factors under which noncustodial fathers are expected to pay support in full in the automated enforcement system. Then, we make changes to the case one by one to examine how each change is associated with the compliance rate. Finally, we document characteristics of custodial mothers associated with the noncustodial fathers in Table 5. We examine custodial mothers associated with noncustodial fathers who have employment difficulties and low earnings (< \$20,000) to see if they have similar difficulties. All analyses use weighted data to adjust for sampling differences between large and small counties. Taken together, these analyses provide substantial information about those not complying with their child support order.

RESULTS

Overall Compliance Rate

Table 1 documents the compliance rate in the first and fifth year. The results show that the mean compliance rate remained quite stable over time; in both the first and the fifth year of

the child support order, the average compliance rate was 62%.⁹ In the first year, 47% of fathers paid child support in full and another 35% paid some support, whereas 19% of fathers paid nothing. The proportion of partial payers declined somewhat over time, with increases in the proportions of full payers and nonpayers.¹⁰

Table 1: Child Support Compliance: Proportion of Cases with Full, Partial or No Child Support Paid

	1st year after	5th year after
Mean compliance rate (%)	61.89	62.36
Percentage of cases with:		
Nonpayment	18.80	21.87
Partial payment	34.67	27.58
Full payment (90% or more)	46.53	50.54
N	2,933	1,790

Note: Percentages are weighted to reflect differential county size and sampling strategy.

Characteristics of Nonpayers, Partial Payers and Full Payers

In Table 2 we present characteristics of the fathers in our sample in the first column in each set before showing these characteristics separately for nonpayers, partial payers, and full payers. The first three panels show information about child support orders. Order changes within a year are uncommon, experienced by 7–8% of fathers. There is a statistical relationship between order changes and compliance patterns, but the differences are not large. Although the use of imputed income (as measured in the court record) is relatively uncommon, there appears to be a

⁹The compliance rate remains consistent over time if we limit our sample to the 1,790 cases included in the fifth year for both the first and fifth years; for the smaller sample the first-year rate is 62.58% (rather than 61.89%).

¹⁰There are some differences between cohort 28–30 and cohort 33, although smaller sample sizes in cohort 33 make these comparisons tentative. For example, the proportion of fathers not paying in the first year is 20% in cohort 28–30 and 13% in cohort 33.

Table 2: Characteristics of Noncustodial Fathers and Their Associated Custodial Mothers by Compliance Rate

	The first year after				The fifth year after			
	All	Non-payer	Partial payer	Full payer	All	Non-payer	Partial payer	Full payer
Noncustodial Fathers								
Unweighted N	2,933	362	939	1,632	1,790	264	471	1,055
Changes in order amounts								
No change	91.67	95.50 ^a	90.96	90.65	92.77	93.83	90.66 ^b	93.46
One change	4.83	2.73 ^a	4.46 ^b	5.96	4.76	4.61	5.36	4.50
Two or more changes	3.50	1.77 ^b	4.58	3.39	2.47	1.56	3.98 ^a	2.04
Whether imputed income was used to set the order*								
Yes	8.05	13.77 ^a	11.54 ^a	3.15	8.03	10.49 ^a	12.14 ^a	4.72
No	91.95	86.23 ^a	88.46 ^a	96.85	91.97	89.51 ^a	87.86 ^a	95.28
Burdensomeness of the order (> 50% of earnings)								
Yes	43.77	89.00 ^a	53.20 ^a	18.48	34.89	75.81 ^a	36.22 ^a	16.45
No	56.23	11.00 ^a	46.80 ^a	81.52	54.11	24.19 ^a	63.78 ^a	83.55
Employment pattern								
Only one employer, four quarters	31.39	6.82 ^a	14.57 ^a	53.85	33.04	7.83 ^a	14.68 ^a	53.98
Same employer over four quarters, multiple employers over year	5.59	0.12 ^a	4.54 ^a	8.59	8.41	1.18 ^a	8.44 ^a	11.51
Not the same employer for four quarters, but has four quarters with earnings	10.04	1.26 ^a	12.73	11.59	11.90	4.87 ^a	18.66 ^a	11.25
Does not have four quarters with earnings	24.16	17.55 ^a	42.14 ^a	13.43	20.04	20.91 ^a	39.17 ^a	9.23
No employers over year	28.81	74.25 ^a	26.03 ^a	12.54	26.61	65.21 ^a	19.04 ^a	14.03
Level of earnings (adjusted to 2019 dollar)								
\$0	28.81	74.25 ^a	26.03 ^a	12.54	26.61	65.21 ^a	19.04 ^a	14.03
\$1–\$10,000	20.93	16.26 ^a	39.18 ^a	9.23	18.43	22.75 ^a	36.87 ^a	6.49
\$10,001–\$20,000	11.23	1.74 ^a	16.65 ^a	11.02	9.68	2.74 ^a	16.69 ^a	8.86
\$20,001–\$30,000	8.77	0.35 ^a	8.17 ^a	12.63	10.44	2.68 ^a	13.14	12.33
\$30,001 or more	30.25	7.40 ^a	9.97 ^a	54.59	34.84	6.63 ^a	14.26 ^a	58.28
Incarceration (using both DOC and Milwaukee jail data)								
Incarcerated	17.44	46.13 ^a	20.66 ^a	3.45	14.31	36.97 ^a	18.36 ^a	2.30
Not incarcerated	82.56	53.87 ^a	79.34 ^a	96.55	85.69	63.03 ^a	81.64 ^a	97.70
County (Based on KIDS location)*								
Milwaukee	46.35	72.63 ^a	54.99 ^a	29.30	46.86	71.05 ^a	53.81 ^a	32.59
Other urban	33.89	18.23 ^a	31.52 ^a	41.99	33.32	19.09 ^a	32.92 ^a	39.70
Rural	12.28	5.08 ^a	10.50 ^a	16.51	13.00	6.37 ^a	10.91 ^a	17.02
Missing	7.48	4.07 ^a	2.98 ^a	12.20	6.82	3.49 ^a	2.36 ^a	10.69

	The first year after				The fifth year after			
	All	Non-payer	Partial payer	Full payer	All	Non-payer	Partial payer	Full payer
NCP age*								
<30	49.12	69.94 ^a	56.18 ^a	35.46	53.27	66.77 ^a	61.62 ^a	42.86
30–39	30.96	17.15 ^a	31.71 ^a	35.97	31.63	23.02 ^a	28.78 ^a	36.90
40+	19.90	12.91 ^a	12.11 ^a	28.53	15.08	10.21 ^a	9.60 ^a	20.17
Missing	0.02	0.00	0.00	0.04	0.03	0.00	0.00	0.06
Other support obligations*								
Children with another parent according to Court Record	22.17	29.00 ^a	32.71 ^a	11.56	22.67	32.19 ^a	29.91 ^a	14.60
No children with another parent according to Court Record	77.83	71.00 ^a	67.29 ^a	88.44	77.33	67.81 ^a	70.09 ^a	85.40
Race and ethnicity*								
Hispanic	11.09	11.31	12.12	10.23	12.64	16.73 ^a	12.84	10.75
NH White	33.17	9.97 ^a	28.58 ^a	45.97	33.27	11.14 ^a	31.45 ^a	43.83
NH Black	38.15	67.72 ^a	49.15 ^a	18.02	37.63	59.13 ^a	47.67 ^a	22.86
NH Others/multiracial†	6.53	5.00	6.76	6.98	7.17	6.59	6.10	8.01
Missing	11.05	6.00 ^a	3.38 ^a	18.81	9.29	6.41 ^a	1.94 ^a	14.55
Custodial Mothers								
Level of earnings (adjusted to 2019 dollar)								
\$0	21.81	31.55 ^a	25.25 ^a	15.30	26.70	33.55 ^a	26.81	23.67
\$1–\$10,000	26.42	32.73 ^a	29.66 ^a	21.46	17.15	20.30 ^a	21.60 ^a	13.36
\$10,001–\$20,000	18.22	18.95	18.52	17.70	16.16	18.01	17.23	14.77
\$20,001–\$30,000	14.12	9.53 ^a	14.26	15.88	14.61	10.01 ^a	13.54 ^b	17.18
\$30,001 or more	19.43	7.23 ^a	12.32 ^a	29.66	25.39	18.13 ^a	20.82 ^a	31.02

Notes:

*At baseline (i.e., the action date)

†Non-Hispanic others/ multiracial include Native American/American Indian, Asian, Pacific Islander, and Hmong.

^aDifferent from Full payer at $p < .05$.^bDifferent from Full payer at $p < .10$.

Percentages are weighted to reflect differential county size and sampling strategy.

relationship between imputed-income orders and payment. More specifically, a higher proportion of nonpayers had their order set using imputed income (10–14%) than full payers (3–5%). More than 40% of fathers had burdensome orders (i.e., owing more than half their reported earnings) in the first year, declining to 35% in the fifth. This was strongly related to compliance, with 76–89% of the nonpayers having burdensome orders, but relatively few of the full payers (16–18%).

The next panel explores formal employment patterns. Looking at all fathers, only 31–33% have stable employment with a single employer. Unemployment—whether no formal earnings in the year or earnings in only some quarters—is more common than having employment in every quarter, but changing employers or having stable employment with more than one employer. There is a strong relationship between employment patterns and payment categories: Nonpayers are particularly likely to not have any employment, and partial payers are much more likely than full payers to only have some (but not all) quarters of employment. In the first year, 29% of fathers have no earnings. In contrast about 30% have earnings over \$30,000; earnings increase slightly between the first and fifth year. Earnings are very closely tied to payment categories: fathers who did not pay support or paid only partial support were more likely to have low earnings. In the first year, more than 90% of nonpayers had annual earnings at or below \$10,000, compared to 65% of the partial payers and only 22% of full payers. Very few nonpayers or partial payers had earnings over \$30,000, but more than half the full payers did.

The next panel shows the proportion of fathers that were incarcerated at some point during the year, either in the Wisconsin prison system or in the Milwaukee County Jail. Incarceration rates declined slightly between the first and fifth year, from 17% to 14%. Incarceration was strongly linked to nonpayment: in the first year, 46% of the nonpayers were

incarcerated at some point, compared to 3% of the full payers. The strong link between incarceration and nonpayment continues in the fifth year.¹¹

The next panels show other characteristics. Nonpayers are disproportionately likely to reside in Milwaukee County, to be young, to have had children with other parents, and to be non-Hispanic Black. Finally, we show earnings of custodial mothers in the final panel. Comparing mothers to fathers in the first year, mothers are less likely to have earnings over \$30,000 (19% of mothers and 30% of fathers), but somewhat more likely to be working at all (78% compared to 71% of fathers). Like fathers, mothers' earnings increase between the first and fifth year, but the sex differential in high earnings remains. Relatively few of the mothers associated with nonpayers have higher earnings: only 7% have earnings over \$30,000 in the first year, and only 17% have earnings over \$20,000. In contrast, mothers associated with the full-paying fathers have higher incomes, with 30% earning over \$30,000 in the first year.¹²

Potential Reasons for Noncompliance with Child Support Orders

Table 2 shows that nonpayers and full payers were significantly different from each other on many characteristics. Nonpayers were more likely than full payers to have unstable employment, though this was not necessarily reflected in order changes; low earnings; and to be incarcerated, with patterns for partial payers in between. In Table 3 we consider the factors associated with noncompliance hierarchically.

¹¹About half of the incarcerated fathers in our sample were in the Wisconsin prison system and about half in Milwaukee County Jail. If we only use data from the Wisconsin prison system to be comparable to the previous report (Ha et al., 2008), the proportion of incarcerated fathers would be 8% in the first year and 6% in the fifth. The proportion of nonpayers incarcerated in the first and fifth years, respectively, would be 26% and 17%, of partial payers, 8% and 9%, and of full payers, 1% and 1%.

¹²There are some differences between cohort 28–30 and cohort 33, although the numbers are imprecise because the sample size of nonpayers in cohort 33 is small (n=38). Imputed income is more likely among nonpayers in cohort 33 than cohorts 28–30 (21% to 13% in the first year). Incarceration rates are lower among nonpayers in cohort 33 compared to cohorts 28–30 (33% to 47% in the first year). Other results are quite similar in the first year.

Table 3: Factors Associated with Child Support Noncompliance, Hierarchically Categorized

	Nonpayers	Partial Payers
The first year after		
N	362	939
1. Fathers who were incarcerated	46.13	20.66
2. Excluding those in 1, fathers with 0–3 quarters of employment	45.67	50.69
3. Excluding those in 1 and 2, fathers with changes in employers	1.26	11.94
4. Excluding those in 1, 2, and 3, fathers with changes in orders	0.46	1.42
5. Excluding those in 1, 2, 3, and 4, fathers with low earnings (less than \$20,000)	0.86	5.85
6. Fathers in none of these categories	5.62	9.44
The fifth year after		
N	264	471
1. Fathers who were incarcerated	36.97	18.36
2. Excluding those in 1, fathers with 0–3 quarters of employment	50.33	42.94
3. Excluding those in 1 and 2, fathers with changes in employers	3.68	16.78
4. Excluding those in 1, 2, and 3, fathers with changes in orders	2.04	3.41
5. Excluding those in 1, 2, 3, and 4, fathers with low earnings (less than \$20,000)	0.97	5.52
6. Fathers in none of these categories	6.00	12.99

Note: Percentages are weighted to reflect differential county size and sampling strategy.

In the first year, 19% (weighted) of fathers did not pay any child support. A high proportion of nonpayers (46%) were incarcerated at some point during the year, and among the nonpayers who were not incarcerated, most had limited employment, defined here as having at least one calendar quarter without any formal earnings. These two factors together account for 92% of all nonpayers. Once these factors are accounted for, there are very few fathers who fit into our other categories: changes in employers or changes in orders, or consistent but low

earnings. Moreover, few fathers (6%) do not fit into any of these categories. Partial payers have lower rates of incarceration, but more of those not incarcerated were not employed throughout the year. Similar to nonpayers, a relatively low percentage (9%) of those who paid only some child support did not fit in any of the previous categories but did have low earnings. Patterns in the fifth year are generally similar, although incarceration rates are lower.

Overall, virtually all the nonpayers or partial payers fit into one of our categories linked to incarceration or difficulties in the labor market. Unless incarceration and unstable employment are viewed as choices made by noncustodial parents, this suggests the share of nonpaying fathers who are able to pay is quite small.

Compliance Rate of Selected Cases in the First Year

Thus far we have looked at the characteristics of noncomplying fathers one at a time. In Table 4, we examine compliance rates for various combinations of characteristics. We divide fathers into combination categories based on whether they have four quarters of earnings, whether they have the same employer for four quarters, whether their earnings are more than \$20,000, and whether their order changed during the year. We also show those incarcerated separately. We show actual compliance for any combination that has at least 50 fathers, focusing on the first year. Results from the fifth year were similar.

We begin with “base” cases that are expected to pay the full amount of support if the enforcement system functions as intended, and show differences in compliance patterns compared to this case. The base case represents fathers who had all four quarters with earnings, no employer change, earnings of at least \$20,000, no order change, and no evidence of incarceration ($n = 940$). About 84% of these fathers paid the full amount of support and few (4%) paid nothing (Case 1).

Table 4: Average Compliance rates in the First Year After Given Alternative Combinations of Factors

Case	Having four quarters with earnings	Same employer for four quarters	Earnings more than \$20,000	Order change	Incarcerated	Unweighted N	Child Support Compliance Rate		
							No payment	Partial payment	Full payment
1	Yes	Yes	Yes	No	No	940	3.83	11.86	84.31
2	Yes	Yes	Yes	Yes	No	102	3.41	12.24	84.35
3	Yes	No	Yes	No	No	167	3.65	23.08 ^a	73.27 ^a
4	Yes	Yes	No	No	No	139	3.50	44.06 ^a	52.44 ^a
5	Yes	No	No	No	No	117	1.23 ^b	65.37 ^a	33.40 ^a
6	No	No	Yes	No	No	64	5.61	39.69 ^a	54.70 ^a
7	No	No	No	No	No	902	24.95 ^a	47.28 ^a	27.78 ^a
8	No	No	No	Yes	No	133	15.38 ^a	49.12 ^a	35.50 ^a
9	—	—	—	—	Yes	298	49.72 ^a	41.08 ^a	9.20 ^a

Notes:

N = 2933

Percentages are weighted to reflect differential county size and sampling strategy.

^a Different from Case 1 at $p < .05$.^b Different from Case 1 at $p < .10$.

- Case 2 changes only one thing from Case 1; these fathers have a change in their order. Compliance rates do not differ significantly from the base case; this suggests that the child support collection system is handling changes to orders without much disruption in payment.
- Case 3 is like Case 1 but did not have the same employer over the year. The full-payment rate drops from 84% to 73%, but the nonpayment rate does not change. This suggests that the automated collection system may have some difficulty maintaining the appropriate level of collections when employers change, but employer changes in and of themselves are not related to whether anything is paid during the year.
- Case 4 is like Case 1 but has lower earnings. The full compliance rate falls substantially, from 84% to 52%; again, the nonpayment rate does not change much. Thus, even among those stably employed, the level of earnings is strongly related to full compliance.
- Case 5 is like Case 4 (full-year employment and low earnings), but in this case there was a change in employers. Compliance is again significantly lower than the base case. Comparing Case 5 to Case 4 (i.e., considering only those with changing employers), fewer fathers (33%) pay in full, compared to 52% ($p < .05$). Thus, the combination of low earnings and changes in employers is related to lower compliance even among those with four quarters of employment.
- Case 6 has higher earnings (like Case 1) but does not have four quarters of earnings nor the same employer. Significantly fewer cases pay in full (55% compared to 84%). Case 6 is most similar to Case 3 in characteristics (both have higher earnings and an employer change) but, in contrast to Case 3, there was at least one quarter without employment. The full compliance rate for Case 6 is lower than Case 3 ($p < .05$), but the proportion of nonpayers does not differ, nearly all pay something. Here we see that higher earnings on their own are not strongly correlated with full compliance.
- Case 7 combines unstable employment and lower earnings, and as expected the full-payment rate is much lower than the base case, 28%. Still, 75% pay something.
- Case 8 has 0–3 quarters of employment, different employers, lower earnings, and an order change. As such, Case 8 differs from the base case in most factors and has substantially lower compliance. Case 8 is like Case 7 in that it has unstable employment and lower earnings, but there is a change in the amount owed (presumably a lowering of the order). Compared to Case 7, the nonpayment rate is lower 15% compared to 25% ($p < .05$).
- Finally, among those who were incarcerated at any time during the year (Case 9), half made no payment, and only 9% made full payment, both significantly different from the base case.

Looking across cases we see that all combinations with four quarters of employment and earnings above \$20,000 (Cases 1, 2, and 3) have high rates of compliance with more than 70%

paying in full. Moreover, nearly all cases pay at least something, unless they have both unstable employment and lower earnings (Case 7 and 8) or are incarcerated at some point (Case 9).

What Are the Characteristics of the Custodial Mothers Associated with Fathers Who Have Labor Market Difficulties?

Thus far, we have found that many of the fathers who are not complying with their orders have labor market difficulties, which we define here in two ways: having less than four quarters of earnings (i.e., inconsistent employment) and having lower earnings (i.e., \$20,000/year or less). In fact, Table 2 showed that 92% of the nonpayers had inconsistent employment and 92% had earnings of \$20,000 or less. In Table 5 we explore whether the custodial parents associated with the fathers with these difficulties also have difficulties themselves. Many of the mothers associated with nonpaying fathers with inconsistent employment (61% in the first year) have inconsistent employment themselves. Earnings are even more correlated: 86% of the mothers associated with nonpaying fathers who have earnings \$20,000 or below have lower earnings themselves. The analyses for partial payers are similar: fathers who have labor market difficulties are typically partnered with mothers who have labor market difficulties. This suggests that not requiring payments from those fathers with difficulties would likely be consequential for the economic well-being of their children—in other words, in most cases in which the father has limited employment and earnings and is not paying all the support ordered, the mother also has limited employment and earnings to provide for their children.

Table 5: Characteristics of Custodial Mothers Associated with Noncustodial Fathers with Inconsistent Employment and Low Earnings

	Nonpayers	Partial Payers
The first year after		
Noncustodial Fathers with Inconsistent Employment (0–3 quarters with earnings)		
N	318	619
Custodial Mothers with Inconsistent Employment (%)	61.45	52.47
Noncustodial Fathers with Low Earnings (less than \$20,000)		
N	319	761
Custodial Mothers with Low Earnings (%)	86.13	76.7
The fifth year after		
Noncustodial Fathers with Inconsistent Employment (0–3 quarters with earnings)		
N	220	271
Custodial Mothers with Inconsistent Employment (%)	49.41	45.92
Noncustodial Fathers with Low Earnings (less than \$20,000)		
N	230	338
Custodial Mothers with Low Earnings (%)	72.54	67.64

Note: Percentages are weighted to reflect differential county size and sampling strategy.

Comparing These Results to an Earlier Report

This report updates an earlier report by Ha and colleagues (2008) that looked at couples who had their first child support order in 2000. Here we focus on couples who came to court for their first child support order in 2008–2010 or 2013. Changes in the way data are collected and stored mean that there may be some variation in the analysis, so we focus here on broad conclusions.¹³

Compliance rates are roughly similar: the early cases had average compliance rates of 64%–66% in the first and fifth years, respectively. The more recent cases had average

¹³Moreover, the earlier report's primary sample was taken from KIDS whereas this sample is from the CRD.

compliance rates of 62% in their first and fifth years. The proportion of cases without payment is a little higher in the more recent cases (19% in the first year, compared to 14% in the earlier cases) and the proportion with partial payment is lower (35% to 41%), with the proportion paying in full about the same (46% and 47%).

Characteristics of the nonpaying fathers are generally similar between the two time periods. In both periods, nonpayers have substantial labor market difficulties. For example, in the early cases 65% of the nonpayers had no employers throughout the first year; in the more recent cases, 74% had no employers. In the early period, only 4% of nonpaying fathers had stable employment with only one employer throughout the year, compared to 7% in the later period. We also have similar findings on the relationship between nonpayment and earnings. In the early period, 93% of the nonpayers had earnings of \$10,000 or less in the first year; the comparable figure for the recent period is 91%. Relatively few fathers had order changes in either period, though the proportion is particularly low in the more recent period (14% of nonpayers in the first year in the early period, compared to 4% in the more recent period). One difference between periods is the proportion of nonpayers who had a spell of incarceration during the year: 15% of nonpayers in the first year had an incarceration spell during that period; this percentage increased to 26% if we do not include Milwaukee County Jail data, and 46% if we do.

In the earlier analysis, nearly all of the nonpayers (92%) were either incarcerated or fathers with less than full-year employment. Although incarceration is higher among recent cases, the proportion of nonpayers who were either incarcerated or had less than full-year employment was identical to that of the earlier cohorts, 92%. By looking at compliance rates for fathers with combinations of factors, the earlier report concluded that child support enforcement system collected some support when fathers had four quarters of employment, even if their

earnings were fairly low. The level of earnings seemed to matter more for whether full payment, rather than partial payment, was achieved. These patterns were similar in the recent cases.

In summary, this report updates and corroborates the findings of the earlier report. While there are some differences, the analysis and broad conclusions are quite similar. There are also three new contributions of this paper. First, we were able to include data from Milwaukee County Jail into our incarceration numbers. This change means we see higher rates of incarceration, and incarceration becomes a more important factor in explaining nonpayment. In fact, 46% of the nonpayers in Year 1 were incarcerated at some point during the year, highlighting the strong connections between the criminal justice system and the child support program. Second, we incorporate two new factors related to orders. There are relatively few orders that we can identify as based on imputed income (about 8%), but these are more common among nonpayers than full payers (14% to 3%). We also examine whether orders were burdensome (i.e., more than 50% of earnings). These are much more common (44%), and very strongly linked to nonpayment: 89% of the nonpayers have a burdensome order, compared to 19% of the full payers. A third new analysis is the incorporation of custodial parent employment and earnings, which allows us to examine whether those noncustodial fathers with difficulty paying support and have labor market difficulties are partnered with custodial mothers who also have labor market difficulties. Our general finding is that parents' labor market experiences are similar: noncustodial fathers who have inconsistent employment are often partnered with mothers who have inconsistent employment. Similarly, fathers with low earnings are often partnered with mothers with low earnings.

LIMITATIONS AND CONCLUSION

These findings should be understood in the context of several limitations. Our analysis is descriptive, and the findings are best understood as relationships that are not necessarily causal. Our data are drawn from a sample of 21 counties rather than the whole state, and are not complete. For example, our incarceration data do not include county jails other than Milwaukee, and the earnings and employment records do not include informal earnings, those from out-of-state, or self-employment. Our analyses focus on whether individuals pay the child support that they owe; we have not included other debts or responsibilities a noncustodial father may face that could limit his ability to meet his child support obligation. Finally, this analysis focuses primarily on whether the amount due is paid; beyond considering whether orders are burdensome, we do not address whether the amount that is due is fair or reasonable.

This report examined factors potentially related to noncompliance with child support orders, updating and extending a prior report by Ha and colleagues (2008). We examined how changes in orders, employment patterns, earnings, and incarceration — alone and together — were associated with what fathers paid relative to what they owed. We found that the child support enforcement system generally works as intended. When fathers had earnings throughout the year at or above \$20,000, and when they also had no employer change or order change, 84% paid the full amount of child support owed.

Nearly all fathers who did not pay had unstable employment or earnings, and a significant minority of them were incarcerated. Many of the partial payers also had unstable employment or earnings; however, our findings also show that of those with consistent employment (at least one employer in each quarter) and earnings more than \$20,000, but who experienced a change in employer, nearly one in four paid only part of what they owed. Employers are required to report all new hires to state agencies for transmittal to the National

Directory of New Hires. Child support agencies match all new hires with a database of those who owe child support. When there is a match, the system issues a new withholding order to the employer. Our results suggest that this monitoring process may not work seamlessly for some fathers who change their employers, and efforts to speed the establishment of withholding with new employers may be a productive strategy for increasing compliance.

Finally, our findings also suggest that a significant proportion of non-full payers had limited economic resources or limited capacity to meet their child support obligation. More than 90% of fathers making no payment and more than 70% of fathers making partial payment were incarcerated or did not have year-round employment. Improvements in the child support enforcement system, alone, are unlikely to be sufficient to increase payments from these fathers. Noncustodial fathers who have unstable employment or who had been incarcerated may require services, such as job training programs or job search services, to improve their capacity to meet their child support obligations.

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