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Child Support as Labor Regulation

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The development of child support policy over the past three decades provides an emblematic case study of the ways in which a new policy that reflects the rise of moral arguments about individual and family responsibility, once established, produces significant consequences for both the economic sphere and political dialogues. I use social control theory to examine a rarely appreciated consequence of child support policies: labor regulation. Particularly, I demonstrate the ways in which the discourse embedded in child support has exalted the importance of work even under the lowest terms, and has deflected public attention away from labor market issues.

Key words: child support, welfare, labor regulation, social control theory, parental responsibility, social constructions, noncustodial fathers, family discourse

The development of the child support system over the past three decades provides an emblematic case study of the ways in which a new policy that reflects the rise of moral arguments about individual and family responsibility, once established, produces significant consequences for both the economic sphere and political dialogues. In this paper, I use social control theory to examine a rarely appreciated economic and political consequence of child support policies: labor regulation. In addition, I describe the ways in which a view of family that glorifies male bread-winners supporting their families through paid work is enmeshed in this process.

Americans have experienced increasing inequality and insecurity for the last three decades (Hacker, Mettler, & Soss, Journal of Sociology & Social Welfare, September 2011, Volume XXXVIII, Number 3
Real wages have declined for younger and less-educated workers, and inequality in wages, income, and wealth have grown sharply (APSA Task Force, 2004; Card & Dinardo, 2006; DeNavas-Walt, Proctor, & Lee, 2006). Despite such economic hardships, most changes in tax law and social policies have reduced the government’s role in providing opportunities and security for poor and middle-class Americans, while expanding the scope and size of benefits for the well-off (Hacker et al., 2007). During the same period, the alleged lack of family values and individual responsibility among the poor has increasingly been at the forefront of the public policy agenda, both as a primary cause of the nation’s ills and as an area ripe for reform. Within this context, public attention has been deflected away from new and pervasive economic insecurities and inequalities and toward the poor as individuals.

Over the last few decades, as politicians, members of the public, and scholars paid particular attention to welfare and poverty issues and sought to account for the causes of persistent poverty among single-mother families, noncustodial fathers have increasingly been blamed for failing to fulfill their parental responsibilities. For example, Mead (2007a) argued that “low-income men, often the absent fathers of welfare families ... seldom work regularly, and this helps to keep families poor.” At the center of this trend, Americans have become familiar with images of deadbeat dads, men who are behind in paying child support and who are portrayed as irresponsible enough to leave their children in poverty. At the same time, the construction of deadbeat dads was increasingly employed as a representation of the nation’s social problems. Noncustodial fathers have not only been held morally responsible for their children’s poverty, but have even been described as criminal; for example, in a 1996 speech, President Clinton compared not paying child support to robbing a bank (U.S. Newswire, 1996).

In responding to this supposed epidemic of deadbeat dads, federal and state governments have made increasing efforts to enforce noncustodial fathers’ parental responsibility through child support policies. Among the enforcement laws, the Deadbeat Parents Punishment Act of 1998 established new categories of felony offenses that targeted fathers who were not paying their child support, and enforced punishments of
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up to a 2-year prison term. Overall, child support policies have become not only a political arena for expressing and emphasizing moral arguments about parental responsibility, but also a site for offering specific enforcement tools to achieve moral edicts.

In an era of persistent poverty and growing inequality, however, questions remain regarding the effects of using child support enforcement to increase the emphasis on parental responsibility. Following the passage of legislation such as the Family Support Act of 1988, which required states to implement automatic wage withholding for child support payments (Rothe, Ha, & Sosulski, 2004), child support is now automatically deducted from fathers' paychecks; thus, these payments are increasingly out of the fathers' control if their jobs are in the formal labor market. At this point, fathers who do not pay full child support are those who do not have formal earnings sufficient for withholding. In fact, using data from the National Survey of America’s Families (NSAF), Sorensen and Zibman (2001) estimated that 43 percent of all noncustodial fathers—not only the noncustodial fathers of children on welfare—who made no child support payments were poor themselves, even when both formal and informal earnings were considered. Nonetheless, over the past three decades, an increasing connection has been drawn between parental responsibility and child support; the assumption is that the primary cause of non-payment is the noncustodial fathers’ irresponsibility and the appropriate policy to amend this problem is to increase enforcement of child support payments. Therefore, it is essential to examine the specific ways in which child support policies as a tool for promoting parental responsibility produce economic and political consequences.

Social control theory, advanced by Piven and Cloward, provides a framework to pursue such an investigation. In their book Regulating the Poor, Piven and Cloward (1993) pointed out two functions of welfare: (1) moderating political disorder by the expansion of its provision during periods of mass protest; and (2) forcing the poor into the labor market by its contraction and its degradation of welfare recipients after the cessation of mass protests. This paper focuses on the period after 1974, when the United States began to develop and implement a comprehensive federal child support policy, and when the
occurrence of mass protests declined; therefore, I will focus on the second function as I explain the functions of child support as modeled on the welfare system. Piven and Cloward (1993) demonstrated the economic and political functions of welfare as a social control device in the labor market. Similarly, this research examines the economic and political functions of child support as labor regulation. Although much research on child support has considered child support to be justified by moral principles related to parental responsibility, the economic and political consequences of the moral argument that is reinforced by child support have been examined less thoroughly.

The application of social control theory to the case of child support suggests that child support policies function to regulate labor in two ways. First, child support enforcement attempts to push noncustodial fathers into the labor market, which, if successful, may over-populate the labor market and decrease wages and working conditions for all employees. However, since noncustodial fathers may disappear from the labor market to avoid child support enforcement measures such as income withholding, the actual effects of child support enforcement on fathers' work might not be those intended by child support policy. Indeed, the evidence for this first function is inconsistent. However, even the failure of the first function is support for social control theory as long as the second process is operating.

The second way in which child support regulates labor entails the symbolic dimension of child support policies. Child support policies consolidate ideas that degrade noncustodial fathers via attributing poverty among children primarily to noncustodial fathers' misbehavior rather than to systemic problems in the labor market or a lack of adequate social policies for families. In addition, child support policies promote a view that emphasizes the value of a narrowly defined sense of family autonomy in which male bread-winners support their families through paid work, even in the context of the lowest market rewards. The second manner of labor regulation leads the general public to alienate these fathers, and therefore deflects public attention away from insufficient labor market opportunities for low- and moderate-income people; this, in turn, leads to a lack of support for anti-poverty programs and
a lack of labor-friendly policy. Taken together, these result in the decline of productive labor regulation, particularly with respect to wages, working conditions, and both the bargaining power and political mobilization of labor.

The functions of child support I consider in this paper are true of all child support, but I focus on the relationship between the child support system and noncustodial fathers of children who have been on welfare, and consider the broader impacts of this relationship. Such particular attention does not lead to an overly narrow focus, because the majority of cases of child support enforcement have been for fathers who are associated with current or former welfare recipients. This has always been true, although the proportions of children who have been on welfare among child support enforcement case-loads have continually dropped between 1975 and 2007, from nearly all cases in 1975 to 60 percent in 2007 (Office of Child Support Enforcement [OCSE], 2008).

Furthermore, the historical development of child support policy justifies the explicit restriction of the paper’s focus: federal child support policy was created as part of the Aid to Families with Dependent Children program (AFDC), and child support enforcement originated out of a concern for recouping a portion of government expenditures for welfare (Abramovitz, 1988; Cancian & Meyer, 2004). Finally, even though child support enforcement now reaches a greater proportion of noncustodial fathers whose children have not received welfare, researchers argue that child support, because it started and was developed as part of welfare, entails regulations that are invasive of privacy and punitive to all families who receive the services (Brito, 1999). Thus, the link of child support to families on welfare is a crucial starting point from which to explore the function of child support.

This paper shares common ground with previous research that examines factors affecting child support outcomes, often in conjunction with welfare (Cancian & Meyer, 2004, 2006; Carlson, Garfinkel, McLanahan, Mincy, & Primus, 2004; Freeman & Waldfogel, 1998; Garfinkel, Miller, McLanahan, & Hanson, 1998; Sorensen & Zibman, 2001), and with research that focuses on the social control functions of welfare (Abramovitz, 1988; Gordon, 1990; Gottfredson & Hirschi, 1990;
Piven & Cloward, 1993). Social control theory has been applied to the areas of welfare and incarceration, but has been utilized less in the study of child support, so understanding child support through the lens of social control theory is an important contribution of this research. While I use the first body of literature mentioned above—consisting primarily of empirical studies—to draw support for the claims I make, many of the studies take different perspectives on the system and have different theoretical backgrounds. Therefore, this research sets out to bridge these two bodies of study by explaining how child support functions to regulate labor.

Additionally, in explaining the second way in which child support policies function as labor regulation, the study considers moral arguments about parental responsibility embedded in child support. In order to expand the scope of this second process, this study expands on another body of research that investigates the symbolic dimensions of policies (Crowley, Watson, & Waller, 2008; Fineman, 2004; Schneider & Ingram, 1997; Soss, 2005; Stone, 1989).

Reconceptualizing the function of child support as labor regulation does not suggest that the ideas of either child support or labor regulation are in themselves negative. Indeed, all societies regulate labor at different levels, and, given different settings and policy designs, child support might have supported the labor of noncustodial fathers. Instead, the argument is that child support is not limited to its previously perceived functions: saving money for the government; reducing poverty among single-mother families; and enhancing parental responsibility. Among the advantages an insight into the regulating function of child support provides, are developing a perspective on the structural causes of inequality and poverty and initiating the first step toward vigorous discussions about labor policies that are supportive of those who have low or moderate means.

Three Perceived Functions of Child Support

Before demonstrating the function of child support as labor regulation in the following section, in this section I outline the multiple, sometimes conflicting, functions of child support.
policy that have been recognized by policy makers, scholars, and the general public. This will provide a sense of what is missing in the current discussion of the function of child support policy. It is often assumed that child support policy functions, or at least ideally should function, in one of three primary ways: (1) saving money for the government; (2) alleviating poverty among single-mother families; or (3) enforcing parental responsibilities of noncustodial parents for their biological children (Josephson, 1997; Waller & Plotnick, 2001).

**Saving Money for Governments**

Many researchers have pointed out that reducing the cost of governmental expenditures on welfare was the primary goal of the federal child support program at its creation in 1974, and has always been a significant goal (Brito, 1999; Josephson, 1997; Solomon, 1982). The government set out to save money directly by retaining all or most of the child support paid on behalf of welfare recipients (savings are measured by the government’s share of collections minus overall expenditures).² The initial federal child support program (enacted in 1975) was almost entirely limited to families receiving AFDC, and all the child support payments made on behalf of these families were retained by the government. In fact, between 1975 and 1988, the government realized direct savings via child support.

However, the child support system has expanded to include an increasing number of non-welfare cases; as a result, since 1989 the government’s expenditures on child support enforcement have exceeded the child support collections the government has retained. This change in the child support budget reflects, and also leads to, a shift in child support policies from a direct money-saving device to a social service program that can be justified by other social functions despite its net positive spending. Despite this change, the child support system still has another component of saving money for tax payers that is the indirect savings that can be realized by helping some welfare recipients get off welfare and by preventing many otherwise poor single mothers from entering the welfare system.

In this paper, however, I do not discuss these indirect savings extensively because, to the extent that the child support system
shifts toward serving as a social service program, the indirect savings cannot be the sole justification or measure of success; the effect of child support in reducing poverty among single-mother families must also be taken into consideration (Kurz & Hirsch, 2003).

Alleviating Poverty among Single-Mother Families

Members of the general public, as well as many scholars, believe that child support does, or at least should, alleviate poverty among single-mother families (Meyer & Hu, 1999; Nichols-Casebolt, 1986, 1992; Waller & Plotnick, 2001). Nonetheless, because welfare recipients have been required to sign over their rights to child support to the state, much of the child support paid by fathers of children receiving welfare has been withheld by governments and has not been transferred to families. Although the proportion of child support enforcement caseloads associated with mothers currently receiving welfare dropped from 85 percent in 1977 to 14 percent in 2007 (OCSE, 2008), because these mothers constitute one of the most vulnerable and poorest groups in society, the states’ practices toward this population are still an important consideration in assessing the function of child support as a device to reduce poverty among single-mother families. In addition, in 2007, 60 percent of child support enforcement caseloads were cases where custodial mothers received welfare (14 percent of current and 46 percent of former welfare recipients), and at least some child support payments made on behalf of their children were diverted to the government. Given the government practices toward single-mother families receiving welfare, poverty reduction seems to be neither a consistent nor a primary justification of child support policy (Cancian & Meyer, 2004; Hirsch, 1988; Pate, 2002).

Despite this, some observers argue that child support does reduce poverty among children because most child support paid on behalf of children not receiving welfare is actually passed through to the custodial-parent families. Further, it has often been claimed, as by Harris, that many families would no longer be poor and, consequently, would not need welfare, if child support were paid (Josephson, 1997). Finally, many researchers have supported the positive potential of child
support to reduce poverty among single-mother families by reporting that noncustodial fathers could provide more, based on the average earnings for all noncustodial fathers, not just those associated with children receiving welfare (Garfinkel et al., 1998; Sorensen, 1997).

However, there has been skepticism about the effectiveness of child support as a fundamental solution to poverty among single-mother families. First, although not all noncustodial fathers are poor, a significant portion of the noncustodial fathers who do not pay child support are poor (Sorensen & Zibman, 2001). Second, research in the area has reported many barriers facing noncustodial fathers, in particular fathers of children receiving welfare, as they attempt to comply with the child support system. Cancian and Meyer (2004) showed that, among noncustodial fathers of children receiving welfare in Wisconsin, only about one in five had an education beyond high school. Furthermore, in their qualitative analysis, Crowley et al. (2008) reported that fathers of children on welfare often resided within neighborhoods with high crime and incarceration rates and rampant societal racism. Using data on all fathers of nonmarital children—not only the fathers of nonmarital children on welfare—Chung (2011) estimated that over 10 percent were in prison more than 12 months between the child’s birth and age five. Given the limited income potential and environmental constraints of many noncustodial fathers, the effects of strengthening child support enforcement on poverty reduction among single-mother families may not be significant enough to justify the costs to fathers.

Indeed, research has indicated the limitations of the actual and potential roles of child support in reducing poverty among children. The high rates of post-child-support poverty found in previous studies (see Cancian & Meyer, 2006; Sorensen & Zibman, 2001) may indicate not only the alleged failure of child support enforcement, but also the limited potential of private child support as a device to reduce poverty among single-mother families. Sorensen and Wheaton (1994) estimated that even if all custodial mothers had child support awards and received full child support (while holding current awards levels constant), poverty among single-mother families would fall by just 3 percent. Given this context, even when
child support obligations are effectively enforced among non-custodial fathers, the high poverty rate among single-mother families in the United States would be insoluble and far higher than the poverty rates for their counterparts in many European countries (Christopher, 2002). In sum, the second perceived function of child support—the reduction of poverty among single-mother families—appears to be undermined by a range of factors within the child support system.

Enforcing Parental Responsibility

The moral argument about parental responsibility of non-custodial parents not only motivated the creation of the federal child support program in 1975 and subsequent enforcement tools, but also gained increasing attention in the discussion of child support. From this perspective, and given the earlier findings that direct savings via child support have not been realized since 1989 and that the reduction of poverty has not been the primary focus of child support, it is reasonable to claim that parental responsibility appears to be the most consistent justification for child support policy.

While in the previous two subsections, I discussed whether the first two perceived functions of child support have worked effectively, I do not attempt to answer the question of whether child support enforcement actually promotes parental responsibility. It is because neither a negative nor a positive answer to the question would undermine the main point: it is important to investigate the economic and political consequences of emphasizing the moral argument about parental responsibility that is embedded in and reinforced by child support policies. Despite their importance, these consequences have rarely been examined.

Emphasizing the norm of fathers' financial responsibilities through child support enforcement has different effects across class and race. From its inception, the child support enforcement system has been disproportionately aimed at the poor, particularly poor men of color (despite the trend over time for the system to move away from focusing only on the poor). First, child support enforcement has produced more negative consequences for low-income fathers than for high-income fathers. Low-income fathers have been more likely than
high-income fathers to be subject to the formal child support enforcement system (Lyon, 1999). This is due in great part to the fact that low-income fathers are likely to partner with mothers receiving welfare, and these mothers are required to participate in the formal child support program. Child support enforcement has led to more regulatory and punitive consequences for low-income noncustodial fathers, not only because the formal child support enforcement system restricts and regulates the means of support and the timing of payments, but also because child support enforcement tools are punitive, even to the point of involving incarceration. Furthermore, low-income noncustodial fathers tend to receive child support orders constituting a higher proportion of their income, and thus face larger burdens than those with high incomes (Cancian & Meyer, 2006; Turetsky, 2000).

In addition to low-income fathers, child support enforcement has had disproportionate impacts on men of color. This is in part because, as described earlier, the child support system disadvantages payers with low incomes, and minority noncustodial fathers tend to have lower incomes than their white counterparts. Further, the fact that the amounts in child support orders often remain unadjusted while fathers are in prison disproportionately affects men of color because incarceration rates for minorities have been disproportionately high (Mauer, 1997; Pettit & Western, 2004; Western, 2006; Western & McLanahan, 2000). Given these trends, it is clear that, even though race has seldom appeared overtly in the discussion about child support, emphasizing the seemingly race-neutral concept of parental responsibility and strengthening and adding punitive enforcement tools to the child support system produce disproportionate consequences for men of color.

Many scholars go even further and argue that the child support policy has actually been racially motivated (Hansen, 1999; Maldonado, 2006). Hansen (1999, p. 1123) argues that one of the most important characteristics of modern child support is "a racially inflected blaming of African-American fathers." Because deadbeat dads have often been pictured as African American men, the child support argument that blames deadbeat dads serves to point toward African American men as a small, but visible, troubling group whose misbehaviors
are both a cause of the national problem and a target for governmental reform. Therefore, blaming noncustodial fathers for their children’s poverty and drawing on child support as the solution may result in the condemnation of minority noncustodial fathers.

Without mentioning class and race, child support, by focusing on parental responsibility, has permitted people to talk about whether and how society should force low-income fathers, particularly low-income fathers of color, to work. From this perspective, the economic and political effects of the child support system reach not only those officially enrolled in the system, but also society members who are economically disadvantaged and/or racial minorities. Building on these observations and embracing social control theory, in the next section I provide a further, perhaps more critical, insight: the scope of those who bear the economic and political consequences of the child support system encompasses all workers. As explained in the following section, labor regulation is at the heart of this political process.

Figure 1. Conceptual Framework of Ways in Which Child Support Policies Lead to Labor Regulation

Child Support as Labor Regulation

The application of social control theory to the child support system suggests two ways in which child support can lead to labor regulation. Figure 1 illustrates these two processes: one occurs through the attempts to enforce fathers’ labor market
participation and the other occurs through discursive practices, reflecting and reinforcing negative social constructions of noncustodial fathers and a specific set of meanings about family.

Pushing Poor Noncustodial Fathers into the Labor Market

The major income source of noncustodial fathers of children receiving welfare is earnings; therefore, enforcing payment translates into enforcing work. The underlying assumption of child support policy is that child support enforcement will lead fathers to work. Some child support enforcement tools require fathers who are behind in child support to seek jobs and to report their job search records to the agency on a regular basis (with a consequence of incarceration in the case of non-compliance). Additionally, a great deal of research has focused on testing the effects of child support policy on fathers' work activities (Cancian, Heinrich, & Chung, 2009; Freeman & Waldfogel, 1998; Holzer, Offner, & Sorensen, 2005; Rich, Garfinkel, & Gao, 2007).

Although the perspective that child support as a policy concerns noncustodial fathers' work is not new, social control theory offers further insights into the hypothetical, and mostly ignored, effects of child support on the broader labor market. If child support successfully pushes noncustodial fathers into the labor market, this might tighten the labor market, which would result in a declining general wage rate and worsening working conditions in the labor market (Piven & Cloward, 1993). The law of supply and demand predicts that if the supply of labor increases, wages can be expected to fall. In particular, the degradation of wages and benefits would have particularly strong consequences for those who work in low-wage labor markets, since these markets are where many of the noncustodial fathers whom the child support enforcement system targets for enforcement are likely to seek and find jobs (Cancian & Meyer, 2006; Sorensen & Zibman, 2001). As a policy affecting labor market conditions, child support will be counterproductive if it weakens the working conditions of workers in low-wage labor markets. Of all those in the labor market, this group has experienced the greatest decline in economic rewards since the 1970s (Sum, Khatiwada, McLaughlin,
& Palma, forthcoming); therefore, the potentially negative consequences of child support enforcement for this group should be of particular concern.

In addition, Piven and Cloward (1993) explore the consequences of an increased labor supply for the bargaining power of workers. Their explanation focuses on the Marxist idea of a reserve army of labor, which basically refers to the unemployed individuals in a capitalist society (Piven & Cloward, 1993, p. 355). The authors claim that capitalists use this population to weaken and divide the working class. When the labor market is saturated with people seeking jobs, employees are less likely to boldly demand better wages and working conditions from employers due to the fear of being replaced by someone in that pool. Therefore, if child support successfully compels more noncustodial fathers of children receiving welfare to search for jobs, to enter the labor market, and to work more, the copious supply of labor will function as a threat to the economic security of a broader range of workers, while serving the interests of employers.

However, as Piven and Cloward (1993) point out, the attempt to regulate labor often meets with resistance. Hence, child support becomes both a site of labor regulation (in terms of the government enforcing child support payments) and a site of resistance to the regulation by the noncustodial fathers. Income withholding has been the most popular and effective method used by states to enforce child support payments (Rothe et al., 2004). In response, poor noncustodial fathers may disappear from the formal labor market in order to prevent their earnings from being discovered and withheld by the government (Holzer et al., 2005). Some may take jobs in the underground economy.

In spite of the fathers' resistance, however, the government has developed ways to enhance enforcement, such as seizing property, revoking driving and professional licenses, and even incarcerating those who are behind in paying child support (Rothe et al., 2004). All of these enforcement methods may work as threats to push noncustodial fathers to work in order to pay child support. However, once any of the enforcement tools are utilized, it may make securing employment more difficult for noncustodial fathers.
Not surprisingly, given this context, studies have reported conflicting results about the effects of child support enforcement on fathers’ labor market outcomes. Using data from the Survey of Income and Program Participation, Freeman and Waldfogel (1998) found positive effects of child support enforcement on noncustodial fathers’ employment in the formal labor market. Using data from the Fragile Families and Child Wellbeing Study, Rich et al. (2007) found marginally positive effects of states’ child support enforcement on all noncustodial fathers’ formal work hours. In contrast, in a multivariate analysis using both individual- and state-level data, Holzer et al. (2005) found that child support enforcement decreased employment activity among black men ages 25-34. Cancian, Heinreich, and Chung (2009) reported that higher levels of child support arrears (followed by child support enforcement) reduced formal earnings, particularly for those who had consistent work histories.

If the contrasting efforts of government regulation and fathers’ resistance to these regulations cancel one another out and result in fathers’ disappearance from the labor market, child support enforcement would not necessarily intensify competition for low-paying jobs and subsequently cheapen labor. However, the failure of the child support system in pushing noncustodial fathers into the labor market is not contradictory to, but provides support for, social control theory. Piven and Cloward (1993, p. 381) made the point that welfare programs, which seem to have failed because they have not successfully pushed single mothers into the work force, have, in fact, succeeded because “they helped communicate meanings which reinforced labor discipline.” Similarly, I argue that, in addition to investigating the direct mode of pushing noncustodial fathers into the labor market, it is necessary to examine other, indirect ways that child support policies function to regulate labor. Specifically, it is imperative to examine the rhetorical practices that, in order to sanctify the virtue of work no matter the terms, reflect and reinforce both a specific set of meanings about family and the negative social constructions of noncustodial fathers.
Degrading Noncustodial Fathers of Children Receiving Welfare

In order to assess the nuances of the symbolic dimension of child support, I consider the moral arguments about parental responsibility as a discourse that has been entrenched in child support policies, and take advantage of research that focuses on the symbolic dimension of policies. Discourse, as a social theory, was first introduced by Foucault (1973, 1995; Foucault & Gordon, 1980), and has been elaborated in many different ways by post-structuralists (Hiemstra, 2004). The working definition of discourse employed in this paper is a set of closely related meanings that not only are affected by existing power relations but also actively create power relations. A discourse embedded within a policy may reinforce itself via its influence on specific policy rules and the social construction of target populations.

Particularly, I consider the moral argument about parental responsibility embedded in child support policies as part of a discourse about family. The family discourse unfolds as an attempt to pin down the boundaries, role, and importance of family (i.e., an autonomous family = one man, one woman, and biological children, in which men should work and provide for the family). Even when the family form does not match the ideal within the family discourse—i.e., fathers are not living with children—the clearest norm enforced in child support is the financial responsibility of biological parents to support their own children through paid work.

The family discourse reinforces itself via its influence on the operation of child support policies. Child support enforcement tools include various public rituals that degrade noncustodial fathers and therefore affirm the family discourse. Child support policy scrutinizes noncustodial fathers' behaviors such as work, fertility, and even sexual relationships with their female partners, and places their behaviors on the agenda of public arguments. In addition, child support enforcement degrades noncustodial fathers by treating non-payers as criminals. Such policy rituals exalt the importance of a bread-winner supporting his family members through paid work even when market rewards are low. From this perspective, the irony of incarcerating fathers for non-payment (incarceration does not help them support their children and even prevents them from doing so, and in addition is costly to the government) begins
to make sense; the ritual of incarcerating non-payers affirms the family discourse and exalts the importance of work at any terms.

The family discourse that the child support system embraces sends a set of negative messages about noncustodial fathers of children receiving welfare. Of the two messages I consider in this paper, the first is that noncustodial fathers of children receiving welfare fail to achieve autonomy. In the philosophical and political rhetoric concerning poverty, autonomy is one of the core tenets that Americans espouse (Ellwood, 1988). In most discussions, autonomy is narrowly defined as being accountable for oneself and one’s dependents via paid labor (Fineman, 2004, p. 9). In this vision, autonomy is assumed to be attainable by every individual/family, so the failure to achieve autonomy is often attributed to the moral defects of individuals, such as laziness and irresponsibility.

In his discussion of autonomy, Ellwood (1988, p. 16) explained that Americans believe that they have a significant degree of control over their destinies, and that any individual willing to make the necessary sacrifices can provide for him- or herself. Fathers of children receiving welfare are viewed as lacking the determination to do what is required. Mead (2007a) summarized the alleged deterioration of the work ethic among the poor: “many cannot endure the slights and disappointments that work involves. That’s why poor men usually can obtain jobs yet seldom keep them.” The failure of noncustodial fathers to achieve economic autonomy is often identified as the alternative side of the problem of dependency, both their own and the dependency of families on welfare. This concept of the autonomy of family flows through the rest of the discursive practices surrounding child support.

Noncustodial fathers are consistently degraded by causal stories that assert that the fathers are the cause of poverty among single-mother families. Stone (1989) defines a causal story as a discourse that describes harms and difficulties, attributes their causes and responsibilities to the actions of other individuals or organizations, and invokes society’s power to stop the harm. The causal story maintained by the child support system tells the general public that the poverty of single-mother families is caused by noncustodial parents’ irresponsibility and refusal to work or to get married (Mead, 1993, 2007b; Rector, 2001). Mead
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(2007a) claimed that the fathers of children receiving welfare seldom work regularly, and this "helps to keep families poor." Rector (2001, p. 63) argued that "the collapse of marriage is the principal cause of child poverty and a host of other social ills." The flip side of such causal stories is the assumption that poverty could be reduced by enforcing the parental responsibility of noncustodial parents (e.g., enforcing child support payments and work). The causal story, reinforced by a narrowly defined concept of autonomy, is used to call for government intervention in the alleged problems. The outcome is punitive child support enforcement, which continues to encourage the transmission of the messages that further degrade these fathers.

Because the discursive practices surrounding child support both create negative constructions of noncustodial fathers and reinforce the existing negative views of them, these fathers are more likely to be seen as irresponsible noncustodial parents of poor children than as a group of disadvantaged citizens who need help from society. Degrading images of noncustodial fathers of children receiving welfare establish the belief that these men are morally deficient and are not on equal standing with the general public, especially with regard to social rights and governmental concern and support. Consequently, the members of the general public tend to alienate these fathers. In this process of alienation, these fathers are singled out, recognized as a troubled group due to their specific behaviors (non-work or non-marriage), and used as a symbol of national ills. The failures of the economic system are occluded by this moral discourse, which places the responsibility for poverty on a small but visible group. As Piven (1995, p. xiii) noted, the blame placed on poor individuals functions to "divert widespread public discontent over the shocks of economic decline and changing social mores."

The pervasive influence of the family discourse, strengthened through child support policies, has weakened policies that benefit the working class. For example, Fineman (2004, p. 271) suggested a broader concept of autonomy—allowing choice to be made and to be meaningful. This broadened concept of autonomy calls for governments to ensure that each individual has the basic necessary resources to realize autonomy. However, the moral argument embedded in the
discussion of parental responsibility via child support has excluded any discussion of this broader sense of autonomy. In addition, Stone (1989, p. 298) pointed out that causal stories can construct shared risk and benefit factors among a certain group of people, who may not have natural associations without the causal story, and therefore can mobilize them to take certain collective actions. Conversely, the moral argument concerning child support has encouraged divided alliances between non-custodial parents of poor children and others, in particular dividing noncustodial fathers from the rest of the working class. The child support discourse has resulted in altering the working class's perception of their collective interests and the goals of political mobilization. Piven and Cloward (1993) emphasized that the working class has a stake in increasing its bargaining power with employers in support of systemic anti-poverty programs (including active labor policies and expanded cash and in-kind benefits for low-income families, regardless of family formation). They claimed that when people had an alternative means of income, they were not as likely to accept degrading forms of work that would not improve their situation. However, the child support discourse may reduce the interests of the working class in welfare programs and persuade them to oppose policies that are in their interest (Piven & Cloward, 1993). Emphasizing parental responsibility via child support has occluded the true nature of social problems in U.S. society. It has often masked the necessity of government support for low- and moderate-wage workers in the labor market and collective provisions for families with children. This obfuscation has thwarted beneficial initiatives put forth by labor organizations, which, in turn, has reduced wages and work benefits and decreased the power of labor to bargain with employers; in other words, it has resulted in the decline of the productive regulation of labor.

Conclusion

This paper examined three perceived functions of child support: saving money for the government, alleviating poverty in single-mother families, and enforcing parental responsibilities. Although the child support enforcement program experienced net gains between 1975 and 1988, the
government no longer saves money directly via the program. In addition, as shown above, child support has not effectively reduced poverty among children. The system has focused primarily on punitive enforcement tools and has provided few devices to help these fathers work and pay child support.

Although the limitations of child support as a solution for poverty among single-mother families are obvious, the government has favored rhetoric at the expense of practical accomplishments, such as improving the status of the most impoverished and weakest groups in society, while increasing spending on the administration of moral initiatives. The moral goal and approach of child support could be a method of supporting other goals such as reducing poverty among children living in single-mother families; however, as the current analysis demonstrates, this is not the case.

Although it may seem morally right for fathers to support their children, I focus on the fact that the rhetoric of parental responsibility itself has not proven to be very successful in encouraging fathers to perform that role. Even if it is true that responsible fathers are more likely to support their children, the literature has found that enforcing the responsibility does not, as a policy, work. Criticizing the behavior of noncustodial fathers of children receiving welfare is limited as a solution to poverty. For example, poverty can be exacerbated by fathers’ withdrawal of informal support for their children and some fathers’ withdrawal from the formal labor market, and by the reduction of anti-poverty programs due to reduced public support. Moreover, the entire working class is hurt by policies based on this moral discourse. Such policies lead to division and the devaluation of labor by attributing poverty to misbehavior and by taking attention away from the importance of anti-poverty programs and labor-friendly policies.

Poverty in recent decades has been caused by economic downturns and increased social inequality, and therefore cannot be resolved only by the horizontal redistribution of money from often poor fathers to relatively poorer mothers. Both welfare policy for single-mother families and the child support system should be revised. First, the connection between welfare and child support should be severed. In this scenario, welfare mothers would not have to assign their right
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to child support to the state, and they would not have to cooperate with the child support system by identifying the child’s father as a pre-condition for receiving public aid. All or most of the paid child support should be transferred to custodial-mother families. Additionally, the incentives of public aid such as Food Stamps or Medicaid, and the Earned Income Tax Credit should be extended to fathers with moderate or poor means who try to pay child support (Cancian & Meyer, 2006; Castillo, 2009; Mincy, Klempin, & Schmidt, 2010; Wheaton & Sorenson, 2009). In order to help single-mother families avoid economic hardship, child support assurance—a government guarantee of child support—should be considered (Cancian & Meyer 2006). Furthermore, it is important to recognize that a significant labor force is necessary for society and that maintaining a continuous labor force requires rearing children. Consequently, society should generally value and support families’ efforts to rear children. Given that, family allowances—universal payments from government to families with children, regardless of family formation—could be considered.

Importantly, examining the ways in which child support regulates labor offers the insight that child support enforcement has had negative economic and political effects on the poor, the working class, and the labor market. If child support is seen as a labor policy aimed at the poor, in particular poor men of color, as I claim in this paper, labor-supportive devices in the child support system are obviously needed. In order to help poor parents perform their parental roles, more than moral admonition is needed. Rather, the reduction of poverty by collective provision is the larger solution.

A collective solution includes creating employment opportunities that provide both enough income for a decent standard of living and job-related benefits. Investments into social services such as health care, education, and job-training programs would also be important factors in this type of solution. Given the innumerable ways in which the poor are disadvantaged in the United States, researchers interested in policy options for improving the fortunes of less-skilled workers should look beyond outcomes related to fathers’ behaviors—that is, compliance rates within the child support system and marriage and work patterns among the poor—which are the
customary dependent variables in much of the literature. In order to reduce poverty, future research should investigate the effectiveness of policy interventions in the labor market. In addition, research should explore which other forms of income-maintenance programs, such as family allowances, would effectively reduce poverty among single-mother families. Future research should also provide an empirical examination of the theoretical arguments concerning the function of child support in the regulation of labor that are included in the current paper.

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References


(Endnotes)

1. The comments of Joe Soss were particularly helpful in developing this argument.

2. Between 1975 and 1984, all child support paid on behalf of children on welfare was retained by the government in order to compensate for costs of welfare (Sorensen & Halpern, 2000). However, after 1984, the federal government required states to transfer the first $50 of child support received each month.
to the family on welfare, and disregard that amount in the
determination of welfare benefits. The Personal Responsibility and
Work Opportunity Act (PRWORA) in 1996 lifted this mandate;
consequently, as of 2007, twenty-six states chose not to pass through
any child support to families on welfare (Center for Law and Social
Policy, 2007).