

Reintegration in the Red: Navigating Child Support Arrears After Prison

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Abstract

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For most formerly incarcerated people, the transition from prison to free society is fraught with challenges and constraints, some of which can persist for years, even decades, after one is released. Difficulty finding work, housing, and earning enough to make ends meet are essentially par for the course, among myriad other disadvantages. Child support debt can then make what is already a complicated situation far worse, not least of all because failure to pay brings about punitive legal sanctions. Arrearages at once constitute a collateral consequence of conviction and a barrier to reintegration. Incarceration can lead to the establishment of a child support order and the accumulation of debt, since most obligors can neither provide for their families nor effectively pursue order modifications while serving time. Then, once they are released, they face substantial obligations, dim financial prospects, and potential wage garnishment rates amounting to nearly two-thirds of their income—and that is assuming the individual manages to secure employment. Revenue that Child Support Enforcement (CSE) collects from these obligors often does not even go toward their families. Indeed, a significant share of arrears held by low-income and incarcerated fathers, sometimes with compound interest, is owed to the state for reimbursement of public benefits provided to the custodial family. By extracting formerly incarcerated fathers' scarce financial resources on behalf of the state, CSE may actually be diverting potential informal support away from low-income families. Moreover, noncompliance can precipitate an array of consequences, some of which directly jeopardize the freedom of obligors involved in the criminal legal system.

Dual entanglements in the carceral and child support systems comprise an issue that has gone largely unexamined in the empirical literature, at least until recently. This dissertation contributes to this emerging corpus of research by examining the dynamics of child support obligations, and especially debt, in the context of short- and long-term reintegration. Based on 31 in-depth, semi-structured interviews, the study examines formerly incarcerated, indebted fathers' instrumental and symbolic understandings of child support. Findings include an inductively-constructed tripartite framework for obligors' functional comprehension and interpretive frames, while highlighting major gaps in debtor knowledge and institutional provision of information. The dissertation also explores the ways in which obligors respond to child support obligations after prison, from engagement and compliance on one end to "off the grid" avoidance on the other. The analysis then addresses the various disruptive roles that child support arrears play throughout a series of transitional, though not necessarily sequential stages of post-prison reintegration. Implications for child support and criminal legal policy, and policy recommendations, are discussed.

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Dedication

For Mike

And for Jack

Introduction

On an April morning in 2015, Walter Scott turned into the parking lot of an auto parts shop, flashing blue police lights close behind him. Later reporting cited a broken taillight as grounds for the stop (Carmon, 2015). During the encounter, Scott got out of his car and ran. The officer gave chase and opened fire, letting off eight rounds and repeatedly striking the 50-year-old Black father of four in the back (Shoichet & Cuevas, 2015). He then handcuffed Scott as he laid dying from his wounds. Caught on video by an onlooker, the shooting captured national attention and intensified the long-simmering outrage that had reached a boiling point in Ferguson the previous summer. Scott's death, like that of Michael Brown, became a visceral symbol of America's long scourge of police violence against people of color. His reason for attempting to flee from the officer of course provided neither explanation nor justification for the shooting, so news coverage treated it as an incidental detail. But when Scott's family was interviewed, they raised the matter pointedly.

"He said that's what he would do, he would run, because he's not going to jail for child support," his brother Rodney said days after the shooting (Sausser, 2015). Scott had been jailed multiple times due to contempt-of-court sanctions for arrears that he spent years struggling to pay (Hager, 2015a). Twelve years earlier, a Charleston *Post and Courier* article about a program for indebted fathers featured an interview with Scott. The piece quoted him lamenting the 15 days he spent locked up for contempt of court some years prior because it caused him to lose "the best job I ever had." Thinking back to another five-month jail stint he had to serve on account of his arrears, he recalled saying to himself, "This whole time in jail, my child support is still going up... I said, 'Man, you got four kids depending on you, and you got people in your life that love you. You got to get it together'" (Gartland, 2003). He never did manage to get a handle on his arrears—yet another family court-issued warrant hung over his head on the day he died.

Occurring months after Ferguson and only two weeks before massive protests erupted in Baltimore, Walter Scott's death was among the catalyzing events behind the Movement for Black Lives. Yet while he was still alive, Scott's story was unexceptional. His drawn-out legal entanglements and intractable arrears reflect a common set of experiences, particularly for Black and Latino men, the poor, and noncustodial fathers (NCFs) involved in the criminal legal system. In Scott's home state of South Carolina, an estimated 13 to 16 percent of the jail population is comprised of child support debtors held on contempt-of-court charges, and evidence suggests most of them are African American (Brito, 2012; Hager, 2015a; Patterson, 2017). Even the incident leading up to Scott's death paralleled other debtor stories, including one particular episode notable for its place in qualified immunity case law (*Henry v. Purnell*, 2011). A father and child support obligor named Frederick Henry, subject to a warrant for support noncompliance and fearing arrest, ran from an approaching police officer. The officer pursued then shot the unarmed man as he fled (Murphy, 2012). Unlike Scott, Henry survived his injuries. But other commonalities between their stories hint at a broader point. Namely, child support debt is not just a matter of economic precarity, but also legal vulnerability and carceral control.

The magnitude of the arrears issue and its various linkages with criminal punishment and the criminal legal system are not yet fully understood, though they pose an array of serious policy challenges. One fundamental problem is that most of all outstanding child support debt is essentially uncollectible. Widespread inability to pay lessens the effectiveness of Child Support Enforcement (CSE), and insofar as certain enforcement techniques (e.g., civil incarceration) strain material and employment stability, they can actually make it *more* difficult for nonresident fathers to comply with their obligations. National figures from 2019 put the amount of unresolved arrears at \$117.7 billion, representing a 263 percent increase over the previous thirty years (Brito, 2020; OCSE, 2020). This

total exceeded combined discretionary federal spending on Housing and Urban Development and Education that same year by over \$5 billion (McCarty, 2019; Shohfi & Tollestrup, 2019). It perhaps comes as little surprise that low- and no-income noncustodial parents owe the lion’s share of that vast sum. Just as the civil sanctions that accompany criminal convictions “affect poor people *almost exclusively*” (Cammett, 2006, p. 319), it winds up being disadvantaged and distressed obligors who carry large encumbrances. Incarceration certainly increases the risk of debt accrual as well. This is a crucial point, considering that CSE and the criminal legal system disproportionately target the same groups, in particular men who are poor, Black, and/or Latino. Over one-third of the roughly five million men under correctional supervision in the United States have open support cases (Haney, 2018; Sorensen, Sousa, & Schaner, 2007), while at the same time, fathers with histories of incarceration account for an outsized portion of the Child Support Enforcement (CSE) caseload (Turetsky & Waller, 2020).

While behind bars, obligors are cut off from virtually all legitimate avenues for earning income.¹ This throttling of any means to comply with CSE inevitably leads to the accumulation of arrears unless the obligor succeeds in getting his obligations adjusted or, ideally, held in abeyance for the duration of his confinement. Few succeed in doing so. The legal process of petitioning for modification can be difficult for a *pro se* litigant to navigate, especially from behind prison walls, and family court magistrates often deny such requests even if one takes all the proper steps (Brito, 2012, 2020; Haney, 2018). Political rhetoric may have shifted from the racialized pathology of “deadbeat dads” toward the milder (if not all that ideologically distant) “responsible fatherhood,” but shame and stigma grounded in the “deadbeat” trope still pervade the child support system (Battle, 2019; Vogel,

¹ Prison jobs hardly warrant mention, since pay rates are very low—well under \$1 per hour—and some states do not compensate incarcerated workers at all (Sawyer, 2017). Moreover, New York and other states garnish these sums for payment of fines, surcharges, restitution, and other criminal legal financial obligations (Martin & Spencer-Suarez, 2017).

2020). System actors are thus typically disinclined to grant relief to noncompliant obligors (Brito, 2020). Nonpayment shaming centers on the notion that parents must be held accountable for supporting their children, so it is notable that a significant share of arrears held by low-income and incarcerated fathers, sometimes with compound interest, is owed not to their families but to the state for reimbursement of public benefits provided to the child and mother (Hatcher, 2007; Katzenstein & Waller, 2015; Ovwigho et al., 2005). Beyond stigma and procedural barriers, some fathers do not seek modifications because they simply do not know about them or do not understand the conditions under which one might request a reduction (Mincy, Jethwani, & Klempin, 2015). Still others are categorically ineligible due to state policies defining incarceration as “voluntary unemployment” (Meyer & Warren, 2011). Recent federal reforms forced states to start phasing out these exclusions.² Along with other state-level policy changes, this has led to some progress in increasing incarcerated parents’ access to child support modifications (Hodges & Vogel, 2019; NCSL, 2019). Yet these measures are the tip of the iceberg relative to the scale of efforts needed to rein in the causes and consequences of child support arrears. Currently, significant barriers remain and debt accrual among imprisoned parents persists.

Upon returning to free society, obligors are seldom much better able to pay child support than when they were still locked up. Confronted with the stigma and civil consequences of criminal convictions, most find it extremely difficult to secure housing, employment, and to make ends meet. Those who manage to secure work in the formal economy usually receive poverty-level wages, nearly two-thirds of which may be subject to garnishment. Formerly incarcerated fathers must then figure out how to survive on a fraction of already sub-livable wages in order to comply with CSE or face nonpayment consequences, up to and including civil incarceration, while continuing to pile up debt.

² See Office of Child Support Enforcement, U.S. Department of Health and Human Services. (2017). *Final rule summary: Flexibility, efficiency and modernization in Child Support Enforcement programs*.

Child support arrears not only compromise NCFs' potential for achieving socioeconomic stability, sapping desperately needed resources and disincentivizing labor market participation (Cancian et al., 2013; Miller & Mincy, 2012), but can also subvert desistance through parole violations or by exerting such pressure that debtors resort to earning money through illicit means (Haney, 2018).

Furthermore, arrears diminish fathers' involvement with their children, in-kind contributions, and can foment interpersonal conflict with custodial mothers (Bogges et al., 2014; Turner & Waller, 2017).

Dual entanglements in the carceral and child support systems comprise an issue that has gone largely unexamined in the empirical literature, at least until recently. A core of relevant scholarship now appears to be taking shape (e.g., Emory et al., 2020; Haney, 2018; Link & Roman, 2017; McLeod & Gottlieb, 2018; Mincy, Jethwani, & Klempin, 2015; Pleggenkuhle, 2018; Roman & Link, 2015, 2017; Turetsky & Waller, 2020; Zatz, 2020), though the potential field of inquiry remains fallow. This dissertation contributes to this emergent corpus of research by examining the dynamics of child support obligations, and particularly debt, in the context of reintegration. Using in-depth interviews with debt-encumbered, formerly incarcerated fathers, I address three sets of questions:

1. How and to what extent do indebted NCFs understand child support—instrumentally, structurally, and symbolically—from granular, individualized case details to the broader workings of child support as an institutional apparatus of the state? And secondarily, how do obligors develop these understandings and knowledges? What interactional processes and informational sources does child support knowledge formation entail?
2. How do indebted fathers act upon their child support obligations? What logics and motives underlie their (non)compliance behaviors?
3. What is the nature of child support arrears' role in the reintegration process? How and to what extent do they obstruct pathways towards social and economic stability?

Chapter 1 begins by outlining the general policy context, including the origins of the CSE program built on the foundational aim of curtailing welfare spending. I differentiate between voluntary, non-welfare child support cases and involuntary, welfare cases, the latter being of particular interest given that a large proportion of low-income fathers, and most of this study's participants, have formal orders that were initiated by and owed to the state. I briefly summarize the CSE program's principal features and functions. Then, drawing on a range of socio-legal and social science literature, I situate the emergence of the federal and state child support systems and their intersection with mass incarceration amid the ascendancy of neoliberalism, and discuss socioeconomic and racial disparities and the challenges of economic survival after prison, particularly as it relates to poor, indebted fathers. Moving on to theoretical underpinnings of the present study, I set forth an integrative framework, centered on Bell's (2017) theory of legal estrangement and incorporating ancillary concepts, including legal consciousness (Ewick & Silbey, 1998), bounded rationality (Simon, 1972), and prisoner incorporation (Kaufman, 2015). Together, these notions frame the experience of indebted reintegration and its component meaning-making processes around alienation and survival.

In chapter 2, I introduce the men who participated in this research: 31 fathers, mostly African American, low-income New York natives, all of whom experienced contact with CSE and the criminal legal system, though the scope and magnitude of their respective institutional entanglements varied. Further, I articulate my methodology—that is, an integrative approach drawing on techniques from a situational analysis, a subset of grounded theory (Clarke, 2005), and incorporating features of abductive analysis (Timmermans & Tavory, 2012) to address specific issues that arise from grounded theory's procedures and epistemological assumptions—and my specific interview methods and analytic procedures. Doing the work of qualitative research demands on-going, rigorous interrogation of one's positionality, so to be sure, I discuss my own processes of reflexive engagement.

In the subsequent three chapters, each of which addresses one of the aforementioned sets of research questions, I expatiate on my findings. Exploring the extent to which formerly incarcerated NCFs are informed and how they make sense of child support, from the granular, practical details of one’s individual case to broader conceptions of the system and its purposes, chapter 3 lays out an inductively-constructed tripartite framework for obligors’ functional comprehension and interpretive understanding of child support. Rather than categorizing debtors according to what and how much they know, I specify three dimensions of institutional understanding. Most specific and proximal to the individual debtor is *case knowledge*, which consists of practical information one’s own case. Next—expanding outward from the individual—is *process knowledge*. This refers to the obligor’s familiarity with rules, procedures, and the nuts and bolts of how child support works, from the establishment to the closure of a case. Lastly, *systemic understanding* concerns the child support system’s broader objectives and functions. Whereas case and process knowledge tend to be instrumental, systemic understanding is more expansive, referring to a birds-eye view of the system and including normative and symbolic dimensions of understanding. The second section of this chapter explores how NCFs obtain information and the sources they draw upon in constructing their understandings of child support. I conclude with a discussion of the practical and conceptual implications of formerly incarcerated NCFs’ knowledge and confusion.

Chapter 4 examines the ways in which father-debtors respond to their child support obligations, from engagement and compliance on one end to “off the grid” avoidance on the other. The three types of strategies outlined in this chapter build on this basic dichotomy. First, *Constrained Cooperation* refers to the obligor’s engagement with formal systems in ways that contribute to child support compliance (e.g., acquiescing to wage garnishment, seeking order modification). Debtors’ engagement is *constrained* by any number of contextual factors, like limited financial resources, conflicting obligations, or mistrust of institutional actors. Fathers who did not

cooperate with child support disengaged, though notable distinctions emerged in the specific behaviors and overall tenor of their responses. Hence noncompliant orientations are broken down further, into two categories. *Debt Disengagement* refers to passive noncompliance, such as failing to pay or appear for family court hearings. When NCFs took purposeful, exertive steps to evade formal child support, for instance, concealing assets and income, they engaged in *Active Debt Avoidance*. Where disengagement was akin to giving up and manifested as inaction, active avoidance pertained to agentic resistance.

Considering the material hardship and the myriad other challenges former prisoners must contend with as they return to the community, it seems fairly obvious that arrearages could put one's successful reintegration in jeopardy—not to mention that even obligors who want to comply with CSE might not be able to do so. Assuming that debt complicates reintegration (and indeed, participant interviews clearly suggest that they do), what does this actually look like? Chapter 5 explores the ways in which child support—meaning the often-punitive functions of the enforcement bureaucracy as well as the financial obligations themselves—steer, influence, and interfere with formerly incarcerated obligors' transition into free society. The findings are organized into four domains, which represent a series of transitional, though not necessarily sequential stages. CSE impacts on each transitional stage and alters the institutional landscape of reintegration. It dramatically reduces financial capacity over the long-term, disincentivizes formal employment, and puts strain on family relationships. Nonpayment sanctions and the inclusion of child support cooperation with parole conditions magnify the level of state surveillance to which obligors are already subjected, thus augmenting the potential for reincarceration. On balance, participants experienced child support as a significant, often disruptive factor in their post-prison lives. Interestingly, though, its salience varied based on where the individual happened to be in their transition and their level of social and material stability. CSE concerned obligors less during periods

of crises—triaging states of hunger or substance withdrawal pushed debt to the backseat—or if the NCF happened to be one of the rare cases of financial stability and comfort. For the majority of fathers between those two extremes, arrears were a ponderous, long-term burden.

In chapter 6, I revisit the findings presented in each of the three preceding chapters and take stock of their theoretical and practical implications. I then turn toward a policy-oriented critique of the public child support system. To be fair, CSE (and obligors’ compliance with it) play an important role in allaying child and maternal poverty. By facilitating income transfers from nonresident parents to custodial families, the program helps to ensure that some monies are allocated for the care of dependent children—at least for families who actually do obtain funds on a routine basis (Grall, 2020). But rather than supplementing welfare, child support is meant to replace it, thereby transforming public costs into private obligations (Cancian & Meyer, 2018). Nonresident fathers of poor children are apt to be poor as well. As a result, state-initiated, welfare-reimbursing child support orders (as opposed to voluntary, non-welfare cases) disproportionately ensnare low-income fathers with limited ability to pay, as well as those involved in the criminal legal system. Whether the government retains some or all of the revenue collected on behalf of aid beneficiaries depends on the state, but the fact remains that cost recovery basically amounts to the regressive targeted extraction and capture of resources from the most disadvantaged families. This has the additional effect of compounding racial inequality. Finally, I conclude with a set of broad policy solutions gesturing toward more equitable and effective anti-poverty strategies.

Chapter 1: Context and Conceptual Framework

1.1 Policy Context

The Child Support Enforcement (CSE) program was enacted in 1975, following the passage of the Title IV, Part D amendment to the Social Security Act the preceding year (Wimberly, 2000).³ Administered by the states and overseen by the federal Office of Child Support Enforcement (OCSE), the program is tasked with two core objectives. First, CSE aims to reduce poverty among single-parent families by guaranteeing children’s rights to financial support irrespective of parents’ marital status or custodial circumstances (Congressional Research Service [CRS], 2017; Primus, 2006; Waller & Plotnick, 2001). While popular and political discourses around child support have typically focused on noncustodial parents’ *moral* responsibility to provide for their children (e.g., “deadbeat dads,” “responsible fatherhood”), CSE’s second function—and legislators’ chief priority in establishing the program—was fiscal in nature (Battle, 2018). That is, it serves to mitigate public outlays by curtailing welfare utilization among custodial families and recovering costs from nonresident fathers (Cancian, Meyer, & Han, 2011; Hatcher, 2013). For several years following its authorization, CSE focused exclusively on families that received public assistance. In these cases, child support agencies sought monies from noncustodial parents (NCPs) as reimbursement for state expenditures on cash assistance, food stamps, and/or Medicaid provided to the mother and child. As a condition of receiving certain benefits, custodial parents were—and are still today—required to assign child support rights to the state and to comply with CSE procedures⁴ (Brito, 2012; Hatcher, 2012). A

³ Along with the CSE program, the IV-D amendment created the federal Office of Child Support Enforcement (OCSE). States were required to form their own enforcement agencies and were provided with federal matching funds to facilitate efforts to locate NCPs, establish paternity, set and enforce child support orders (Handler & Hasenfeld, 2007; Mincy & Pouncy, 1997)

⁴ Currently, these “certain benefits” refer to Temporary Assistance for Needy Families (TANF), though individual states may impose child support cooperation requirements for other benefits such as food stamps. Custodial parents

series of statutes enacted in the 1980s expanded the scope of CSE, allowing state agencies to pursue child support in non-welfare cases; however, these parents remained entitled to funds collected on their behalf. These types of orders constitute the two categories of *public* (i.e., IV-D) child support cases: (1) *involuntary*, state-initiated welfare cases, and (2) *voluntary*, non-welfare cases in which custodial parents request government services in collecting support. Combined, these account for an estimated 50 to 60 percent of all child support cases in the U.S. The rest are handled by private attorneys, collections agencies, and through direct arrangements between parents or guardians (Solomon-Fears, 2016).

1.1.1 State Child Support Programs: Features and Functions

The public CSE program performs the following functions: (1) locating NCPs; (2) establishing paternity; (3) setting orders; (4) reviewing and modifying orders; (5) enforcing orders; (6) distributing funds; and (7) establishing and enforcing medical support (CRS, 2017; Solomon-Fears, 2016). Each of these operations, with the exception of medical support,⁵ has been the province of CSE since the program was established (Freeman & Waldfogel, 2001; IRP, 2000; Pirog & Ziol-Guest, 2006). Though the ways CSE has performed these duties and the enforcement tools at their disposal have changed markedly in the intervening years.

In order for CSE to pursue a child support case, a NCP must be identified⁶ and located. This step is usually straightforward in voluntary cases and those involving parents who are or were

receiving Medicaid are required to relinquish medical support rights to the state. Mothers receiving public assistance must cooperate with CSE in order to receive benefits unless they qualify for “good cause” exemptions (e.g., in cases where there is a history of domestic violence and the mother fears retribution for revealing the NCP’s identity, she may be exempted) (Cancian, Meyer, & Han, 2011).

⁵ Medical support was established in 1977 with the passage of PL 95-142 and expanded through subsequent legislation (Pirog & Ziol-Guest, 2006).

⁶ If parents were married, the husband is assumed to be the father, but with births to parents who are not married, it necessary to ascertain paternity. Following a series of federal and state laws addressing this issue, paternity establishment for nonmarital births rose substantially. Of particular note, the Omnibus Budget Reconciliation Act of

married, but in state-initiated cases with never-married parents, it can become rather complicated. State appropriation of collected funds can disincentivize custodial parents from giving up information about the other parent’s identity and whereabouts since formal child support orders may strain the CP’s relationship with the NCP and jeopardize whatever informal contributions the latter happens to be making (Turner & Waller, 2017; Waller & Plotnick, 2001). But noncooperation is also a gamble. If child support authorities find that a CP receiving public assistance has intentionally withheld information or otherwise obstructed enforcement efforts, her benefits may be terminated (Solomon-Fears, 2016).

Once paternity is established, CSE initiates a legal order for the NCP to pay child support. State guidelines⁷ dictate how the order is structured. Despite jurisdictional variation, order-setting procedures tend to consistently hit low-income NCPs hardest (Pirog & Ziol-Guest, 2006; NCSL, 2017). If a putative father does not appear for his child support hearing, the court will likely enter a default paternity establishment and support order. The obligor’s income may then be imputed based on an assumption of full-time, minimum wage employment, resulting in an order that greatly exceeds the NCP’s ability to pay. This proves highly problematic since “many disadvantaged fathers are not even aware of the initial proceedings and fail to appear in court because, due to their poverty and insecure living arrangements, they do not receive a copy of their summons” (Brito, 2012, p. 640). Others might miss their hearings due to detainment, incarceration, or because they do not fully

1993 and 1996 welfare reform law (the Personal Responsibility and Work Opportunity Reconciliation Act, or PRWORA) included provisions that facilitated voluntary paternity acknowledgement in hospitals at or around the time of birth. A decade after the inception of in-hospital programs, hospital-based paternity acknowledgement had increased ten-fold (Pirog & Ziol-Guest, 2006).

⁷ There are three basic models for state child support guidelines. By far the most common, the “income shares” approach bases the amount of a support order on both parents’ incomes. Second, “percentage of income,” uses the number of support-eligible children to calculate the percentage of an NCP’s income designated for child support. Finally, the “Melson-Delaware” scheme sets a minimum amount needed for the NCP to survive and remain in the labor force (a “self-support reserve”), after which point support is calculated as a fixed share of income (CRS, 2017; Pirog & Ziol-Guest, 2006).

understand the consequences of failing to appear (Pate, 2006). Along with default orders and income imputation, retroactive support can lead to unmanageable debts. Depending on the state, courts have the ability to backdate support orders to the birth of the child or the opening of a public assistance case. Thus, an order may be “front-loaded” with debts, including previous welfare benefits received by the CP and child, Medicaid childbirth costs, paternity testing fees, litigation expenses, and interest on existing arrearages, among other charges (Brito, 2012; Kim, Cancian, & Meyer, 2015; May & Roulet, 2005; Mincy et al., 2015). In aggregate terms, child support is structured regressively—low-income NCPs pay substantially higher proportions of their income than middle and high-earners (Cancian, et al., 2011b; Meyer, Ha, & Hu, 2008).

Order review and modification pose further challenges for low-income NCPs, some of which are unique to imprisoned parents. A support order may be adjusted if a CSE case review finds that a parent’s financial and/or employment circumstances have changed substantially (CRS, 2017). Even so, NCPs who seek relief based on their incarceration status rarely succeed. Many states have long regarded incarceration as “voluntary unemployment” and thus legally insufficient grounds for adjusting or suspending a support order (Hager, 2016; OCSE, 2016), though this practice is being phased out nationwide.⁸ In recent years, federal and state authorities have made some efforts to ease barriers to order adjustment (Meyer & Warren, 2011; Noyes et al., 2012). Nevertheless, incarcerated fathers seldom manage to get their orders reduced or held in abeyance (Haney, 2018; Heinrich, Burkhardt, Shagen, & Rosen, 2011). Since federal law proscribes retroactive modification, the inability to change an order while serving time leads to the accumulation of debt that the NCP is

⁸ The Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs federal rule prohibiting the treatment of incarceration as “voluntary unemployment” in the consideration of child support order modification went into effect on January 19, 2017 (OCSE, 2017). According to Vicki Turetsky (personal correspondence), states using the “voluntary unemployment” designation are gradually phasing out this policy.

stuck having to repay following release from prison (Cammett, 2006; Pearson, 2004; Patterson, 2008).

Changes to child support policy since the IV-D amendment have resulted in increasingly stringent, surveillance-intensive enforcement and automated collections. Take, for instance, the implementation of state-based tracking and monitoring systems, immediate wage withholding, and interception of income tax refunds, unemployment compensation, insurance settlements, and lottery winnings (Cammett, 2010; Chung, 2011; Institute for Research on Poverty [IRP], 2000; Solomon-Fears, 2016). Further enforcement methods include asset seizure,⁹ property liens, and suspension or revocation of state-issued licenses (including driver’s licenses) and passports (Brito, 2012; CRS, 2017; Pirog-Good & Amerson, 1997). When these strategies fail to compel payment, obligors may wind up incarcerated for civil contempt or through criminal prosecution (Zatz, 2016). An estimated 50,000 people are in jail or prison for nonpayment of child support on a given day in the United States (Galbi, 2011, cited by Spjeldnes, Yamatani, & McGowan Davis, 2015). Despite a Supreme Court ruling¹⁰ that the state must have in place measures to fairly establish the NCP’s ability to pay before incarcerating him for nonpayment (*Turner v. Rogers*, 2011), evidence suggests that contempt is frequently imposed on indigent obligors (Patterson, 2008).

Once a CSE agency collects on a child support order, funds must be distributed. State governments generally keep some proportion of payments made on involuntary public orders as reimbursement for welfare benefits. States differ on whether to “pass-through” some or all of these revenues to the family, and whether to “disregard” some amount of child support received by the

⁹ Assets held in public or private retirement funds or financial institutions in the NCP’s name may be subject to seizure.

¹⁰ This same ruling held that no categorical constitutional right to counsel exists for debtors facing civil contempt proceedings (Chung, 2011; Patterson, 2008). This standard contrasts with the criminal defendant’s right to defense counsel.

family in computing eligibility for public assistance and/or the benefit amount (Cancian & Meyer, 2006; CRS, 2017; Pirog & Ziol-Guest, 2006).

*

In the four decades of its existence, the public child support enforcement system has achieved some notable successes. Steep increases in the rates of order setting and collection have helped a great number of custodial parents and children. Child support is the second-largest income source for low-income families, following wage earnings (Handler & Hasenfeld, 2007). For support-collecting families living below the poverty line, those payments account for more than half of household income (Edelman, 2017). Research shows that formal orders are indispensable in sustaining support, particularly for older children in multi-partner fertility cases (Cancian & Meyer, 2010). Legally enforceable obligations assist in counteracting the tendency for voluntary contributions to drop precipitously over time (Nepomnyaschy & Garfinkel, 2010). Changes to child support policy are also responsible for vast improvements in the rate of nonmarital paternity establishment (Pirog & Ziol-Guest, 2006).

While the CSE program has brought about some unambiguously positive outcomes, it also has serious deficiencies. State enforcement, on the whole, falls short of its stated goals of reducing precarity and lifting TANF families out of poverty (Cammatt, 2014; Handler & Hasenfeld, 2007; Harris, 2011). The most disadvantaged custodial families receive the lowest rates of support and payments tend to be very inconsistent. If arrearages are included in the calculation, CSE collects only 20 percent of what is owed and receives payments for just 61 percent of its caseload annually (Solomon-Fears, 2016). Pursuing child support can be quite costly relative to the pay-off (Hatcher, 2007). CSE collected and distributed \$28.8 billion in FY2016, but program expenditures totaled \$5.7 billion (OCSE, 2017). Vast outstanding sums of child support debt (\$116.3 billion in 2016) can prove troublesome for states and enforcement agencies (NCSL, 2017). For obligors they are catastrophic.

Substantial arrears balances—exacerbated by compounding, double-digit interest rates in certain states—can threaten economic stability, family relationships, and for NCPs who have been incarcerated, large debts potentially hinder community reintegration and desistance from crime (Link & Roman, 2017; NCSL, 2017; Olesen, 2016). Any evaluation of the successes and failures of child support policy and enforcement practices is incomplete without consideration of these human costs.

1.2 Literature Review

Public child support enforcement is broadly premised on the idea that poverty among single-mother families is the consequence of absent fathers failing to uphold their parental duties (Harris, 2011). This notion dovetailed with escalating anti-welfare furor amid the neoliberal turn. During the tax revolt of the 1970s, for instance, White middle-class homeowners “resented the fact that their rising property taxes were being squandered on the nonworking, nonwhite poor” (Cooper, 2017, p. 130) (in point of fact, property tax revenue did *not* fund Aid to Families with Dependent Children [AFDC]). Racialized stereotypes of the “deadbeat dad” and his female counterpart, the “welfare queen,” became objects of derision, demonization, and legislative discipline. Blaming the poor for their own lot and laying child poverty at the feet of “hit-and-run” fathers—men who have children all over town only to dump them and their mothers in the care of the taxpayer—emerged as powerful and persistent cultural tropes (Edin, Tach, & Mincy, 2009; Gustafson, 2009; Mincy & Sorensen, 1998; Wacquant, 2009). They effectively atomized the problem, focalizing the presumed moral deficiencies of individual parents and deflecting from the structural, often policy-driven conditions that manufacture and entrench poverty—incarceration is, of course, one particularly salient example. Since the passage of the IV-D amendment, discourse around child support has largely ignored—or distorted—tectonic social, political, and economic shifts, including stagnation and decline in

employment and wages, the neoliberal sundering of the social welfare state, and the rise of hyper-incarceration.

1.2.1 Socio-Historical Context

The establishment of the CSE program in 1975 coincided with an inflection point in the American socio-political and economic order. Following a turbulent decade of civil unrest that reconfigured race relations, gender and familial norms, and that witnessed upheaval in urban economies, a paradigm shift was in the offing (National Research Council [NRC], 2014). Hard-won civil rights gains whipped up reactionary coalitions. A “frontlash,” initially led by Southern, segregationist politicians seeking to redirect the national debate after coming out on the losing side of civil rights legislation, pivoted toward crime policy with inflammatory dog-whistling over “crime in the streets” and calls for “law and order” (Weaver, 2007). This punitive sentiment gained momentum and, within about a decade, it helped ushered in the era of mass incarceration. Racialized reaction also set upon the social state. Mounting opposition to AFDC accelerated the turn toward neoliberalism, paternalist poverty governance, and, ultimately, laid the groundwork for our contemporary age of inequality (Soss, Fording, & Schram, 2011).

The events of the tumultuous preceding decade can no doubt help to contextualize what was happening in the 1970s. All the same, making sense of the structural sea changes in punishment and social welfare requires a somewhat more expansive historical accounting. In short, stagflation marked the dissolution of the Keynesian postwar economic consensus; this in turn signaled neoliberalism’s ascendancy, and with it a repudiation of the New Deal welfare state. The New Deal and then the Great Society, defined by vast expenditures on public goods and redistributive policies, were antipodal to the emerging neoliberal agenda. While the political establishment veered in a completely different ideological direction, the legacy of the New Deal remained ever-present. In many ways, it

shaped the postwar social and familial order, including provisions (and exclusions) that reinforced the privileged status of the White, male-headed marital family. The polestar was the Fordist family wage, a version of the breadwinner “family wage” inclusive of social insurance through unionized labor, which covered the male head-of-household and his dependents (and Social Security). It figured centrally within the era’s social and economic policy framework as an instrument of sustained and broad-based prosperity. And, as Cooper (2017) argues, given that it was conditioned on adherence to gendered and sexual mores, and inaccessible to Black and most other non-White families, it also served disciplinary ends.

As an instrument of redistribution, the standard Fordist wage actively policed the boundaries between women and men’s work and white and black men’s labor, and in its social-insurance dimensions, it was inseparable from the imperative of sexual normativity. The Fordist politics of class was itself a form of identity politics inasmuch as it established white, married masculinity as a point of access to full social protection... (p. 23)

Meanwhile, the limited occupational opportunities available to Black men (i.e., mostly nonunionized, uninsured factory jobs, agricultural work) systematically excluded them from both the Fordist wage and social insurance via Social Security (Cooper, 2017; Fraser & Gordon, 1994). Black women, likewise, primarily worked in domestic, agricultural, or nonprofit sectors—occupations all designated as ineligible for social insurance. To the extent that African Americans could access social welfare benefits, they were “incorporated through state [Aid to Dependent Children] ADC programs that were segregated from national insurance, designed to support labor exploitation” (Soss et al., 2011, p. 58).

Purposely organized as a two-tier system, the Social Security Act of 1935 split social welfare into “first-track” programs (i.e., social insurance entitlements—unemployment, old age insurance) and “second-track” programs (i.e., public assistance) (Fraser & Gordon, 1994). Social insurance, the

“honorable” form of public benefits, was designed to serve White workingmen, primarily to replace the family wage. Administered by the federal government, it required (and requires) no supervision, nor did it become stigmatized or even associated with the term “welfare.” Public assistance programs were another matter entirely, for example: administration was delegated to the states, which permitted additional, discriminatory restrictions; miserly stipends were allotted to discourage welfare as a replacement for the breadwinner-husband; highly-invasive morals- and means-testing; and they became the primary aid source for single-mother families and people of color (though most Southern states initially excluded Black women from ADC)¹¹. Recipients were denigrated as “welfare dependents,” and in fact, the Social Security Board made deliberate efforts to stigmatize means-tested aid, urging states to keep benefits rates low, in order to contrast with social insurance and elevate the status of the latter (Fraser & Gordon, 1994; Katz, 1996). Bifurcating the social welfare system in this way had a delegitimizing effect on the public assistance programs, especially as access to AFDC expanded and growing numbers of Black women were able to claim benefits. As it became increasingly associated with poor, Black single mothers,¹² public support for the program plummeted and its programmatic functions tilted away from assistive priorities toward disciplinary approaches (Soss et al., 2011). Child welfare programs took a similar tack. With the growing proportion of Black children and families among foster care cases, state programs deemphasized family preservation in favor of removal, termination of parental rights, and adoptive placements (Roberts, 2012).

In the 1970s, AFDC came under fire as an alliance between social conservatives and neoliberals formed in opposition to the New Deal welfare state. Social conservatives’ critique was

¹¹ Modeled on Mothers’ Pensions, which provided family support to widowed mothers, ACD was initially regarded favorably. This began to change in 1939, when widows gained access to Old Age Insurance (OAI) benefits, contingent on their husbands having been covered (Cooper, 2017).

¹² Despite popular narratives that framed AFDC and other forms of public aid as “black” programs (Soss et al., 2011)—to wit, a majority of media stories about welfare used images of African Americans—they only accounted for 29 percent of the nation’s poor between 1967 and 1992 (Gilens, 1999).

fundamentally a moral one. They objected to programs that, in their view, subsidized single-parent households, non-normative gender relations, and the breakdown of the traditional, patriarchal, heteronormative (and White) family. Neoliberals, on the other hand, made a fiscal critique: the extension of benefits to new constituencies (e.g., Black mothers), legal challenges to conditionalities (i.e., the welfare rights movement), and inflating demands would create an unacceptable fiscal burden. Maintaining the traditional familial order was then essential to keeping social costs in the private sphere. The social conservative-neoliberal coalition gave up on the Fordist wage and focused on “family responsibility” as a way to resolve the “moral crisis” of the family—the implication being that private, familial support should supplant public provisions (Cooper, 2017). Broadly, they succeeded in rousing public hostility toward “undeserving” welfare recipients, criminals, unions, and the “permissive” politicians, bureaucrats, and institutions that abetted individual irresponsibility and profligacy in social spending (Garland, 2001). What all the emphasis on personal and family responsibility glossed over, of course, was the economic reality that poor and working people faced amid deindustrialization, and the precarity that neoliberal policy wrought.

The establishment of the federal-state child support system can be understood as a manifestation of this growing concern about the fiscal implications of “welfare dependency” and the sense that family responsibility needed restoring. In the IV-D amendment, Congress declared, “[t]he problem of welfare in the United States is, to a considerable extent, a problem of the non-support of children by their absent parents” (Cammett, 2014, p. 260, citing SSA Amendments of 1974, S. Rep. No. 93-1356, 93d Cong. 2d Sess. 42). The child support system was and remains conventionally understood as an effort to enforce parental responsibility. But given CSE’s prioritization of cost recovery and focus on welfare cases, this “responsibility” often translated to NCPs reimbursing the state rather than directly supporting their families (Cammett, 2014; Hatcher, 2007). Subsequent legislation ramped up enforcement and stiffened sanctions, including the Personal Responsibility and

Work Opportunity Reconciliation Act (PRWORA). Signed by Clinton in 1996, the law specified “the formation and maintenance of two parent families” as one of its key goals. It included “no specific provisions intended to achieve this”; however, it did eliminate ADFC, further strengthen CSE, and reduce low-income fathers’ access to food stamps (Mincy & Dupree, 2001, p. 578; Sorensen, 2001). Analyzing how the law reinforced private family responsibility, while significantly undercutting public aid to the poor, Cooper (2017) has argued that PRWORA can be conceptually located in the Poor Law tradition.

As it turned out, extracting welfare repayment support from obligors would be no easy task. They have tended to be poor, which is usually true of NCPs in cases initiated because of custodial parents’ public assistance claims (Cancian & Meyer, 2018). Fathers who owe child support arrears have by and large been “deadbroke,” not “deadbeat” dads (Cammett, 2010; Maldonado, 2006). They have disproportionately been men of color, especially Black fathers, for many of the same reasons that they have borne the brunt of mass incarceration (which can then lead to arrears)— America’s “antiblack punitive tradition” (Hinton & Cook, 2021), racialized hyper-concentration of poverty, and the innumerable forms and effects of systemic racism. During the punitive turn, as policymaking rhetoric focused on “protect[ing] the public from crime” (Garland, 2001, p. 12), it was also concerned with protecting the public (i.e., the taxpayer) from the burdens of dependency-driven costs. Criminalizing Blackness and pathologizing the Black family were twin themes pervasive in public and political discourse, from the Moynihan Report to “law and order politics.” “African Americans became the public face of welfare and crime policy, as their images increasingly prevailed in media stories on poverty” (Soss et al., 2011, p. 59; see also Gilens, 1999). Moralizing, pathologizing, political campaigns that focused on “inner city problems” to call for the restoration of “law and order”—all of this failed to reckon with socio-historical contexts, like how “inner city” poverty stemmed from

housing discrimination, banking and credit discrimination, “white flight” and residential hyper-segregation, deindustrialization, and neoliberal economic restructuring (Soss et al., 2011).

Similar to its role in shaping CSE, neoliberal governing logics permeated the metastasizing carceral state. The proliferation of monetary sanctions and growing reliance of local and state governments on the attendant revenues provide a stark example (Bannon, Nagrecha, & Diller, 2010; Harris, 2016; Harris et al., 2017a). Against a backdrop of “small government” orthodoxy, continuous cuts to social spending, and tax limitation policies, legislators have grown resistant to imposing the costs of the enlarged penal apparatus onto taxpayers. In order to fund expanding law enforcement and correctional systems without raising taxes, policymakers at essentially every level of government have shifted more and more of the burden onto the “consumers” of the justice system (Colgan, 2017; Harris, Evans, & Becket, 2010, 2011). Hence, legal financial obligations—fines, fees, surcharges, property forfeitures, costs, restitution, and any other financial liabilities stemming from criminal justice contact—have become a critical source of revenue for many jurisdictions (Hendricks & Harvey, 2017).

Monetary sanctions are by no means a contemporary innovation (Harcourt, 2012; Rusche & Kirchheimer, 1939/2009), but recent years have seen significant increases in the number of financial penalties, the amounts imposed, and the development of more aggressive collection techniques (Martin, Smith, & Still, 2017). The rationale behind monetary sanctions harmoniously converges with that of child support enforcement in that both rest on paradigmatic notions of “individual responsibility.” Both criminal financial penalties and state recoupment of welfare expenditures through public child support basically function as mechanisms of responsibilization, which refers to “the process whereby subjects are rendered individually responsible for a task which previously would have been the duty of another—usually a state agency” (Wakefield & Fleming, 2009, p. 276).

Through fines and fees, the defendant is made responsible for funding operations of the criminal

justice system. Involuntary IV-D cases, in which obligors often pay support to the government rather than custodial families, similarly impose the state’s duty to provide poor relief onto NCPs.

1.2.2 Indebted Reintegration, Hardship, and Survival

Over a third of the men in U.S. prisons have open child support orders (Haney, 2018). For those with monthly balances, being incarcerated creates some obvious challenges. First, it is virtually impossible to keep up with payments while inside. A 2016 state-by-state survey of inmate wages conducted by the Prison Policy Initiative found that average hourly labor compensation ranged from 14 cents on the low end to \$1.41 on the high end.¹³ In several states, regular prison jobs¹⁴ pay *nothing* (Sawyer, 2017). By contrast, the federal and New York State minimum wages in 2016 were, respectively, \$7.25 (U.S. Department of Labor) and \$9.70 per hour¹⁵ (ny.gov, 2016). Clearly, the amount imprisoned NCPs may be expected to pay based on preexisting or default support orders quickly outpaces what they are actually able to make. Another problem has to do with the difficulty of adjusting an order. Many states’ child support guidelines have categorized incarceration as “voluntary unemployment” (though the enactment of a 2016 federal rule required that all remaining states using this standard phase it out). As previously noted, this amounted to automatic rejection of order modification requests that were based on incarceration-related inability to pay. Even in states that have long permitted adjustment on these grounds, very few inmate-obligors pursue it because they either lack the requisite resources or legal knowledge, or they are simply not aware that

¹³ These higher rates are paid to those in state-owned “Correctional Industry” jobs. Such wages are not at all common—just six percent of inmates in state prisons receive compensation at these rates. Included in the same report were PPI’s findings that these wages represented a significant overall decline since 2001.

¹⁴ *Regular* refers to non-industry jobs. States that do not pay wages for such positions include South Carolina, Alabama, Arkansas, Florida, Georgia, and Texas.

¹⁵ This figure refers to the hourly wage outside New York City, Long Island, and Westchester, where minimum wages are higher due largely to cost of living. As of December 2016, the minimum wage in NYC, for employers with 11 or more employees, was \$11.00; for NYC employers with less than 11 employees, it was \$10.50; and for Long Island and Westchester, the minimum hourly wage was \$10.00 (ny.gov, 2016).

modification is possible. Those who do exercise their legal right to case review are likely to face unsympathetic audiences in court (Haney, 2018). Although progress has been made in the policy arena, barriers to order adjustment remain a persistent challenge (Cammatt, 2010; Haney, 2018; Link & Roman, 2017).

The inability to make payments or to reduce an order while serving time can lead to substantial debt accumulation that a parent is then confronted with upon returning home. Among 125 fathers interviewed across three states, Haney (2018) found that the average amount of arrears owed at the time of release from prison was \$36,500—a staggering sum for most individuals dealing with the challenges of reentry. To make matters worse, child support orders cannot be modified retroactively and 35 states currently charge interest on arrears. Depending on the state, annual interest rates can be as high as 12 percent and may be compounded (NCSL, 2017). Using administrative data from California, Sorensen (2004) found that the assessment of interest on arrears is one of the most significant factors contributing to the runaway growth of child support debt in the state.

Returning from prison and reintegrating into the community are extremely difficult transitions even without major financial liabilities. Widely studied barriers to reentry include limited access to housing, jobs, and public assistance (Berg & Huebner, 2011; Evans, 2014; Harding, Morenoff, & Herbert, 2013; Pager, Western, & Sugie, 2009; Petersilia, 2003; Smith, 2016; Visser & Travis, 2003; Western, Braga, Davis, & Sirois, 2015), geographic concentration in disadvantaged, resource-poor neighborhoods (Clear, 2007; Clear, Rose, & Ryder, 2001; Kubrin & Stewart, 2006; Lee, Harding, & Morenoff, 2016), and problems associated with comparatively high rates of substance abuse, trauma, and other mental and physical health issues (Draine & Herman, 2007; Hammett, Roberts, & Kennedy, 2001; Maschi, Viola, & Morgen, 2014; Western et al., 2015). Coming predominantly from disadvantaged backgrounds, most prisoners endure various human and social

capital deficits, such as limited education, marketable skills, work experience, and resource-connected social networks. Incarceration then fortifies these hurdles and sets up new ones. Serving time removes individuals from the labor market thereby creating major gaps in their work histories (Ray, Grommon, & Rydberg, 2016). Meanwhile, criminal records impart significant stigma, especially for men and women of color already facing racial discrimination (Pager, 2003). Nongovernmental service providers are limited in the help they can provide since “reentry can be viewed as a ‘people changing institution’ that seeks to transform former prisoners into ‘productive citizens’ through programs that locate the inner life as the primary site of social policy intervention,” meaning that they focus on soft skills rather than addressing structural barriers to education and labor markets (Miller, 2014, p. 317). Those who are fortunate enough to secure employment will probably continue struggling to make ends meet, as the jobs that are available to low-skill, low-education individuals with histories of criminal justice contact tend to be low-wage and undesirable (Bumiller, 2015).

Figuring debt into this scenario makes it that much more daunting, though in ways we have yet to thoroughly map out. Scholars have recently begun examining the roles of child support arrears and monetary sanctions in the contexts of reentry and reintegration. While there are no nationally representative data on either type of financial liability within the criminal legal population, recent research on the dynamics of debt, incarceration, and reentry provides some important insights. Unsurprisingly, indebtedness produces material and emotional stress as it exacerbates preexisting disadvantage and stirs anxiety, anger, despondency, and frustration (Harris et al., 2017b; Martin & Spencer-Suarez, 2017a; Pleggenkuhle, 2018; Pogrebin, West-Smith, Walker, & Unnithan, 2014). By inducing economic desperation, constraining social mobility, and limiting “access to status-affirming institutions,” debt potentially perpetuates criminal behavior (Harris et al., 2010, p. 1777). Being rendered unable to meet one’s financial obligations can also lead to dependence on family and other social supports. This, in turn, strains relationships, loved ones’ resources, and activates feelings of

shame and guilt (Harris, 2016; Katzenstein & Waller, 2015; Martin & Spencer-Suarez, 2017a; Nagrecha, Katzenstein, & Davis, 2013; Pleggenkuhle, 2018). These findings come primarily from work on monetary sanctions, though a coalescing of scholarly interest in child support and prisoner reentry is underway. A handful of relevant studies show that back child support poses an exceptional threat to economic security, even compared with criminal monetary sanctions (Haney, 2018; Link & Roman, 2017; Ovwigho et al., 2005; Roman & Link, 2015, 2017). Arrearages accumulated in prison tend to greatly exceed amounts of criminal fines and fees, and child support is imposed on a continual basis, whereas monetary sanctions are usually assessed once. For NCP debtors, feelings of humiliation and frustration can be especially acute. Many experience their financial incapacity as a failure to provide for their children and live up to their role as a parent (Pleggenkuhle, 2018).

Most incarcerated parents return to the community more or less indigent, so it should come as no surprise that they seldom get right on track with child support payments. But failure to pay comes with additional penalties. If CSE cannot extract funds from an obligor by financial means (e.g., garnishing wages, freezing accounts) or “remedial sanctions” (e.g., suspension or revocation of passports, state-issued licenses), he may wind up facing civil contempt, criminal charges, and jail time (Cancian et al., 2011b; May & Roulet, 2005; Solomon-Fears, Smith, & Berry, 2012). Use of these enforcement strategies skew racially, as black NCPs are more likely to be incarcerated for nonpayment (Maldonado, 2006). One estimate purports that 15 percent of *all* Black fathers have been jailed for overdue child support (Zatz, 2016). Even brief periods of incarceration can produce cascading effects like job loss, eviction, and parole violations. Haney (2017) notes that, should arrest for noncompliance result in a criminal contempt charge (a new crime as opposed to a technical violation), it can trigger parole revocation and the debtor may be sent back to prison. Although the literature is clear about various possible outcomes of nonpayment insofar as the law is concerned, less is known about the real-world execution of those policies and how formerly incarcerated debtors

experience and cope with the consequences. Very recent studies have started pursuing important inquiries in this area. Their findings about, for instance, family court judges' handling of retroactive support and order modification requests (Haney, 2018) and the social mobility-limiting impact of nonpayment penalties (Pleggenkuhle, 2018), highlight the urgency of the arrears problem and the need for further exploration.

If we are concerned with the impact of child support arrears on formerly incarcerated fathers and their strategies for dealing with debt, we must look at employment. Large numbers of indebted NCPs wind up on the outside of the formal labor market despite (or perhaps because of) the threat of incarceration for failure to pay (Cancian et al., 2013; Holzer, Offner, & Sorensen, 2005; Turetsky, 2007; Waller & Plotnick, 2001). At a glance, it seems hardly mystifying why some debtors might find off-the-books income more attractive than reported wages. To begin with, child support orders basically operate like a tax that consumes a sizeable portion of an obligor's income—as much as 65 percent (Cammett, 2010; NYS DCSE, n.d.). Money earned in the underground economy, on the other hand, cannot be garnished nor does it count toward the income used by the courts to assess an obligor's ability to pay (so long as it goes undetected). For poor NCPs struggling to make enough to feed, clothe, and shelter themselves, the benefits of unreported wages are obvious. Accrual of funds to the state in involuntary IV-D cases further disincentivizes aboveground income because those fathers' payments largely do not go toward supporting their families. Findings from qualitative studies (Waller, 2002; Waller & Plotnick, 2001) reinforce these interpretations.

1.3 Conceptual Framework

This study draws largely on constructs articulated in sociological and socio-legal research on race, policing, and the social control of marginalized groups. The recently formulated theory of *legal estrangement* (Bell, 2017), which advances prior work on legal cynicism and anomie, constitutes the

project’s theoretical core. *Legal consciousness* and *bounded rationality* are integrated into the conceptual framework as well. The latter of these derives from behavioral economics; the former is widely used in socio-legal analysis of institutional power and the everyday “life of the law in society” (Halliday & Morgan, 2013, p. 1). Finally, Kaufman’s (2015) reimagining of the concept of *incorporation* helps to frame the multidimensional embeddedness of reintegration into free society. Together these concepts help to shape the inquiries and inform the methodological approach of the study.

Much of the empirical and theoretical work on perceptions of legal-correctional systems has focused on the relationships between communities of color and law enforcement. Legal estrangement marks a new development in this area. In putting forth the theory, Monica Bell (2017) reconceives elements of procedural justice while offering a critique of legitimacy theory. As Bell notes, it has become widely accepted among researchers and policy professionals that strained relations between police and the communities they are tasked with serving is the result of a “legitimacy deficit.” Procedural justice postulates that trust in law and law enforcement depend on how legal authorities treat the individual and whether the individual perceives that treatment as fair and just. According to this model, perceptions of trustworthiness and fairness lead to perceptions of legitimacy, which in turn enhance compliance with the law (Nagin & Telep, 2017). The core aims of procedural justice may be summed up as follows: promoting voluntary law-abiding behavior by improving the perceived quality of individuals’ interactions with law enforcement and criminal justice systems (Bell, 2017; Trinker & Tyler, 2016). This necessitates that police and other legal-correctional actors treat people in a respectful, unbiased manner that creates space for citizens to express themselves and obtain help when needed. These ideas have gained traction to the point of becoming virtually axiomatic within reform discourse.

A problem with the procedural justice framework is that it does not adequately account for (nor do procedural justice-grounded solutions truly address) the structural conditions underlying the mistrust and cynicism felt by many people of color and residents of impoverished communities toward police and other legal institutions. Bell's theory represents an effort to take on these shortcomings. Building on the notion of legal cynicism (Bell, 2016; Kirk, 2016; Kirk & Matsueda, 2011; Kirk & Papachristos, 2011; Sampson & Bartusch, 1998), legal estrangement refers to a state of alienation whereby marginalized groups see themselves as being subject to legal authority but not protected by it. It is "a cultural and systematic mechanism that exists both within and beyond individual perceptions...partly representative of a state of anomie related to the law...and it interacts with legal and other structural conditions—for example, poverty, racism, and gender hierarchy—to maintain segregation and dispossession" (Bell, 2017, p. 2086). Whereas legitimacy theorists tend to concentrate on individual attitudes and behaviors, legal estrangement is conceptualized at the group or community level as a cultural orientation. The respective practical goals of procedural justice and legal estrangement reflect this distinction. While procedural justice aims to improve individual perceptions of legitimacy and self-regulating behaviors, the objective of legal estrangement theory is to promote social inclusion.

Legal estrangement arguably fits within the broadly conceived notion of legal consciousness, which refers to the ways ordinary people experience, understand, and engage with the law and legality¹⁶ (Ewick & Silbey, 1998; Marshall & Barclay, 2003; Merry, 1990). Stemming from socio-legal gap studies of the discrepancies between law on the books and law in action, legal consciousness scholarship concerns the inconsistencies between legal principles and the outcomes of legal procedures

¹⁶ Legality is distinct from law in that it refers to common conceptions—rather than official interpretation—of the law and "the meanings, sources or authority and cultural practices that are commonly recognized as legal" (Ewick & Silbey, 1998, p. 22).

(Gould & Barclay, 2012; Silbey, 2005). Due process and equal treatment under the law are constitutional rights as well as foundational tenets of legal liberalism. Nevertheless, real world legal processes tend to favor “haves” over “have-nots” and systematically perpetuate structural inequality (Galanter, 1974; Silbey, 2005). Consistent with Bell’s idea of structural exclusion,¹⁷ laws and policies that appear unbiased frequently have disparate impacts or are implemented differently along lines of race, wealth, and other demographic indicators. Other points of convergence with legal estrangement are that legal consciousness is shaped by collective memories and cultural schemas as well as individual experiences (Blackstone, Uggen, & McLaughlin, 2009), its development is continuous, and its effects transcend the individual’s relationship with the law, influencing other domains of life. Socioeconomic and legal vulnerability combined with cynicism toward the system can engender distrust that spills over into social relations. For instance, Dorothy Roberts (2014) found that pervasive child protection surveillance in African American communities provokes suspicion among neighbors, even leading to false CPS reports as a strategy of interpersonal revenge.

Legal estrangement and legal consciousness provide frameworks for understanding individual and collective orientations toward the law, the social construction of legality, and the interplay between legal processes and socioeconomic marginality (Bell, 2017; Ewick & Silbey, 1998; Hull, 2016; Lens, 2011; Marshall, 2003). Bounded rationality, on the other hand, pertains more directly to decision-making processes. In proposing this idea, Herbert Simon (1972) critiqued a shortcoming of traditional rational choice models—namely, that they did not account for impediments like incomplete or inaccurate information. Bounded rationality refers to the notion that when individuals and organizations make decisions, they do so with neither perfect information nor limitless options;

¹⁷ *Structural exclusion* refers to the disparate effects of laws and policies that are ostensibly race- and class-neutral. How this plays out with regard to law enforcement, for instance, is that disadvantaged communities tend to be “harshly policed yet underprotected” (Bell, 2017, p. 2115).

their rationality is thus bound by those constraints. Social scientists have applied this concept to a wide array of topics, including parole board decision-making (Lin, Grattet, & Petersilia, 2012), exercise of judicial discretion (Albonetti, 1991), and rule breaking behaviors of welfare recipients (Gustafson, 2011).

Each of these three theoretical constructs is relevant to understanding how socially and economically disadvantaged people with complex legal entanglements perceive and interact with systems of social control. Hence they proved suitable for guiding the assumptions underlying the present study. For NCPs who have served time, supervision and control are pervasive forces in day-to-day life. Individuals marked by criminal records have distinct relationships to the state and society since conviction involves restrictions and responsibilities that do not apply to non-system-involved individuals. Their mobility can be limited both geographically and socially, as “carceral citizenship... [entails] laws and policies that shape how formerly incarcerated people engage the stabilizing institutions of a free society,” such as housing and labor markets, public welfare agencies, their communities and families (Miller & Stuart, 2017, p. 536). They may also be subject to extensive surveillance, have voting rights restricted, and can be expected to pay monetary penalties as well as some nebulous “debt to society.” Given that arrears-owning ex-prisoners face obligations and sanctions from the criminal justice *and* child support systems, their circumstances are distinctly complicated. It stands to reason that having criminal and child support cases would constitute major legal socialization events, which would then influence the individual’s views and understanding of legal authority. But the relationship between experience and legal consciousness is neither simple nor linear. Rather, experiences within and orientations toward the legal system are mutually constructed. A person’s preexisting legal consciousness and positionality with regard to legal estrangement will affect how they perceive and interpret their interactions with legal actors, and those interactions can in turn shape that person’s legal consciousness.

Although much remains unknown about the interplay between incarceration and child support arrears, it is clear that these situations can produce substantial negative effects. Moreover, both are associated with poverty and other forms of social, cultural, and political marginalization. By the time an order is established for any NCP likely to end up with arrears, it seems probable that that parent would harbor some degree of cynicism toward the enforcement system. For those with criminal histories, their expectations about one legal system (i.e., child support) may be shaped by their experiences and understanding of another legal system (i.e., criminal justice). Heading into child support hearings, justice-involved NCPs probably anticipate not being given a fair shake. Policies governing court procedure then serve to affirm this belief, as litigants in civil proceedings have no categorical constitutional right to counsel. This means that NCPs who cannot afford an attorney must represent themselves in order setting, order modification, and civil contempt hearings (Patterson, 2008). Lacking legal representation can be especially problematic in civil contempt cases alleging a willful non-payment of support. These are civil proceedings, but like criminal convictions, being found in contempt of court can lead to incarceration. Plus, it is difficult to demonstrate that one's failure to pay child support is due to indigence. For most justice-involved, indebted NCPs, proving their inability to pay in court requires unrealistic levels of institutional savvy. Some incarcerated individuals are barely literate (a participant in the preliminary data sample talked about being in the process of his adult daughter, for whom he owed back support, teaching him to read). Expecting them to be conversant in statutes pertaining to civil contempt and to be able to argue their case before a judge is unreasonable given typical obligors' resources and knowledge. Many incarcerated NCPs do not even know their support balances are accumulating and only learn of them upon release from prison. These parents, unaware of their arrearages let alone their right to request

an order be reduced or held in abeyance,¹⁸ have little recourse once the debts have mounted because orders cannot be adjusted retroactively.

All of this would seem to justify the assumption that child support procedures intensify legal estrangement and feelings of disempowerment. Moreover, obligors who view the legal system with suspicion and perceive many of its actions as oppressive and exploitative (Martin & Spencer-Suarez, 2017a) are primed to see state appropriation of contributions in state-initiated IV-D cases as unjust. The likelihood that these factors exacerbate legal cynicism and estrangement is important in and of itself, but the effects flowing from obligor alienation are also worth examining. Legitimacy theory's aforementioned limitations aside, procedural justice research does make it clear that people are less likely to comply with laws and authorities they perceive as unfair (Tyler, 1990/2006). For criminal justice-involved NCP debtors, being disincentivized from complying with their support orders can lead to a mess of problems ranging from damaged familial relationships to reincarceration.

Conditions of legal estrangement and resource deprivation make it reasonable to speculate that many formerly incarcerated fathers respond to their debt situations by avoiding CSE. Considering evidence of system avoidance (Brayne, 2014; Lerman & Weaver, 2014) and the distrust that can be provoked by repeated legal system contacts, presumably some obligors evade or withdraw from non-legal systems as well. As previously discussed, institutions and organizations can be often crucial in helping people reintegrate into the community after serving time. They facilitate the achievement and maintenance of economic stability and the establishment of prosocial roles within the community. Yet in terms of bounded rationality, NCPs' strategic decisions about whether

¹⁸ Whether or not an incarcerated NCP has the right to request modification depends on the state (see *Literature Review*). Due to the Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs federal rule passed in 2016, all states will permit modification based on incarceration status, but the state-by-state implementation of this policy change is still in progress (personal correspondence, Vicki Turetsky, former Commissioner of OCSE).

and how to interact with formal institutions are based on their understandings and expectations of those entities. If their perspectives are colored by procedural injustice experiences, vicarious marginalization, and structural exclusion (Bell, 2017), then avoidance might look like a judicious course of action.

Shifting away from individuals' perspectives and decision-making processes toward the context of reintegration, the present study drew further insights from literature on incorporation (Kaufman, 2015; Portes & Böröcz, 1989; Winders, 2012). Incorporation presents an organizing framework to elucidate the processes through which system actors facilitate (or obstruct) the inclusion of former prisoners as citizens and community members. Originating in immigration research (e.g., Hagan, 1998; Portes & Böröcz, 1989; Ramakrishnan & Espenshade, 2001), the concept of incorporation has recently been adapted to the study of reintegration and as such has been referred to as "prisoner incorporation" (Kaufman, 2015; see also Harding et al., 2019). Incorporation's ends encompass multiple dimensions: social, cultural, and economic integration; the extension of citizenship with its attendant rights and protections; and civic inclusion. This perspective chiefly concerns institutional practices, whether and to what extent they enable incorporation. Scholarship in this area posits "that the reception structures used by states and the non-state sector have more influence over the societal involvement of new members than the members' characteristics and individual traits" (Kaufman, 2015, p. 536). But that is not to say that person-specific factors are unimportant. The degree to which one can become embedded in a new social environment, or a community from which they were previously dislocated (as is the case with many formerly incarcerated people), largely depends on the context of reception *and* individual resources, and the fit between them (Harding et al., 2019; Portes & Böröcz, 1989). The incorporation framework's wide-angle focus on institutional structures creates space to consider various modalities of state control that emerge from the nexus of carceral and welfare bureaucracies, and how they promote, interfere,

and otherwise interact with post-prison transitions (Kaufman, Kaiser, & Rumpf, 2018). Hence incorporation offers a useful heuristic tool for shedding light on criminal-legal and child support institutions' functions within the lives of formerly incarcerated obligors. In particular, it helps to frame the ways in which different bureaucracies affect and even subvert one another's objectives.

Chapter 2: Methods and A Sketch of the Interviewee Sample

2.1 Approach

The core of this research consisted of interviews with men who were simultaneously involved in the criminal legal and child support systems. Broadly, my aim was to explore the ways in which legal support obligations—arrearages, principally, plus active judgments when applicable—affected formerly incarcerated noncustodial fathers’ lives as they integrated into free society. The analysis considered how participants navigated and made sense of the bureaucratic processes that formalized child support entails, the strategies they employed in managing or avoiding their support obligations, and how the ramifications of those legal financial liabilities spilled outward into other domains of everyday life, particularly in the context of their transitions from prison to the outside world.

This set of inquiries was microsociological in nature. It concerned individual and interactional processes connected to perception, experience, and behavior. So, naturally, I adopted a qualitative study design. Regarding the particulars, I took an integrative approach, drawing on techniques from situational analysis, an offshoot of grounded theory (Clarke, 2005), and incorporating features of abductive analysis (Timmermans & Tavory, 2012) to address certain issues rooted in grounded theory’s procedures and epistemological assumptions. Providing further justification for going about this research qualitatively, the state of empirical data and knowledge about the study’s focal population has been relatively fallow. That being said, an increasingly discernable interest in the nexus of incarceration and child support debt emerged in recent years—notably, Haney’s (2018) dual framework of the “debt of imprisonment” and “imprisonment of debt,” and quantitative analyses by Roman and Link (2015, 2017; see also Link & Roman, 2017) and McLeod and Gottlieb (2018).¹⁹ The

¹⁹ Prior scholarly interest in the linkages between child support and incarceration was largely concentrated among affiliates of the Institute for Research on Poverty at the University of Wisconsin-Madison (e.g., Brito, 2012; Meyer & Warren, 2011; Noyes, 2006; Noyes et al., 2012).

present study builds on this nascent body of literature, and contributes unique insights into formerly incarcerated debtors' perspectives and actions.

2.2 Positionality

While working on two previous studies,²⁰ I conducted close to 100 in-depth interviews about monetary sanctions in the criminal legal system. Debtors comprised most of the interviewees, including an incidental sub-sample of child support obligors. Experiential learning shaped me into a more competent interviewer. Going through the process of analyzing transcripts and audio recordings from those prior interviews also led to significant course corrections in my approach: slowing down, becoming more intentional about productive silence, avoiding even subtle leading, and cutting out compound questions. Considering these foundations, I initiated this study with a reasonable degree of confidence and stores of enthusiasm.

Qualitative interviewing is not just a method of empirical data collection, but also a form of art through which we grasp and define “subtleties of meaning,” complex relationships, and abstract properties of an observed social phenomenon (Charmaz, 2014; Strauss & Corbin, 1990, p. 41). Relevant experience or none, I recognized that this work demands humility and reflexivity. This is true of all qualitative research, and particularly so when participants belong to structurally disadvantaged social groups, as in this study. The entire sample consisted of men with criminal legal histories—subjects of the heavy “Right hand” of the American penal apparatus (Wacquant, 2009), thereby shunted into diminished forms of socioeconomic and civic status characterized by terms like “carceral” and “custodial citizenship” (Miller & Alexander, 2015; Miller & Stuart, 2017; Lerman & Weaver, 2014). All but two identified as people of color, primarily African-American, but also Latino and Afro-Latino. The vast majority of participants were poor, with reported incomes below the

²⁰ See Martin & Spencer-Suarez, 2017a, 2020; Spencer-Suarez & Martin, 2021; Slavinski & Spencer-Suarez, 2021

poverty line. For those who had established trajectories of relative security and mobility, the threat of falling back into poverty often loomed.²¹ Many described years-long struggles with addiction. A matrix of these and other attributes and stigmas amounted to states of “hypermarginality,” and social exclusion in turn (Comfort et al., 2015), affecting not all but certainly most of the fathers I interviewed.

My social position is wholly different. A number of my observable traits signify a degree of privilege, both in general and certainly in relation to the participants. To begin with, I am White. I am also Latina—indeed, Latinx people span all manner of racial groupings—but my Central American heritage in no way impinges on the advantages I possess simply by virtue of having white skin. I am free from the stigmatization and everyday indignities often borne by people with disabilities or bodies that otherwise do not conform to hegemonic notions of acceptability. Less visible, though readily apparent to prospective interviewees given the Columbia header on my recruitment flyer, is the fact that I am a graduate student at an elite university. This last point gave me pause. It is no secret that Columbia has a long history of provoking the ire of surrounding communities. Its real estate expansion projects—for instance, a recent Manhattanville development built on 17 acres of property seized through eminent domain (Chung, 2010)—have come under heavy criticism for displacing local residents and accelerating gentrification (e.g., Kim, 2019; Schrodtt, 2007; see also Hirokawa & Salkin, 2010). The tension is particularly acute since the encroachment has been taking place in West Harlem, an historically Black and Brown neighborhood. As a Columbia affiliate, I felt a twinge of complicity, and was concerned that my association might alienate some potential participants. This issue never explicitly came up in the course of the interviews. Nevertheless,

²¹ The one exception was an interviewee I refer to as Jad. Notably, he was the only participant with post-graduate education.

critically reckoning with the axes of power and subordination that form one's place within a community and one's relationship to others is a crucial part of reflexive praxis (Rios et al., 2017).

As I took stock of my own privilege, one glaringly obvious facet was class. Given that this study centers on debt and poverty, it would be malpractice to not to interrogate class dynamics. The preceding discussion about education and university affiliation is part and parcel with this issue; indeed, they impart and signify membership in the professional class. Then there is the matter of income and wealth. Unlike a large proportion of Columbia's student body, I do not come from an affluent background. I grew up middle class, and developed certain working-class sensibilities over a decade of working in service industry jobs. And I am accustomed to money being tight. Be that as it may, not being wealthy is *not* the same thing as being poor. Participants withstood deep material hardship, sometimes for years on end. The gaps between their experiences and mine were substantial, though evidently not to the point of disrupting rapport. Some argue that differentials between researcher and subject can actually be beneficial, since the researcher may be less apt to overidentify with the participant or misinterpret statements by looking at them through the lens of one's own experiences (Carbone-Lopez, 2016). This makes sense to me—to a point. Traditional methodologists might consider it bad form let slip any hint about one's socioeconomic status (Singleton & Straits, 1999, cited by Gustafson, 2011), but the researcher is not a blank slate. Indeed, I harbor some doubts about whether I could have built the same level of rapport with interviewees if I had come from wealth and never, say, cleaned a public bathroom for \$9.50 an hour.

Interviewing formerly incarcerated fathers also called for reflexivity in my perspective on the carceral system. For the most part, direct criminal legal contact has not been part of my life, and I have no criminal record. *Indirect* contact is another matter. I count among my friends and family several people who served felony sentences, including members of my immediate family. Although I never visited them inside (one joined the family a couple of years into his reintegration; the other

served time years before I was born), my conception of the prison was heavier than the vague abstraction it might have been had I no personal connection to it. And more importantly, this familial proximity to incarceration shaped the way I thought about criminals and criminality. I understood that people who commit crimes are not necessarily evil, nor should they all rot away in prison forever—the convicted and accused should be treated with basic human dignity. Inevitably, my personal background has played a major role in how I see the criminal justice system and where my sympathies tend to gravitate. This perspective is an asset in many ways. At the same time, though, it obliges me to engage in continuous critical reflection, and, as Rios (2011) put it, “distinguish between my personal ‘truths’ and the ‘truths’ of others” (p. 169). Throughout data collection and analysis, I made efforts to disarticulate thematic connections as they emerged in order to determine whether they were actually coming from the data or if I was imposing my own ideas on them.

Much of the methodological literature emphasizes the importance of interviewer neutrality, advising against self-disclosure and even categorizing response effects of the interviewer as systematic error (Singleton & Straits, 1999). A strictly neutral stance remains the conventional approach to qualitative interviewing. Yet, there is some disagreement as to its utility in various circumstances and its epistemological premises. Gustafson (2011) notes that researchers “tacitly take into account their social identities when gauging their ability to gain access and trust. The interplay between researcher identity and research subjects’ identity is rarely discussed...except as something to be overcome” (p. 194). She points out that traditional guidance about the right way to conduct interviews is usually directed toward “traditional-looking interviewers” (i.e., White, able-bodied, financially stable). Not fitting that image necessitated certain breaches of convention on her part, which ultimately served to help generate rich data. Although I do to resemble the “traditional” interviewer, I also found it helpful to be slightly less stringent about neutrality and self-disclosure.

One might conceivably interpret this as a breach: before the interviews took place, I disclosed the fact that I have formerly incarcerated family. The way I approached this was to include a brief mention (sans additional details) during introductions, when I explained the goals and motivations driving this study. My intentions were to convey the sincerity of my interest in reintegration and to build trust. Considering disclosure did not intrude on the actual interview, arguably, it was well within the normal bounds for a responsive interview (Rubin & Rubin, 2005).

Establishing a baseline of trust was vital because the interviews covered some very sensitive topics—participants’ relationships with their children and the custodial mothers; criminal activity, including offenses that were never prosecuted; addiction and recovery; and how they dealt with various struggles, practically and emotionally. The issue of gender raised the stakes for rapport building. Discussing child support often led to participants venting about the obligees of their orders—the mothers. Blame and hostility emerged as important themes, as did gender bias when they recalled their experiences in family court. I recognized that my being a woman might diminish their openness on these topics. So, I made efforts to build trust through the aforementioned selective disclosure and by showing empathy verbally (e.g., “That must have been really difficult for you”) and nonverbally (e.g., posture and facial expressions conveying attentiveness, appropriate emotional responses) (see Rubin & Rubin, 2005). I also waited until the second half of the interviews to bring up questions about mothers and family court. At times I found participants’ statements rather off-putting in their misogyny, but I was extremely careful not to let any negative reactions show.

Fostering an atmosphere conducive to candor was necessary if I was to obtain rich data. Hence, I tried to strike a balance between appropriate professionalism and comfortable casualness. I wore modest, unfussy clothing that leaned toward the casual end of business casual. Though one can only speculate how others perceive their manner, I was generally quite friendly and easy-going. I also assumed a natural conversational style throughout the interviews, avoiding jargon and, depending on

the participant’s speech style, lightly dusting my end of the conversation with the occasional swear word. During several interviews I noticed that if I was to, for instance, mutter, “oh shit” in response to something the participant said, their disposition shifted slightly and started to speak a bit more freely. One participant explicitly commented on this after we wrapped up the interview. He told me that he appreciated my talking in a “real” way because it made him feel less self-conscious about censoring himself. Up until that point I had not giving a great deal of thought to the utility of mild profanity—rather, I was responding to others’ cues. That served as a reminder of how meaning is embedded in even the most minor gestures—and the meeting of insight and levity in that particular instance came as a welcome respite.

2.3 Interviews

The data for this study consisted of in-depth, semi-structured interviews. Although interview participants’ child support judgments spanned an unexpectedly diverse range of jurisdictions within and beyond the state,²² logistical factors limited data collection to New York City. I began recruiting and interviewing participants in the fall of 2018 and concluded data collection in August of the following year. Initially, I intended to focus my recruitment efforts on clients at The Fortune Society,²³ a policy advocacy organization and reentry services provider. Fortune made for an attractive research site, as it offered concentrated access to formerly incarcerated people from around the New York metropolitan area—in 2017, Fortune provided services to over 7,000 people (The Fortune Society, n.d.). Having contributed to other studies that involved extensive on-site data collection there (Martin & Spencer-Suarez, 2017a, 2020; Slavinski & Spencer-Suarez, 2021; Spencer-Suarez & Martin, 2017a, 2021), I learned a great deal about the agency and established working

²² This is discussed in greater detail under section 4, “Participant Sample.”

²³ Any publications based on this research will apply a pseudonym to this organization.

relationships with several staff members, including some former clients. Moreover, the idea for this dissertation actually grew out of that prior research—nearly one-third of the participants that the Principal Investigator, Karin Martin, and I interviewed at Fortune about criminal legal debt raised the issue of child support unprompted. All told, the agency appeared to be an excellent recruitment site for several reasons: the availability of suitable participants; my familiarity with the organization and its staff; Fortune’s explicit receptivity to collaborating with researchers; and the compatibility between Fortune’s mission and the aims of this research. In preparation for submitting the IRB protocol, I received formal approval from the agency’s Evaluation and Quality Improvement department to recruit and interview participants at their headquarters.

Shortly thereafter, a number of organizational shifts took place at Fortune, including staff changes and restructuring of the Family Services program (where I planned to concentrate recruitment) and the research vetting procedure. I was ultimately able to recruit and interview several indebted fathers there, after I established new contacts and resubmitted approval documents in compliance with the expanded vetting procedure. The restructuring did, however, delay access for several months. Around the same time, I reached out to a number of other agencies and programs, a couple of which responded.²⁴ I followed up on their respective approval procedures, though these efforts were not as fruitful as I had hoped. One requested that email a copy of my flyer. I was told it would be placed somewhere visible to clients. I also distributed physical copies, posting them on public bulletin boards around the city. The flyer included basic information about the study: a jargon-free description of the topic; inclusion criteria; compensation; and contact information with brief instructions. While none of the above strategies produced many inquiries initially, posting the recruitment information on public online forums under volunteer opportunities prompted plenty of

²⁴ The IRB protocol included a list of agencies, with brief descriptions and their respective contacts, and scripts I planned to use for contacting them about recruitment by email and phone.

responses and helped to get the ball rolling. Early on, I relied heavily on Internet-based recruitment then gradually I found enrollees through other means. Some participants took flyers to share with friends in similar situations who they thought might be interested. One brought flyers back to the transitional facility where he was residing. Word of mouth yielded some recruits, like one father who followed up on a referral from his friend with whom I had spoken just a few hours earlier. In another instance, a building security guard approached while I waited to meet with a participant in the lobby. He took an interest in the flyer and assured me he would display it somewhere tenants would be able to see it—a couple of weeks later I recruited another participant from that building.

Though the study did not incorporate snowball sampling *per se*, recruitment occasionally bore some resemblance to it. In terms of its intended design, the study's purposive sampling strategy was consistent with criterion sampling (Creswell, 2013). Fatherhood was the first of three inclusion criteria. I intentionally concentrated on fathers (i.e., noncustodial fathers, heretofore NCFs), rather than fathers *and* mothers, because men account for the vast majority of both noncustodial parents (Grall, 2013) and prisoners (Bureau of Prisons [BOP], 2018). Additionally, the parental and incarceration experiences involve gender-specific complexities that are beyond the scope of this project, so focusing on men tended to simplify the analysis without excluding many potential participants. Only one of the prospective interviewees was female, and as it was, her circumstances did not fit the study parameters.²⁵ Other inclusion criteria consisted of the following: minimum age of 18 years; served time in correctional custody related to a felony conviction; and child support arrears.

²⁵ The recruitment flyers specifically identified fathers as the population of interest, so this is not to suggest that a more gender-inclusive advertisement would have resulted in the same level of gender disproportionality in the response rates.

As prospective interviewees inquired about the study, I followed a screening procedure to ensure participants met the inclusion criteria (see Screening Questionnaire, Appendix B). Screenings were conducted over the phone. I used a Google Voice number for all calls and texts because doing so afforded the convenience of using my personal phone without using my personal contact information. During screening calls, I provided study enrollees a bit of information about the project beyond what appeared on the flyer. I explained the general objectives, study procedures, confidentiality, and answered questions. Audio recording was an especially salient point that I made sure to clarify while conducting screenings. I asked how they felt about my recording the interview and responded to any questions they had about it. Based on prior research experience, I considered the interview recordings vital to the analysis, so consenting to be recorded was required for participation. I explained this condition during the screening call, along with my reasons for it, and steps I would be taking to ensure privacy. Should a participant still have misgivings, I welcomed them to take some time and think it over. A couple of enrollees posed some additional questions, but were satisfied with my responses regarding privacy. No one dropped out due to the requirement. If interested parties met the inclusion criteria and informally assented to being audio recorded, we would then figure out a time and place to meet.

For the interviews, I met with participants in various locations around the city, in four of the five boroughs.²⁶ If the weather was hospitable, parks tended to be a default choice. They were safe, convenient, free-of-charge, public places with enough seating and open space to allow for privacy during sensitive conversations. Other interview locations included a participant's office at work, a back-corner table in a coffee shop, and private meeting rooms in a public library, on campus, and, on several occasions, at Fortune Society. Before commencing with each interview, I obtained informed

²⁶ The fifth, predictably, was Staten Island.

consent. I made sure to give participants adequate time to closely read the consent form. I provided further clarification as needed along with an additional copy of the consent form for their personal records.

The interviews were semi-structured and covered their family compositions; housing; financial, educational, and employment statuses; child support obligations, including amounts owed and paid, family court experiences, nonpayment sanctions, and their knowledge about the system; criminal legal and carceral histories; and their experiences and perceptions about child support obligations in the reintegration context (see Interview Protocol, Appendix A). I followed up with probing questions tailored to each participant's responses. Probes were a way to dig deeper and enhance the richness of the narratives. They helped me to better understand their perspectives and prompted them to flesh out the details of specific incidents they mentioned. Also, I framed these individualized follow-up questions with techniques of active listening in mind, as I wanted to demonstrate my sincere interest in each father's personal story.

Interviews generally lasted about an hour and a half. Participants often had a great deal to say. As we wrapped up, some expressed relief or gratitude because they seldom if ever had the opportunity to tell their whole story all at once. Hence the interviews could sometimes go on for quite a long time. Several exceeded two hours, and a couple even extended to roughly three hours. This amount of time was valuable in building rapport and trust. If participants were (understandably) somewhat guarded at first, they tended to loosen up and speak with a bit more candor once we got going. Overall, the participants shared a huge amount of personal and often-sensitive information, much of which would have been impossible or at least very difficult to obtain through administrative records or survey methods. As the interviews drew to a close, I thanked the men for their time and gave them the \$25 compensation. I also wished them well personally, referring

back to specific difficult situations or reiterating congratulations depending on the circumstances.

Periodically, I offered information about resources they might find useful.

2.4 Participant Sample

In-depth, semi-structured interviews were conducted with 32 child support obligors. Due to eligibility-related discrepancies (see *Limitations*), one subject was removed from the sample, leaving 31 in the analysis. In terms of basic sociodemographic characteristics, Black men in early to middle adulthood comprised the majority of the sample. Ages ranged from 26 to 60, with a mean of 43. Excluding those who identified as Afro-Latino, three quarters of participants identified as Black/African American (see Figure 1). At a glance, the sample’s racial/ethnic composition may look skewed, but these figures are not especially surprising if one accounts for racial disparities in criminal legal involvement. Black people account for 22 percent of New York City residents and 60 percent of the city’s jail population—the latter figure jumps to 69 percent if one looks specifically at those detained for misdemeanor charges and parole violations. Statewide, nearly half (47.8%) the male population under parole and other forms of community supervision is Black (Bradner & Schiraldi, 2020).

Figure 1. Racial/ethnic composition of study sample

Race/Ethnicity	Number of Participants
Black/African American (non-Latino)	23
Afro-Latino	2
Latino-only & White/Latino	3
White (non-Latino)	2
Middle Eastern/North African descent (MENA)	1

n=31

2.4.1 Socioeconomic circumstances

Interviews covered a number of topics related to participants’ financial circumstances beyond child support arrears, including employment, income, and other factors germane to socioeconomic

stability. Roughly a third of participants were employed in the formal labor market (See Figure 2). Of the seven who were working full-time, three supplemented their earnings with informal, “off-the-books” work to make up for garnished wages. Two of the four fathers with formal part-time jobs took gigs on the side whenever they could find them. Seven interviewees were actively seeking employment or stated that they were tentatively hired but had not yet started working (four participants matched the latter description). Of those seeking formal employment, one also claimed off-the-books earnings. Seven participants reported that their earnings came exclusively from informal work. Oftentimes, they eschewed traditional employment because they found their garnishment rates unmanageable. Another NCF stated that he was self-employed. The way he described his situation hinted some degree of alignment with the “off the books” group, though this was not entirely clear (see “Other” in Figure 2). Five participants claimed no source of earnings, nor were they seeking employment. Four in this group relied on public benefits, one of whom could not seek employment due to residential treatment requirements; another had just been released from prison within the last couple of weeks and had not yet starting looking for work.

Figure 2. Employment

Employment	Number of Participants
Formal employment, full-time	7(3)*
Formal employment, part-time	4(2)
Seeking employment	7(1)
Informal only	7
None	5
Other	1

* Figures in parentheses refer to number within the category who also reported informal work/earnings; number appearing in the cell to the left of parenthetical includes the number specified in the parentheses

n=31

Some participants volunteered estimates of their earnings from wages and informal labor. The highest figure (\$5,500 per month) stood out markedly. Sure enough, several attributes and circumstances distanced this particular interviewee from the norm. For instance, he was the only

NCF to report post-graduate education or an employment history that included law enforcement. A total of four participants (including the aforementioned outlier case) affirmatively stated that they earned over \$1,000 per month. Five others estimated their monthly expenditures totaling at least \$1,000, suggesting that their incomes usually crossed that threshold. When asked how much they made or needed to get by in a given month, a number of other participants demurred. It was hard to say, they explained, because it was so inconsistent. Or they conveyed a preference for skipping the question. Additionally, some gave an estimate of how much they needed to get by, but also made clear that they seldom if ever brought in that much. There was no such thing as a typical month. Most often, those who gave very specific figures were referring to income from public benefits.

Three quarters of participants claimed to be receiving some form of governmental assistance, sometimes a combination of supports. At least 15 obtained food assistance through the Supplemental Nutrition Assistance Program (SNAP), generally in the amount of \$194 per month (the allotment for a one-person household in New York State). A few noted HRA—shorthand referring to cash assistance distributed through the NYC Human Resources Administration. Although the interview protocol did not specifically address Medicaid,²⁷ nine participants mentioned their enrollment. Considering other indicators (e.g., program and agency involvements, estimated incomes, receipt of other benefits), the actual tally of Medicaid beneficiaries almost certainly exceeded the number of those who self-identified. A smaller subset of interviewees—five in total—received either Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI). Programs like SSI have stringent eligibility requirements, including medical documentation, so they are generally difficult and time-consuming to obtain. Lastly, the four participants who were military veterans accessed

²⁷ Item 3 of the Interview Protocol (Appendix A) inquired about “sources of income other than regular work,” and included as examples veterans’ benefits, cash assistance, SSI, and SSDI. Medicaid was omitted because it is not technically a source of income.

benefits through the Veterans' Administration (VA). Each received some form of housing support as well as medical benefits, and two discussed mental and behavioral health care. Though they shared some dissatisfaction with the VA—and, to be sure, problems with VA health services have been well-documented (e.g., Oppel & Goodnough, 2014; VA OIG, 2014)—the basic supports they received appeared robust when compared with the paltry benefits available to other interviewees.

First among the ancillary socioeconomic factors was education. People with less than a high school education are vastly overrepresented in prisons and jails, so much so that concentrated imprisonment of low-skill, low-education individuals distorts national estimates of scholastic attainment across the population.²⁸ As Ewert, Sykes, and Pettit (2014) point out, “sample selection bias induced by decades of penal expansion and race and class inequality in incarceration rates...[mean that] high school dropout rates are underestimated by as much as 12.5 percent for young white men and by as much as 40 percent for young black men” (p. 39). In the present study, about one in six participants (16%) had less than a high school-level education. This is notably lower than some survey estimates, which have found 25 percent of formerly incarcerated individuals (Couloute, 2018) and 40 percent of prisoners (Ewert & Wildhagen, 2011) have neither a high diploma nor GED; however, it is higher than the estimated 13 percent of the general population with comparable education levels (Couloute, 2018). More often, interviewees had either completed high school or obtained a GED, or they reported some college (see Figure 3). Additionally, two participants were college graduates, one of whom (as noted above) claimed post-graduate education. Another opted to not divulge his education status.

²⁸ Ewert, Sykes, and Pettit (2014) refer to estimates based on datasets that categorically excludes prisons and jails; specifically, they assess findings derived from analyses of Current Population Survey (CPS) data.

Figure 3. Educational Attainment

Education	Number of Participants
Less than high school	5
High school/equivalent (GED)	14
Some college	9
Graduate	2
NR	1

n=31

Housing deficits were a particularly salient issue among interviewees, consistent with extant research. Reentry scholarship has repeatedly demonstrated that housing instability is a common, serious problem facing former prisoners (e.g., Geller & Curtis, 2011; Keene et al., 2018; Roman & Travis, 2006; Visser & Travis, 2003). Some contributing factors include, but are not limited to: insufficient financial resources and credit; landlords' unwillingness to accept formerly incarcerated tenants; the inability or unwillingness of friends and family to accommodate returning prisoners; and inadequate social services and supports. Housing disruption can also result from intermediate sanctions for parole violations, including placement in treatment, care, or correctional custody (Harding et al., 2013; Herbert et al., 2015). Congruent with past research finding high post-prison shelter-use rates (Metreux & Culhane, 2004), 22 participants (70%) said they had experienced homelessness following a release from correctional custody. In terms of their current housing (see Figure 4), 14 reported some kind of temporary or otherwise insecure arrangement: transitional housing programs and shelters; short-term residential treatment; hotels/motels; or temporary stays at multiple residences (i.e., "couch-surfing"). Eleven others lived with family members or partners. Just three participants rented their own apartments without vouchers or other forms of aid.

Figure 4. Housing

Housing	Number of Participants
Independent (renting, unsubsidized)	3
Living with family	6
Living with partner/spouse	5
Subsidized housing (Section 8, other long-term)	3
Residential treatment	4
Transitional program/shelter	6
Hotel/other marginal	4

n=31

Lastly, some participants carried additional debts beyond support arrearages. Four reported active criminal legal financial obligations (e.g., fines, fees, surcharges): two participants currently on parole were responsible for supervision fees of roughly \$30 per month; one had an outstanding vehicle/traffic fine; and another claimed a balance of \$350 for a felony surcharge and other related court costs. Another four participants mentioned student loan debt, three of whom provided estimates (\$600 minimum; roughly \$7,000; a “few grand” in forbearance) and one who could not say what he owed. Again, four participants reported consumer and credit card debt, offering estimates of \$100, \$300, and \$35,000 (the last of these accrued a long time ago). One of the four was unable to estimate his balance. Additionally, one NCF owed the state approximately \$2,500 for reimbursement of overpaid unemployment benefits, while another reported \$20,000 in unpaid medical bills.

2.4.2 Criminal Legal Involvement

During interviews, NCFs were asked about their entanglements with the criminal legal system. Some shared extensive and detailed accounts of their experiences with law enforcement and penal institutions, including information about the offenses of which they were convicted. In a couple of instances, interviewees disputed their convictions, asserting their innocence or the trumped-up nature of their charges. All participants provided basic information—at a minimum, they stated the

amount of time they served, number of terms served, offense categories (e.g. drug, violent, property), community supervision status, and general timelines of their system involvement. For reasons articulated below (see *Limitations*), figures specified in this section pertain to 29 of the 31 interviewees retained in the sample.

Regarding their criminal records, participants disclosed a range of offenses. Nearly half (14) cited multiple convictions and 12 reportedly served multiple sentences, including one participant who was sent to prison six times (this figure jumped to 15 when participants volunteered estimates for prison *and* jail incarceration, though the interview protocol did not explicitly address jail). Drug offenses were the most commonly cited offense category. Six disclosed felony convictions for violent offenses, and half of those were for domestic violence incidents. In the table below (Figure 5), “Other” refers to a variety of offenses that came up no more than once or twice across all interviews. Examples included embezzlement, forgery, identity theft/fraud, promoting prostitution, and reckless endangerment. Time served in prison ranged from roughly one to 18.5 years, with a mean of 5.5 and median of 3 years. At the time of the interviews, ten participants were subject to parole supervision.

Figure 5. Criminal convictions by category

Conviction category	Number of Participants
Drug-related	14
Violent offenses	6
Robbery; attempted robbery	6
Other property offenses (burglary, etc.)	4
Other	8

n=29

2.4.3 Child Support

All participants carried child support arrears, with the exception of three who had recently settled their outstanding debts. Two of the three received sudden, large sums of money—from a legal settlement and an inheritance, respectively—that wiped out their long-standing balances via

garnishment. The third NCF gradually paid down his balance through garnished wage earnings, yet he continued to owe regular payments due to an active order, whereas the other two had no remaining legal support obligations.

Overall, 18 of the 31 NCFs in the sample claimed active child support orders. Two were unable to specify the amounts they were required to contribute each month. The other 16 reported monthly balances ranging from \$25 to \$960. Although 12 of the 18 with active orders had no current, formal employment, only two reported monthly obligations in line with the self-support reserve standard. That is, when New York obligors' annual incomes fall below 135% of the single-household poverty threshold (\$17,226), their orders may be reduced to \$25 per month (or \$50/month if one's yearly income exceeds \$15,399).²⁹ Among the five NCFs with the highest monthly obligations (\$376-960), none were formally employed. Indeed, neither of the two fathers with orders approaching \$1,000 per month had worked on the books for over a year.

Compared to participants' statements about current order amounts, arrears estimates were highly imprecise. Generally, they cited some rough figure, be it an approximation of their current debt load, their peak arrears balance, or both. Some stopped bothering to look at balance statements from CSE, or had not received notices for some time; hence they followed up with caveats about their arrears estimates being outdated or otherwise probably inaccurate. Excluding the three who recently settled their debts, current arrearages ranged from just over \$200 (down from a six-figure sum) to over \$100,000. Fourteen reported active balances, and 20 reported peak balances exceeding \$10,000. Two had peak balances over \$100,000—at a point, one topped \$200,000.

Another matter concerned whether participants' orders were established due to the custodial parent and child(ren)'s receipt of public assistance. Since NCFs were often unfamiliar with the

²⁹ Family Court Act § 413.1(b)(6); see also NYS OTDA Child Support Standards Chart, accessible at: <https://childsupport.ny.gov/dcse/pdfs/CSSA.pdf>

procedural and legal differences between involuntary, state-initiated cases and voluntary, non-welfare cases, I attempted to discern the nature of their cases by asking questions about whether and when the custodial mother received government aid. Eighteen confirmed that the obligee parent had received aid, hence their orders were likely involuntary and owed to the state. Eight NCFs asserted that the mothers did not claim assistance, and five others were unclear about the matter or had minimal contact with the mother and thus could not say either way. For some, multi-partner fertility made for another complicating factor. Ten fathers stated that they had children with multiple women; however, only four owed support to more than one obligee.

Jurisdiction emerged as an additional element in the course of the interviews. Although data collection took place to the metro area, a third (11) of the participants reported that their cases were established outside of New York State. Some were based in neighboring states, specifically New Jersey and Connecticut, while others were farther off, in California, Florida, Texas, Wisconsin, and Utah. Among the in-state judgments, a few occurred beyond the metro region, in smaller, jurisdictions upstate. At the outset, I did not anticipate such jurisdictional variation, nor did I foresee its benefits, insofar as the research was concerned. To wit, it afforded a glimpse into obligors' experiences outside the principal region and the complications that might arise when NCFs were geographically separated from the jurisdiction overseeing their cases.

In particular, distance seemed to have contributed to lags between the time a NCF's order was imposed and the point at which he found out about it. For example, one obligor from New York City was incarcerated in a neighboring at the time that a family court established his order. He never received notification of the order and only found out some time after his release, when in the course of a traffic stop he learned that a warrant had been issued as a result of nonpayment. It seemed likely that the jurisdictional separation between where he was incarcerated and where his order was set accounted for his being left in the dark. Relying on self-reported information from

interviewees meant that I was unable to fully ascertain whether this explanation was factual, though other participants' experiences pointed in this direction. Some who found themselves in comparable situations, but who were incarcerated in New York, were notified of family court hearings and newly established orders (one exception to this was a participant whose case originated roughly 20 years prior). Geographical distance could also pose a challenge for NCFs who were required to appear for child support hearings. One such participant, under threat of a civil contempt sanction (and thus parole revocation) should he fail to appear, had to travel several hours by bus each way, to and from the upstate jurisdiction that oversaw his case. This required that he be fastidious about his itinerary—missing a court date was out of the question and failing to return home by curfew also meant violating his parole conditions.

Lastly, participants reported a variety of financial and remedial sanctions (see Figure 6). Nearly all had their driver's licenses suspended. The circumstances of those who did not affirm a suspension hinted that they might have been misinformed (e.g., inaccurate statements about interstate enforcement). Additionally, fifteen noticed tax refunds were intercepted, largely because they were counting on the funds that never came, and five reported having been incarcerated following a civil contempt sanction.

Figure 6. Criminal convictions by category

Nonpayment Consequences	Number of Participants
Driver's license suspension	29
Tax refund seizure	15
Damaged credit	14
Civil contempt sanction	5
Accounts frozen	5
Passport denial	3

n=31

2.5 Data Analysis

My approach to data analysis did not strictly adhere to a singular modality. Rather, I integrated elements of situational analysis (an off-shoot of grounded theory) and “flexible coding,” a set of analytic strategies recently proffered by Deterding and Waters (2018). If one takes for granted that in order to conduct a qualitative study—or any study, really—a researcher must be sensitized to the relevant research, it follows that one’s work cannot ever be *entirely* inductive. Nor is this desirable if one aims to propound new concepts and theories, and thereby make distinct contributions to the body of empirical knowledge about a given subject. The objective of qualitative analysis (and grounded theory in particular) is theory construction. So, it seems eminently reasonable to propose that such theories be developed through “the cultivation of anomalous and surprising empirical findings against a background of multiple existing sociological theories” (Timmermans & Tavory, 2012, p. 169). This premise is central to the abductive approach put forth by Timmermans and Tavory as a pathway around grounded theory’s epistemological pitfalls. Deterding and Waters (2018) operationalize this approach in the form of “flexible coding.”

The coding strategy employed in this study mainly drew from Deterding and Waters’ framework. I supplemented the flexible coding process with methods of visualization derived from situational analysis (SA). This seemed all the more appropriate since the present study is primarily concerned with the *situation* of indebted reintegration, and SA treats the situation as the unit of analysis (Clarke, 2005). Moreover, it is oriented toward “illustrat[ing] the complexities found within and surrounding the social situations as they change, become stable, and create patterns and positions” and “reveal[ing] subjugated knowledges and marginalized perspectives” (Salazar Pérez & Cannella, 2013, p. 506). What this entails in practical terms is a set of diagramming techniques. These begin with “messy situational maps,” which resemble a brainstorming exercise wherein the

researcher pulls together various discourses, actors, institutions and theoretical constructs pertinent to a given inquiry. As the analysis proceeds, these elements are reassembled into “ordered situational maps.” Throughout the data collection and coding phases, I revisited the mapping exercises. I drew them out by hand, as a means to account for the myriad, emergent elements germane to the arrears-reintegration nexus, without organizing them according to any preconceived notions I may be bringing to bear. In essence, keeping the map components “messy” buffered against drawing connections or identifying thematic frames before the analysis justified doing so. Along with mapping, memos comprised a key analytic strategy from the very beginning of the research process. Upon completing each interview, I wrote memos reflecting on my impressions of participant and our discussion. Usually I did this on the train after leaving the interview location. Hand-writing notes on a moving train could be something of an annoyance, but getting everything down while the interview was still fresh in my mind made for more precise and thorough records. Next, I entered the audio files into Atlas.ti, the software platform where I completed the bulk of the analytical work. I started coding early on in the data collection process.

Stage 1 involved *attribute coding*—in other words, the development of an *attribute log*. Attributes consisted of important characteristics or details about interviewees and their cases within the criminal legal and child support systems. For many of these, I was able to draw information directly from the interview protocol, where I jotted down responses to items such as education level, current employment, income, and the like during the interviews. I assembled these into a series of spreadsheets. Attributes that were especially salient or otherwise relevant to the research questions (e.g., involuntary/voluntary status of a support case) were grouped in Atlas.ti using the primary document family function. General examples of logged attributes included age, race/ethnicity, time served, arrears balance, active child support order (Y/N), other outstanding debts, number of children, number of custodial parents, employment status, among many others. Identifying and

categorizing attributes at the outset allowed for simple, efficient grouping later in the analysis and it helped to generate descriptive characteristics of the sample (see *Participant Sample*).

Stage 2—*index coding*—resembled attribute coding since it largely served the purpose of organizing and preparing the data for later, more conceptual analysis. It amounted to a first pass over the data, linking large chunks of the audio files (and selected passages that I transcribed) to related portions of the interview protocol. During the indexing phase, I started documenting analytic processes, emergent concepts and relationships, and participant-level and cross-case observations. This departed substantially from the more typical open or line-by-line approach (Charmaz, 2014) to the first round of substantive coding, since the latter stays very grounded in the data. With indexing, the initial codes are developed before coding commences. I followed this approach for the most part, and found it a useful check against the impulse to create far too many codes early on. However, I did allow for some improvisation at this stage, adding codes as new important details and concepts came into focus. Stage 3—*analytic coding*—elevated the process to a more theoretical or abstract level. This bore resemblance to focused/axial coding in grounded theory, as it involved identifying conceptual categories, their properties, subcategories, and connections across categories are identified (Strauss & Corbin, 1990). Further, I focused on themes, relationships, and other emergent findings. This is where, for instance, the tripartite framework proposed in Chapter 4, “In Debt and In the Dark,” started to take shape. Prior indexing of interviews helped to streamline this process as it made particular substantive sections of the data easily searchable. Toward the end of the coding phase, I revisited SA mapping techniques, as this provided a sense of continuity and it matched my personal preference for manual diagramming. Crosschecking these maps against the coded data served the aims of “conceptual validation, model building, and the testing and refinement of data-based theory” (Deterding & Waters, 2018, p. 15).

As noted above, I used the strategy of memo-writing (i.e., note-taking, journaling) throughout the entire study. Building and maintaining an organized collection of memos served a number of distinct yet interrelated purposes. Coding memos provided space to define and track the development of individual codes, code families and categories. I wrote analytic memos to make conjectures about emerging concepts or connections; to make comparisons across data, codes, and categories; to pose new questions; to identify gaps or limitations in the analysis; and to clarify and integrate themes and theories. Memo-writing also provided an outlet for engaging in critical reflexivity (Charmaz, 2014; Emerson, Fretz, & Shaw, 2011; Strauss & Corbin, 1990). Beyond their analytical, theoretical, and organizational utility, memos helped with bridging the processes of data analysis and draft writing (Lofland, Snow, Anderson, & Lofland, 2006).

*

This study involves some limitations related to its design and sample. To begin with, there are inherent shortcomings involved in conducting a study solo, rather than with a team. Handling all data collection and analysis myself precluded the potential benefits of different voices and perspectives, and the interpretive triangulation that collaborative work offers. In terms of validity, insofar as it pertains to qualitative research, the threats of research bias and reactivity can be heightened when one is conducting a study on their own. Rather fortuitously, however, I wound up concurrently engaged in a very similar team-based project that I had a major hand in initiating. In fact, I wrote an interview protocol for the qualitative component of that study that drew directly from this study's protocol. So, insights I gained from that collaboration bore indirectly on this study. Nevertheless, I was unable to consider differences in the way participants responded to me compared with other interviewers, meaning I had to do without other researchers as points of reference for assessing participant reactivity. Other concerns pertained to the relatively small sample (n=31), although I managed to glean a great deal of information and insight due to the richness and depth of

the interviews. Perhaps most obviously, relying exclusively on interviews with NCFs meant that I could not corroborate any of their statements, nor did I hear the mothers' sides of the interviewees' respective stories (or system actors, for that matter).

Another limitation that I did not foresee related to participant eligibility. The screening instrument generally served its purpose, but it turned out not to fully guarantee that participants' circumstances matched each criterion as specified. Across the 32 interviews I conducted, there were three instances in which discrepancies surfaced between screening components and participants' accounts in the interviews. The issue in each case concerned those interviewees' criminal legal involvement. Specifically, their respective incarcerations were civil in nature and the result of support nonpayment, not felony convictions. Two of the three reported some criminal legal entanglements, with non-felony cases (the third case was excised from the sample). Because these participants did have contact with both systems, received custodial sanctions of at least a few months each, and because they shared accounts that were clearly relevant to some of my core inquiries about system knowledge and managing versus avoiding CSE, I opted to leave them in the analysis. Also, I found that their narratives presented intriguing points of comparison with the participants who did serve years-long prison sentences. Considering their narratives and reported outcomes, in light of the experiential differences between them and other interviewees, raised questions about the mosaic of factors comprising the debt situation. One such question and how to parse the impact of certain elements, like one's "carceral citizenship" status (Miller & Alexander, 2015; Miller & Stuart, 2017). Analytic benefits aside, the fact remains that neither of these two participants³⁰ went through the particular kind of reentry and reintegration that this study principally addressed. So, I handled them selectively through the data analysis and drafting stages, drawing on them only when focused on

³⁰ In Chapters 3 and 4, they are identified by the pseudonyms Russell and James.

matters that were conceptually distinct from reintegration. They are omitted from the third findings chapter (“Reintegration in the Red”), and when cited elsewhere, I include a footnote to this effect.

Chapter 3: Indebted and in the Dark: Understanding Child Support

I met with Freddy, a 50-year-old father of two, on the edge of a park one late July morning. We found a shaded seat in an empty outdoor amphitheater as workers set up the stage for a concert that would take place that evening. Freddy was energetic, in a sanguine mood that seemed an appropriate match for the comfortable, not-yet-oppressively-hot sunny day. He had just returned to the neighborhood from a work release program in a neighboring state two months prior. Buoyed by the support of his sister and recently passing the five-year mark in his addiction recovery, he felt that his reintegration process was going smoothly. “Some days is better than others,” he granted. But he was satisfied with the transitional housing program that offered him an array of useful services and amenities in addition to a place to live, and he derived a sense of agency from the diligent search for jobs and vocational trainings he had thrown himself into immediately upon his release. He was particularly keen to find a warehouse job and to obtain a commercial driver’s license.

A savvy consumer of programs and services, Freddy was also among the better-informed participants in this study when it came to various aspects of the child support system. He had attended court proceedings and clearly recalled interactions with child support magistrates. On each of his orders—the first of which was established in the early 1990s, the second in the mid-2000s—he made payments through wage garnishment. Upon losing a job and entering a rehabilitation program, Freddy had even managed to secure a modification to the latter order, based in another state, by submitting all the required forms and corresponding remotely with the family court in his son’s state of residence. The years ticked by after that point. Both of his children reached adulthood, and the mother of the younger son passed away. Not having “heard from [Child Support Enforcement] for a long time,” he went on with his life.

Then in 2018, Freddy was arrested for shoplifting. Running his information, the police discovered that he had an outstanding warrant for nonpayment of child support. This came as a shock, “[be]cause it’d been so many years...I never knew it was a warrant. You know I was...in a place at the time, they record-checked us... And I was pretty much like, ‘*What?* A warrant? For what?’” Freddy accepted responsibility for his child support debt. At this point he felt no inclination to blame anyone else, resolving instead to move forward and chip away at his roughly estimated \$38,000 in arrearages. Nevertheless, he reflected on the circumstances that resulted in his recent eight-and-a-half month civil incarceration: “If I knew that the arrears was going to accumulate I woulda jumped right on it and start taking action. But I didn’t. I fell back.”

Freddy’s experience exemplifies the perils of system involvement even for those who possess the motivation and wherewithal to navigate bureaucratic institutions. Child Support Enforcement (CSE) operates and legislation³¹ reads as if the people who do not pay child support are “deadbeats” (Battle, 2018). Yet in reality, noncompliance usually has less to do with unwillingness than inability to pay (e.g., Cammett, 2010; Cancian & Meyer, 2004; Mincy & Sorensen, 1998). Crucially, some noncustodial parents may not even be aware of their legal obligations until long after their orders were set and debt has piled up, and some may not know about the possibility of sanctions until they have already been imposed.

*

The basic premise of formal child support is fairly easy to understand. When a child resides primarily with one parent a support order may be established to ensure that the other parent contributes to the costs of childrearing. The order is set administratively or judicially, with the amount based on one or both parents’ incomes. If the noncustodial parent is continuously employed,

³¹ For example, the Deadbeat Parents Punishment Act of 1998.

makes consistent payments, and appears for scheduled legal proceedings, his child support case need not be much more complicated than that. Yet should the obligor fail to meet his support requirements—if, for instance, he is incarcerated, poor, irregularly employed, or otherwise unable or unwilling to pay—his case can devolve into a legal and financial morass.

For a support order and the CSE system to operate as intended, noncustodial parents must be cognizant of their obligations so they can either make payments directly to the enforcement agency or anticipate wage withholding, and so they can take action to prevent the accumulation of back child support. If an obligor loses a job or his financial situation otherwise changes significantly, he should be able to pursue modification of the order to ensure that he can meet both his legal support obligations and his own basic material needs. Obligor must also be informed of the potential consequences for nonpayment. Financial and remedial sanctions are meant to compel compliance and deter nonpayment. Legal precedent indicates that the purpose of civil contempt and incarceration is “to coerce a person to do something that he is able, but unwilling, to do” (Patterson, 2008, p. 97, citing *McNeil v. Director, Patuxent Inst.*, 407 U.S. 245, 251 [1972]). If imposition of such punitive measures presumes intentional noncompliance, then it follows that noncustodial parents must be apprised of the obligations they are defying and the penalties they might face. The findings presented in this chapter refute that assumption.

Congruent with prior research on parents’ knowledge of pass-through policies (Bartfeld & Meyer, 2003; Cancian, Meyer, & Nam, 2005; Meyer et al., 2007; Nam et al., 2009; Pate, 2006; Venhor et al., 2002) and rule knowledge among welfare claimants (Gustafson, 2009; 2011), participants in this study were familiar with basic processes and rules, but also had significant knowledge gaps. Exceptional cases did emerge—of the 31 fathers that were interviewed, just two talked about procedures, practices, and policies pertaining to child support with consistent specificity and accuracy. Conversely, two participants were thoroughly misinformed, their accounts full of

contradictions and firmly held misconceptions. The remaining noncustodial fathers (NCFs) occupied various spaces between these poles. Substantial variation in the extent to which participants understood a range of policy and procedural aspects of child support could be observed not only across cases, but also within individual narratives. In other words, the typical participant knew a good deal about certain critical child support matters and hardly anything about others, so knowledge levels amounted to a moving target. Hence this chapter presents a typology of system knowledge rather than categorizing debtors according to how well-informed they appeared to be. Key questions dealt with obligors' understandings of different features of child support, with particular attention being paid to aspects of the system with which participants tended to possess the least—or most inaccurate—information.

This chapter begins by exploring the extent to which formerly incarcerated NCFs are informed and how they make sense of child support, from the granular, practical details of one's individual case to broader conceptions of the system and its purposes. The second section of this chapter explores how NCFs obtain information and the sources they draw upon in constructing their understandings of child support. The chapter concludes with a discussion of the practical and conceptual implications of formerly incarcerated NCFs' knowledge and confusion.

3.1 Institutional Understanding and Confusion

Given the high level of within-person variability in participants' child support knowledge across different topics, there are problems with categorizing NCFs based on how informed they are overall. Although comparable approaches have been suitable in other contexts, such as system knowledge among public assistance recipients (Gustafson, 2011), data from the present study pointed to an alternative typology. This section proposes an inductively constructed tripartite framework for obligors' comprehension and understanding of child support. Rather than categorizing people based

on their levels of knowledge, this model categorizes types of knowledge. These types are differentiated, first, by how substantively specific they are to the individual obligor, and second, by the degree to which they deal with concrete information versus interpretation and conceptual understanding.

There is a lot for one to learn about the child support system considering its procedural and bureaucratic complexity. At the most basic level, obligors need to apprehend the facts of their own cases. *Case knowledge* consists of practical information specific to one case, and in that respect, it is most proximal to the individual NCF. As the scope of NCF knowledge expands outward, the next type is *process knowledge*. This refers to the obligor's familiarity with rules, procedures, and the nuts and bolts of how child support works, from the establishment to the closure of a case. Lastly, *systemic understanding* concerns the child support system's broader objectives and functions. Whereas case and process knowledge tend to be instrumental, systemic understanding is more expansive, referring to a birds-eye view of the system and including normative and symbolic dimensions of NCF understanding.

3.1.1 Case Knowledge

Before anything else pertaining to child support might be considered relevant, a NCF needs to know whether he is subject to a support order in the first place. Having self-identified as child support debtors during the recruitment process, all participants were actively aware of their past or present cases, as well as their arrearages. Half (16) reportedly attended the hearing at which their order was established; meanwhile, some claimed to have known nothing of their order until they experienced nonpayment consequences. This comports with recent findings from a federal study of incarceration and parenting. Surveys administered to fathers in prisons across five states showed 33 percent of all respondents, and 16 percent of New York respondents, affirmed that they had open

child support cases in the six months prior to incarceration. Case-level data from child support agencies matched with the incarcerated sample found that 60 percent of fathers (one-quarter in New York) actually had open orders (Mellgren et al., 2017). The discrepancy between self-reported orders and those identified in the administrative data suggests that a sizeable number of reentering fathers may be unaware of child support judgments against them, or, at a minimum, that they do not reckon the active status of existing orders. The present study offers qualitative support for such a finding. Three fathers articulated timelines completely at odds with their reported arrearages—their accounts hinted at the likelihood that their orders were in place well before the points NCFs believed them to have been imposed.³² Six explicitly stated that they had no knowledge of their child support orders until months and even years had elapsed, with their arrearages building up all the while.

By the time Carl learned of his child support judgment his daughter had reached adulthood and his case was closed. The 52-year-old Black father of one recounted that in the late 1990s he was “arrested for something I didn’t do. I went to trial, and I blew trial, and I got 15 years to life... [for a] drug charge.” During the appeals process he entered a plea to a lesser charge and was released after serving ten years. At some point during his imprisonment his daughter’s mother sought public assistance and, subsequently, the state initiated a child support order. Carl insisted that he never received any notice about the order, nor was he summoned for a hearing in family court. He only learned of the order—and the roughly \$30,000 in arrears that accumulated during his incarceration—after he returned home and noticed that most of the wages he was earning at his new job were being garnished. Asked whether CSE had ever contacted him, Carl replied, “I had to contact *them*...I

³² Data is limited to self-reports. Hence speculation as to what occurred in the course of their child support cases is based on state policies and established practices along taken together with NCF statements about order amounts, etc., but facts of individual cases could not be confirmed. While it may be that these NCFs incorrectly identified the points in time their orders were established, it may also be that they reported inaccurate arrearages, monthly balances, or some combination thereof.

noticed the garnishing and I had to contact them! They never contact me, let me know about anything.”

Keith, a Black 40-year-old father of two, stated that the order for his daughters was established in either 2014 or 2015. He remembered attending a hearing around that time, during which a magistrate set his order at \$25 per month—the minimum order for New York NCFs with income below the federal poverty level (NYC HRA, 2016). In 2016, CSE notified Keith that he had arrearages totaling nearly \$67,000. He interpreted that sum not as accumulated arrears, but as some arbitrary “penalty” imposed on him by the court. If the \$67,000 figure Keith reported was correct, one could only conclude that his stated timeline was impossible. Indeed, his account gestured toward the order being in place long before 2014. One major clue was a lawsuit to which Keith claimed to have been a party in 2012. He was awarded a \$1,000 settlement, “but by the time I got the check, the check was like \$57, and they said something about child support. I was like, ‘Woah, snap,’ like I didn’t even knew nothing about child support.” Keith also acknowledged that his daughters’ mother received public assistance sporadically since the early 2000’s. In all likelihood, Keith had a long-standing, state-initiated child support order about which he was unaware. The family court hearing he described was probably held to review and modify his order, not to initiate it.

By and large, participants displayed familiarity with basic facts of their cases, including whether their orders were still active and when their orders were established, give or take a couple of years. Yet knowledge gaps and confusion were commonplace in participants’ accounts, so Carl and Keith were neither typical nor were they wild outliers. That being said, one factor that did set Carl’s case apart was its age: family court established his judgment almost twenty years ago. New York is among the states that have electronically linked child support and correctional agency caseloads since at least the early 2000s. This is done using identifiers such as birth dates and social security numbers (CPR, 2006; Pearson, 2004). For NCFs with orders predating that, it is unclear whether the

state would have had sufficient information, bureaucratic procedures, or the will to consistently locate incarcerated parents and notify them of family court hearings and newly established orders.

3.1.1.1 Order Amounts and Arrearages

Along with the fact of whether a support order exists, some of the most basic and crucial information about a case includes how much the NCF owes. For all participants, questions about amounts had to do with arrearages. For the 19 who reported active child support orders, those questions also touched on the monthly orders they were required to pay. Most participants were able to state an arrears balance, but more often than not these were ballpark estimates. A few included caveats that the figures they stated were years old. So, presumably, by the time of the interviews their balances were higher. How much their debts had grown they could not say.

This was the case for William, a Black 53-year-old father of one. Returning home from the Army in the late 1980s, at the height of the crack epidemic, he developed an addiction that ultimately contributed to periods of homelessness and multiple stints in prison and jail. He remembered having a support judgment set in 2002 for his now-adult son, but the following year he wound up with another criminal conviction and did not keep up with payments while he was locked up. Since then William paid intermittently through wage withholding whenever he was employed on the books. He could not recall what the amount of the order was at any point in time. Reflecting on the years his case was active, he believed that he never actually knew the order amount. The only figure he was able to state was the \$10,000 approximate arrears balance he carried in 2012. “That’s when I knew how much I owed,” because that was when he last had wages garnished. Whether the arrears had accumulated interest (at a rate of six percent annually in the state where his son and the mother have resided for decades), he had no idea.

When asked about their arrears, other participants gave likely ranges or minimums. Darren, 39, with one order for a nine-year-old son in a Midwest state, put his in the \$30-35,000 range. Marc, also 39, surmised that his fell somewhere between \$75,000 and \$90,000. Two recently incarcerated fathers with active orders, Antonio and Jason, offered minimum estimates—\$3,000 and \$20,000, respectively. Three other participants could not even venture a guess, though they were certain that they did owe something.

A few participants broke with this trend. At the time of his interview James³³ sat on the precipice of fully paying down \$100,000 of back child support. He cited the peak amount of his arrears to the cent. In fact, he did so repeatedly, with irrepressible joy. For fourteen years he struggled to make ends meet on the earnings he took home after garnishment, primarily from his job at a homeless services organization where he was once a client. Just a few hundred dollars away from paying off his debt, he arrived for the interview with a folder jammed full of paperwork from CSE. We had not even settled into the seats opposite one another before James thrust his most recent payment notice on the table. All smiles, he pointed to the remaining balance. For him the to-the-cent figure was not an albatross but an accomplishment, a symbol of personal growth and his fulfillment of parental responsibility after years of not living up to his duties.

Obligors who had made protracted efforts to pay down their child support arrears were better equipped to discuss their case statuses and specific amounts involved, whether those amounts pertained to ongoing orders or outstanding balances. This elevated level of case knowledge reflected NCFs' engagement with the process. Conversely, those who did not or could not make it a priority to bring down their debts, especially those who did not anticipate ever being able to pay off arrearages, knew less about what they owed.

³³ As noted in Chapter 3, James was one of two participants whose incarceration resulted from child support nonpayment, rather than felony criminal convictions.

3.1.2 Process Knowledge

Process knowledge concerns the child support system’s rules, practices, and procedures, as well as the institutional entities that enact them. NCFs need at least some basic understanding of how the system works in order to navigate their way through it. For instance, if an obligor intends to formally assert that his order exceeds his ability to pay, he must know how orders are determined and when they can be modified. He is more likely to have his order reduced if he proves the order to be inconsistent with state guidelines than if he claims, sans documentary evidence, that he cannot afford to pay. Moreover, he must know where and to whom to make his argument. Process knowledge constitutes an important form of human capital for NCFs as those with higher levels are more prepared to identify and leverage opportunities (e.g., arrears abatement programs), to anticipate outcomes (e.g., nonpayment sanctions), and deal with circumstances as they arise than those debtors who are less informed.

3.1.2.1 Establishing Order Amounts

In New York, order establishment is a judicial process. A child support magistrate presides over a hearing attended by both parents, as well as an attorney for the state if the order is the result of public assistance receipt by the custodial parent and child. The amount of the order is determined using the income shares model, which takes into account each parent’s income as well as any preexisting obligations that the NCF carries. For the first child, expected support contributions equal 17 percent of the parents’ combined income; that amount is then prorated based on the proportion of the combined income that is accounted for by the NCF’s earnings (NCSL, 2020; NYC HRA, 2016).

A few participants demonstrated familiarity with the guidelines for determining order amounts. Three NCFs—all of whom had attended multiple hearings related to their support cases—explicitly mentioned the 17 percent figure. Notably, each of them expressed some version of Cory’s

assertion that “17 percent...it’s not that much money.” In his view, “it gets bad because you ain’t paid it in five or six years.” A 31-year-old Black father with one formal order and a separate informal arrangement with the mother of another child, Cory paid down most of his arrears while he was incarcerated. Although he was only able to do so through illicit earnings, he expressed little sympathy for obligors who do not pay, regarding them as “deadbeats.” He remarked, “Child support isn’t as big a deal as people make it out to be. It’s not.”

Though most participants lacked detailed knowledge of how orders are calculated, many conveyed a general sense that income is a determining factor. Several participants who identified earnings as the basis for order amounts expressed frustration about orders calculated using jobs or assets that they no longer possessed. Terence, a Black 40-year-old father of three, owes \$900 per month. He explained, “They’re going on what I used to make...\$1,600 every two weeks... [But now] I’m not working.” Prior to the two-year prison term he recently completed, Terence had a support order in place for two of his children. The third child—his wife’s son from a previous relationship, who he adopted after he and the mother married—was added to the support order subsequent to his criminal conviction. Terence claimed that the increased order was based on the salary from his last job, despite his incarceration clearly meaning that he was no longer employed. He speculated that this happened because his now ex-wife handed over his pay stubs and tax forms to the court.

Other participants made similar suppositions about the mothers of their children handing over evidence of NCF incomes to the courts while they were incarcerated. It bears noting that they rarely demonstrated consideration of whether the custodial parents might have been compelled to cooperate with CSE. Rather, some characterized the mothers as having intentionally misrepresented their incomes or assets to the courts. Rashad, for instance, recounted having had multiple cars, houses, and a stockpile of cash on hand before he was arrested for the selling narcotics. He said of his

daughter’s mother, “she made sure the courts knew” about all of those assets, even though the police “had already taken everything” through civil asset forfeiture.

Still other participants—over one-third—could not say how their orders were determined. These obligors responded with variations on Arthur’s reply: “I don’t know. They sent me a paper...they said I owe this.” These NCFs tended to be less involved in the legal and administrative processes of their cases. Those who either did not know about or opted not to attend the initial hearing were likely subject to default orders. Should a NCF not attend the hearing to provide evidence and testify to his income, the order can be set by default using administrative records or other documentation. If his income cannot be ascertained, the order can be set based on imputed income, usually amounting to full-time minimum wage (Cammett, 2010). Default and especially imputed orders potentially cause confusion by virtue of the obligor not being part of the judicial or administrative process and because the judgment amount may have nothing to do with his actual income. For low to no-income parents, including a significant majority of the study participants, imputed orders often far exceed their ability to pay (Plotnick & Kennedy, 2018). This in turn contributes to the accumulation of arrears and further alienation from the child support system.

3.1.2.2 “She took me for child support”

Public assistance is a key factor in determining whether and how a child support order is established. As a condition of claiming means-tested public benefits for a child,³⁴ the custodial parent must cooperate with CSE to set and enforce an order on the other parent. Depending on states’ individual pass-through and disregard policies, some portion of collected support goes to the state as reimbursement for benefits expenditures. Obligor, however, may not be aware that their support

³⁴ This refers to TANF, Medicaid, and Title IV-E Foster Care. Additional benefits may be included by states in cooperation requirements. In New York, receipt of childcare subsidy but not SNAP recipients must comply with CSE (Selekman & Holcomb, 2018).

orders (1) are involuntary on the part of the custodial parent and (2) function as welfare repayment. Partly due to this lack of understanding, many NCFs describe their orders as having been set at the discretion of the custodial parents. Some ventilated deep resentment toward the mothers of their children. Others were more equivocal, but still called the women's motives into question.

Among participants, half did not understand that child support orders are involuntary when the custodial parent and child receive assistance. Rather, they described the mothers "taking them for child support." Even some NCFs who acknowledged the involuntariness of state-owned IV-D cases persisted in attributing their financial obligations to decisions made by the custodial parents. Bruce, 51, said of his daughter's mother, "She definitely gets public assistance. She still gets public assistance. She'll do whatever she can to get over on the system." He recognized "that it's mandatory," referring to his support order in light of her benefits status. However, his explanation of the case immediately shifted to "people talking in her ear." So, despite knowing that CSE cooperation is required, for Bruce the most salient explanation of how his case came to be was that the mother's friends and family told her she should try to get money out of him.

According to Sam, a 50-year-old Black father who recently finished paying off his arrears, some men blame mothers for cooperating with CSE "'cause you know what, they feel that she could lie." The account of another obligor, Guillermo, illustrated Sam's point. The mother of his four daughters had been receiving assistance for a lengthy period by the time his case started. I inquired as to whether he had any idea why the order was not imposed sooner, to which Guillermo replied:

No, I don't know. Because she always did threaten me with that. She used it as a threat if I didn't give her a certain amount of money...She used that as a threat. She did—public assistance did pressure her for my information...did threaten her one time. She said she didn't know. She goes back and forth, you know... She was not giving [CSE my information]. But then she flipped and gave 'em my information.

It appeared as though Guillermo failed to consider—or was simply unaware—that by withholding information from CSE the mother would risk the benefits that support not only her but their children as well.

Compared with the proportion of participants who reckon the involuntariness of state-owned orders, a few more (19) conveyed knowledge of child support’s welfare repayment function. Similar to findings from studies of pass-through policy knowledge (Nam, Cancian, & Meyer, 2006, 2009; Pate, 2006, 2016; Venohr et al., 2002), participants understood that some of their payments go to the state, but none specify details beyond that. A 38-year-old White father of two, Jason explained:

I mean, I know every time she files for child support or whatever it is like that, she gets public assistance, I have to pay. I know that. I don’t know what else, how the process is, how they go about it, how they figure it out. I gotta pay all that.

Among the fathers who were versed in some of the distinctions between public assistance-driven child support, on the one hand, and voluntary and private cases on the other, many claimed to have learned about it from friends and other obligors. Rarely did institutional actors provide this information, by participants’ accounts. This seemed a consequential omission, since fathers’ inadequate knowledge about this aspect of child support appeared to play some role in their hostility toward the mothers. Of course, there were other factors contributing to this dynamic. Nevertheless, clearly communicating the facts of public assistance IV-D cases to fathers might conceivably have some mitigating effect on NCFs’ impulses to scapegoat mothers.

3.1.2.3 Seeking Relief

If an obligor experiences a major change in his material circumstances whereby he cannot reasonably keep up with his child support obligations, he can file a motion to modify. Depending on the circumstances—a change in custody arrangements, for instance—the case may even be

suspended. Child support falls within the domain of civil law³⁵ so obligors have no right to counsel unless they are facing potential incarceration (Abel, 2013). Consequently, NCFs must usually navigate the modifications process on their own. Doing so can prove challenging, particularly for people with human capital deficits common among the formerly incarcerated (e.g. education, literacy [Greenberg et al., 2007]). And that is assuming NCFs are aware that there is a process whereby they can seek to have their order reduced. Similar to findings from other recent research (Brito, 2019b; Haney, 2018), participants in this study often did not know about modifications or how to seek them.

That being said, modification knowledge among participants was something of a mixed bag. Some not only exhibited familiarity with the process; they reported having actually succeeded in getting their orders reduced. Six obligors recounted having secured modifications, three of whom said they did so while they were incarcerated (though all of the latter group had voluntary orders that were owed to the mother, not to the state as welfare repayment). A 60-year-old Black father of three, Marty found the modification process straightforward. Early in his nearly two-decade prison term, he received letters notifying him that a support order was set. He recalled thinking, “How can I pay child support when I’m incarcerated?” After receiving several letters from CSE, he decided to take action. He explained:

I never went to court on the child support. Never went to court—only thing they did was...sent me letters stating that I owe this for child support and I owe that for child support. So I wrote the courts...and after I wrote the courts first and explained it to the judge, the judge stopped the child support at \$600... I wrote the judge and put some law into it and cases to back the law up and all that stuff and the next thing you know the child support stopped at \$600.

³⁵ Exceptions to this are cases of criminal nonpayment, though incarceration is more often the result of civil contempt proceedings.

By contrast, several fathers either did not know of modifications or they found out about them after being released from prison and already accumulating debt. Although most of those participants would have been ineligible for modification anyhow because of when they were established. For child support orders predating October 13, 2010, New York State treats incarceration as “voluntary unemployment,” and thus insufficient grounds for modification (OCSE, 2012, 2013).

Beyond NCFs being inadequately informed about modifications were issues of inaccurate information. Several participants mentioned being under the impression that orders are automatically held in abeyance when one goes to prison, as it should be self-evident that the obligor can no longer pay at that point. Bruce was shocked to find out that he had been piling up debt while he was serving his time:

I thought once I went inside, that that was going to stop it, everything [child support]... I didn't have a lawyer or nothing, but I, like, it's not going to build up...and I was wrong. And when I came out, I was like, 'What the fuck is this?'

Carl similarly thought that orders are “...supposed to be inactive while you're away because you can't, there's no way you can pay child support while you're incarcerated.” In his account this idea converged with another misconception—one he shared with a few other participants: conflating modification with arrears abatement. Asked to share what they knew about modifications and how they work, some described them as if it is the arrearage that can be reduced rather than the monthly (or weekly) amount of the continuous order. Guillermo, a 46-year-old Latino father of four, proclaimed his intention to pursue modification of his arrears. He had not initiated the process yet because he believed that he needed to wait until after his release to see a magistrate in family court. None of that was accurate. Although there are programs to limit or reduce one's back child support (e.g., the Arrears Cap Program, the Arrears Credit Program in New York), they tend not to be widely available and they frequently involve payment requirements that can be prohibitive for

obligors with low to no-income (Heinrich, Burkhardt, & Shager, 2011). Furthermore, the Bradley Amendment to Title IV of the Social Security Act prohibits the retroactive modification of a support judgment (Cammett, 2010). So generally speaking, once arrears have built up, the obligor is stuck with them until he can pay them off.

3.1.2.4 Nonpayment Consequences

Failure to pay child support leads to the accumulation of debt, but it also results in financial and remedial sanctions that are meant to force compliance. All participants were aware of at least some potential consequences. Congruent with Pate's (2016) findings among a Wisconsin sample of parents with IV-D cases, a significant majority of obligors in the present study acknowledged incarceration for nonpayment as a possibility. Six knew first-hand, reporting histories of incarceration for contempt of court. The sanction that every participant identified was driver's license suspensions, and unsurprisingly so since almost all of them had their licenses suspended, either currently or in the past. One case in which a participant did not report a suspended license involved confusion about interstate enforcement. Drew, a 29-year-old Black father who lives in one state and has child support judgments in two other states, explicated his understanding of the situation:

You can get your driver's license [taken] but that's only if you're living in that state. Which I'm, I'm safe on that part because—that's one of the reasons why I don't want to go back home and live there. Because I know once I do, they gonna...take my license from me...Being in another state I don't have to worry about that, because the state don't have no authority to take your license from another state. The state that you live in, that's their...authority to do so. I know, I know all about that.

Drew correctly noted that one state could not suspend a license issued by another state. What he did not recognize was that one state agency could contact the agency in an obligor's state of residence, and the responding agency might in turn use enforcement strategies available in that state, including driver's license suspensions.

Generally speaking, obligors were fairly, but not thoroughly, knowledgeable about potential nonpayment consequences. Evidently much of this understanding came from experience, including instances in which participants found out about sanctions well after they were imposed. Neither Russell nor Freddy had any idea of their open warrants until they were arrested. Jeurys did not know that his driver's license was suspended until he was pulled over for a moving violation. Several participants knew nothing of their orders at all until they experienced financial sanctions in the form of wage and tax return garnishment. Though less punitive than arrest and civil detention, income withholding could come as a shock as arrears can result in the garnishment of up to 65 percent of the debtor's wages (Brito, 2012).

3.1.3 Systemic Understanding

This final category encompasses obligors' broader understandings of child support, namely their perceptions of macro-level dynamics and objectives of the child support system. Central to this are *frames*, which NCFs employ in making sense of the connections between their individual experiences and the larger picture of how the institution operates. Derived from cultural analysis, frames are collectively developed lenses through which people interpret events, form expectations, and generally understand how things work within the social world (Goffman, 1974; Harding, 2007; Stuart, 2016). NCFs' interpretive frames often emerged in concert with their reflections on the fairness of child support policies and practices. Systemic understanding incorporates these normative assessments into a more conceptual, scaled up version of process knowledge. It follows that this form of institutional understanding lends itself less to an analysis focused on accuracy than the two prior forms, case and process knowledge. Rather this section examines how two salient obligor frames—*parental responsibility* and *gender bias*—organize and sometimes distort perceptions of the child support system.

3.1.3.1 Parental Responsibility

Leading up to the creation of the federal child support program in 1975, a core policy question had to do with the degree to which parents versus the public are responsible for providing for low-income children. Child support was an effort to shift costs borne by taxpayers (initially through AFDC, later through TANF) onto parents, and specifically onto NCFs (Cancian, Meyer, & Caspar, 2008). In the context of child support, the goal of alleviating the public financial burden is embedded in parental responsibility discourse. Participants, on the other hand, focused almost exclusively on the moral and relational aspects of parental responsibility (e.g., Marty prioritized “always working to support my kids”), and omitted the notion that parental support should offset public support. They understood the objectives of the child support system to be ensuring that children are provided for and, when parents fail to contribute, coercing them into doing so. Those perceived objectives were not at odds with participants’ perspectives on their own parental responsibilities. NCFs usually communicated that they felt some obligation to provide for their children, both materially and emotionally. As indicated in prior research (e.g., Arditti, Smock, & Parkman, 2005; Charles, Muentner, & Kjellstrand, 2019), most fathers wanted to be involved in their kids’ lives and to build or maintain good relationships with them. Some spoke of guilt feelings over having failed to live up to their fatherly duties in the past.

Although most fathers claimed to endorse the basic idea of child support and what they considered its high-minded aims, many took issue with how child support is actually imposed and enforced. Several related the idea that formal orders are only fair, legitimate, and necessary when informal arrangements between parents are impossible. To fathers in this study as well as in prior research (Crowley, 2008), child support represented an intrusion into family relationships. Applying

this their own cases, many NCFs expressed a preference for informal support. Wes, a 50-year-old Black father of three, was among them:

The thing about child support is it's good, because it help, actually helps, but it's not good... It's a blessing and it's a curse. But it's a blessing because it makes a man step up...and it's a blessing for the mother because she has some type of way to say, this man is going to take care of his kid. But then it's a curse for a man because then some women use that as a pawn... Instead of saying, 'Hey, let's work out some type of payment.' Because no man wants to step in front of a judge and have a judge dictate what you gonna pay for your child, you know?

Wes was required to pay medical support because his daughter had previously received Medicaid. He objected to having his support obligations formalized and monitored by state actors because he was already supporting his family. Surely, his case was rather unusual since, by his account, he was not only providing financially for the child and mother, but he also lived in the home with them. At the time of the interview, he had recently started a second job, which provided health benefits, so his daughter would start receiving insurance through his employer. It made sense that he would prefer to support his daughter informally, particularly since wage withholding made it more difficult for him to continue doing so. Wes's broader view of child support contained more ambiguity than his feelings about his individual case. In addition to characterizing child support as both "a blessing" and "a curse," he differentiated between state intervention with his co-residing daughter and hypothetical CSE involvement for his older children. Of the latter scenario, he said, "I don't care what I have to do to get my kids back in my life... And if I have to go to court, then let's go. If I have to pay child support, let's go." He expressed frustration over having been able to provide for those kids informally, but that for the child he was actively and consistently supporting he wound up with a legal support judgment. Taken together, Wes's case illustrated how orders initiated to recoup TANF and Medicaid costs can actually divert funds from low-income families to the state, in turn subverting the system's ostensible goal of supporting children.

In other situations, however, informal agreements tend to prove inadequate. Even if NCFs give money and other help regularly, the nature of informal support is such its provision is discretionary (Natalier & Hewitt, 2010, 2014). It grants the NCF leverage over the other parent as it can be withheld at any point. Moreover, research has shown that informal support drops off precipitously over time, particularly in cases of multi-partner fertility. Formal support plays an important role in making up those losses (Nepomnyaschy & Garfinkel, 2010; Sariscsany, Garfinkel, & Nepomnyaschy, 2019). Edin and Nelson (2013) found that poor fathers reject the “economic fatherhood” model (i.e., father as breadwinner) and identify as good providers even if they only provide financially for their children “as needed” or when they have extra funds beyond what they need for themselves. Participants frequently appeared to underestimate the costs of childrearing, which contributed to perceptions that their orders were unduly burdensome. Guillermo conceded that, “we should pay the mother...whoever is the care, caretaker the money.” But if the custodial parent was to receive support, “let them, not the state, *them*...let them take care of medical, social, whatever other needs come from the child.” Guillermo said he consistently paid his child support since getting a job after his release from prison. Even so, one struggles to imagine how the mother of his four children would be able to meet the family’s needs with the \$275 Guillermo paid each month—in New York no less, a city with an exceptionally high cost of living, sans Medicaid or other state assistance. On the other hand, there were a few fathers like Cory who acknowledged the discrepancy between child support orders (or what NCFs sometimes think they should have to pay in support) and the actual costs of raising a child.

Child support is alright. It’s not bad... A lot of dudes feel like, ‘Oh I gave my daughter a pair of sneakers. I shouldn’t have to pay child support.’ That doesn’t make sense. Like, rent that has to be paid, she gotta eat. You just want to buy a pair of sneakers once or twice a month and that’s just it... dudes is just deadbeats.

He and other participants acknowledged that many parents fail to willingly, consistently, and adequately support their kids, which necessitates a formal system to enforce parental responsibility. Cory's statement revealed a corollary sentiment also held by a several other NCFs: deriding and distinguishing oneself from "deadbeat dads." He prioritized supporting both of his children to the extent that he was able, even when it meant selling drugs in prison. Recognizing that his order exceeded his ability to pay while he was serving time, he filed a motion to modify and succeeded in getting his order reduced so that his arrears would not skyrocket out of control. By seeking out information and engaging with institutional processes, Cory was able to handle his situation. He thought others could do the same, but they chose not to do so. In his view, "Dudes is deadbeats... That's really the problem with child support."

Echoing the enmity for "welfare queens" felt by some public assistance recipient mothers (Gustafson, 2011), a degree of hostility that participants felt toward "deadbeats" derived from the sense that they were being punished for the failings of others. They perceived the child support system as harsh and inflexible; they then interpreted that as an institutional response to irresponsible fathers who abandon their families for selfish reasons. Jordan, for example, pondered, "Why is it that because we in prison the arrears don't stop? But then again, you got certain brothers that will go to prison just not to pay child support. So there goes my answer." Although fathers said they felt child support was a fair mechanism for holding NCFs accountable to their children, at least in theory, they often saw it as unjust in the context of their own personal cases since the system evolved to treat everyone as "deadbeat dads."

3.1.3.2 Gender Bias

Prevalent among participants was the idea that family court and CSE are structurally biased against men and fathers. In their articulation of this frame and its constituent parts, NCFs aired

grievances that paralleled fathers' rights discourse. These included cynicism toward state actors premised on the notion that CSE, family law and the courts exploit and discriminate against men, a general sense of victimhood, complaints about custodial parents' allegedly dishonest claims, and occasionally a broad, misogynistic vilification of "females," beyond just their former partners (Alschech & Saini, 2018; Crowley, 2008; Jordan, 2016). Jad, rancorous over his child support debt, repeatedly referred to his ex-wife "evil" and a "serpent." From his experience, he extrapolated that all "girls" are emotionally colder and more manipulative than men.

Some participants saw family court and the child support system as promoting a double-standard of accountability, meaning that fathers are to be monitored but mothers can spend child support payments (and restrict visitation) however they see fit. Disgruntled about their inability to make decisions about the allocation of funds, they problematized the motivations and judgment of support recipients. Indeed, the refrain that obligee-mothers spend all of their support funds "getting their hair and nails done" arose frequently. Such statements shone a light on some of the hostility they felt toward custodial parents, like the following:

My baby mother, you running around in Gucci and shit and my daughter bumming. Your excuse for her being bumming is, 'Oh, she a kid, she grow out of everything.' No, bitch. If I'm giving you money that money better be going to my child, not you getting fly, getting your hair and nails done.

Several NCFs opined that CSE should monitor how custodial parents spend the money they receive. Asked if he would like to see any particular changes made to the system, Cory answered: "If I could change it, any bit of money that she receives in child support, she had to prove how that money was spent." Jason offered a similar recommendation, adding that once the children are teenagers the money should go to them. His suggestion that support payments should be distributed to minor children of a certain age typified two attitudinal themes common to many participants. First was the sense that providing directly to one's children is far more satisfying than paying an

agency (or, for that matter, the custodial parent). Giving money or things to one's children was experienced as an active demonstration of care, which served to build the parent-child relationship. Conversely, the father would get minimal "credit" for contributions mediated through an agency or another parent. What these obligors often failed to acknowledge was that this gifting model, or supporting on what Edin and Nelson (2013) called an "as needed" basis, is wholly inadequate in providing for housing, utilities, and other basic essentials of day-to-day life—costs the custodial parent must then bear. Second, fathers' preferences for direct provision, as well as recommendations that CSE monitor custodial parents' spending, revealed their desire to exercise control over their contributions. It also represented their wanting more say in administrative and legal processes in which they had felt stripped of agency. Another interpretation, offered by Natalier and Hewitt (2014) is that fathers' inclination to determine what is and is not appropriate spending is an expression of frustration over mothers' situational authority. Monitoring spending or providing on an informal basis serve to "reinforce[e] hegemonic masculine control over money and [compel] traditional subservience to men's interests and financial authority" (p. 922).

Edgar, a 38-year-old Latino father of two, was among the participants who balked at perceived gender bias. In his view, this was a key factor in his own case and an issue permeating the family court and CSE systems. He reported having initiated his own child support case in the course by seeking visitation rights. Yet since the visitation and support arrangements were legally formalized, only the support judgment had been enforced. Embittered by his personal experience, and vicariously, through the experiences shared among other NCFs in his social network, Edgar saw child support as "a whole big game to take fathers out of their kids' lives." Cory offered a similar assessment in his grievance about the contrast between family court's enforcement of fathers' visitation rights and CSE's enforcement of mothers' rights to child support.

Everything is just geared towards the woman and not the best interest of the child. Like... when I came home I put in for visitation for my kids. I didn't know where my kids was staying, I've been away for 7 years... They will not help you find your baby mother so that you can see your child. But family court's supposed to be for the child's best interest. But they will find you on the fucking moon if you owe \$50 in child support.

Participants' impressions that the entire legal and enforcement apparatus of child support has the effect of disadvantaging and disempowering fathers cohered with and exacerbated negative feelings about their children's mothers. Even though most agreed with the idea that fathers should contribute to the costs of raising their kids, participants often interpreted their orders and arrearages as burdens imposed by the mothers for their own personal benefit. Family court and CSE were then seen as facilitating the mothers' agendas ("extortion," according to one participant) with little regard for the impact on the NCFs' lives. Mirroring Haney's (2018) findings from interviews with incarcerated debtor-fathers, more adversarial participants "equated" women and institutional authorities, "accusing them of colluding to ruin their lives" (p. 34). In short, obligors' antipathy toward custodial mothers and their cynicism toward the child support system were mutually reinforcing.

There are a number of structural aspects of family court generally and child support cases specifically that may serve to intensify the kinds of frustrations and resentments participants shared, including their impressions of court actors' complicity with mothers and vice versa. Child support is, generally speaking, part of marital family law. And since marital family law is written to handle issues pertaining to marital relationships and divorce, it can wreak havoc for non-marital families, constructing "gatekeeping" arrangements, fomenting acrimony, and imposing unrealistic obligations on NCFs, "many of whom have dismal economic prospects" (Huntington, 2015, p. 171). Further, family law often operates on the assumption of anachronistic gender roles (i.e., breadwinner/caregiver), which are incongruent with many nonmarital families' actual lives, in particular those dealing with economic precarity. Now, if parents with an involuntary order, an

obligor and an obligee, were facing some situation and wanted to work together to negotiate a temporary alternative arrangement to deal with it—say, if the NCF lost his job and the parents agreed to have him provide more childcare to make up for it—they would not be allowed to do so (Brito, 2013, 2020). So, family law and child support policy can put families in difficult, tense circumstances, and then precludes them from working together to constructively negotiate a solution—if, that is, they are low-income. Such institutional inflexibility thus potentially hinders parental relationships.

3.2 Information Sources and Learning Processes

How and from whom obligors learn about child support has important implications for the depth, accuracy, and utility of their knowledge. NCF learning processes are inevitably complex, given their engagement with various institutional processes and players as well as informal sources of information. To begin with, obligors gain knowledge through experience. Participants who described more extensive engagement with CSE and family court tended to relate more accurate and detailed information about the system than those who, for instance, never attended family court proceedings. Experiential knowledge provides a foundation and context for information acquired from different sources—formal or informal, interpersonal or non-interpersonal. Crucial questions about these various sites and sources then concern how (and how much) information is provided to NCFs; how NCFs seek information; how they identify sources; barriers to information access; and the trustworthiness of both formal and informal sources.

3.2.1 Formal Institutions

Entanglement in the child support system entails contact with an assortment of bureaucratic entities. Due to New York’s hybrid judicial-administrative system, all obligors with cases in the state have some level of involvement with family court and CSE. Beyond that, formal orders and

especially arrearages can affect debtor interactions with myriad public and private institutions via income withholding/garnishment (e.g. employers, IRS, Social Security), liens on real or personal property, freezing of bank accounts (e.g. financial institutions), other enforcement actions or sanctions (e.g. credit bureaus, DMV, law enforcement, parole/probation), and by virtue of their relevance to NCFs' involvements with other programs (e.g. reentry service providers, legal services). The dispersal of arrears' impact over such a large and fragmented array of institutions can create confusion. Though occasionally contending with these peripheral bureaucracies fills critical gaps in the information provided to NCFs by the court and enforcement agency. Take, for instance, participants who reported having found out about their orders through wage withholding. Navigating these motley system contacts, obligors developed institutional understanding of child support experientially, by receiving unsolicited information, and by actively seeking information.

3.2.1.1 Experiential Learning

As people experience repeated or sustained contact with a given bureaucratic system, they tend to become increasingly aware how that system works. This intuitively sound proposition has been empirically demonstrated in prior work on welfare participants (Zedlewski & Holland, 2003), litigants in fair hearings (Lens, 2011), and parties to IV-D child support orders, including NCFs (Nam et al., 2009; Venohr et al., 2002). Experiential understanding of formal systems is especially relevant among the poor, the incarcerated, and other “objects of discipline” (Munger, 1998, p. 936, as cited by Lens, 2011) given the pervasiveness of “the machinery of government and administrative decision-making” (Lens, 2011, p. 423) in their social worlds (Calavita & Jenness, 2015; Jenness & Calavita, 2018; Sarat, 1990). For participants with significant arrears and nonpayment sanctions, CSE exerted a structuring and constraining effect on their lives. Child support's salience means

NCFs usually had at least some basic comprehension—and certainly well-formed opinions—of how the system functions.

Experiential learning was at the core of participants' system knowledge and information narratives. Simply put, NCFs became familiar with child support by going through the relevant legal and administrative processes and by dealing with their financial obligations and the consequences for nonpayment. Obligor engagement with the system, like seeking modifications, contributed to institutional awareness at all levels. For instance, NCFs apprehended procedural and relational norms and the roles of different players in child support hearings by attending multiple hearings over time. Conversely, avoiding (or unknowingly missing) contact precluded opportunities to accumulate first-hand insights.

Considering that all system interactions map onto experiential learning, it is difficult to disentangle this process from other like passively receiving and actively seeking information. That being said, fairly straightforward examples emerged when participants talked about lessons they gleaned from past mistakes. Jordan and Edgar shared one such lesson, though they felt differently about how best to respond in light of their respective circumstances. After accumulating roughly \$30,000 in back child support during and after his incarceration, Jordan recognized that orders do not automatically adjust to an obligor's income nor does CSE immediately identify and garnish income. In order to avoid additional arrears, he knew to promptly notify CSE of his new job. He ultimately decided against doing so, but having that knowledge afforded him a choice in the matter.

There's a way that as soon as you get a job you can call them and give them your employer information. Take it from there. But, in my eyes, I haven't been working for so long. I'm trying to at least enjoy these 90 days worth of check...and that's what I did. Even when I was doing both jobs, it took 'em 90 days to track the other job, but by the time they started tracking it I had already saved up a certain amount.

Edgar also carried an arrears balance, most of which accumulated while he was incarcerated though periods of non-payment after his release added to it. He learned the hard way that orders are not

automatically modified: “So I’m thinking that they automatically [reduce to \$25/month if you are not working], not knowing that, oh, for these last four months...it accumulates.” Shaken by this realization, he committed to staying on top of his support payments. Over the next few years he managed to pay down over two-thirds of his of his arrears. Unsurprisingly then Edgar made a different decision than Jordan about initiating payments right after starting a new job.

[Garnishment] never came up, and I’m like, ‘What’s going on? I’m waiting.’ And then I look, I’m like, ‘Hold on, let me pay this last month that I didn’t pay, waiting for them to take it out my check’...And I just start paying myself... Because having arrears, that affect credit, that affects everything... It don’t make no sense to keep going in the red. It really doesn’t. If you have it, pay it. Don’t wait for them to take it out. It’s your responsibility...

One notable drawback for NCFs who primarily relied on knowledge gained through experience in the system was that they, like Edgar, may have unwittingly passed on opportunities to manage their obligations before they got out of hand. Support orders cannot be retroactively modified, so once arrears have mounted debtors are essentially stuck. Experiential knowledge of the child support system is important, but not sufficient. If obligors are to avert deleterious outcomes, they must receive clear and useful information from institutional actors and other sources.

3.2.1.2 Information Provision

The experience of a child support hearing has heuristic value in itself, but just as importantly, these types of system interactions are sites where bureaucratic actors directly communicate information to parents. Information provision refers to the process whereby obligors receive unsolicited information about their individual cases or about the system more broadly from any formal source. Much of this happens in family court. Participants frequently described child support magistrates telling them the amount of their order, but little else. A few NCFs recounted magistrates asking questions related to paternity establishment and income, or engaging with them in a constructive or accommodating manner. Other NCFs, however, felt as though they had been treated with contempt; two characterized magistrates as taking a threatening tone when advising of

potential consequences for nonpayment. Occasionally NCFs had access to civil legal aid. Some found this helpful, though the limited contact they were afforded tended to constrain the potential for informative interactions.

Between the two core institutions of child support in New York, obligors had far more direct, interpersonal contact with family court. When CSE agencies did contact them, it was generally in the form of mailed balance statements. Most other examples of participants passively receiving information were atypical if not wholly unique incidents. Whereas most NCFs who found out about their orders through income garnishment reported having to seek out explanations of what happened, a co-worker notified Curtis in advance. At the time, the 52-year-old Black father of one ran a small program for substance abuse clients. Shortly after accepting the job, the bookkeeper with whom Curtis was friendly approached him about a letter from Albany directing the organization to start garnishing his pay. Obligor who had other kinds of jobs, where the dynamics were less personal and where they had not been directly recruited, did not get the same kind of courtesy notice.

All told, participant narratives highlighted inadequacies in the institutional provision of information. For one, family court hearings played a key role in the development of NCFs' understanding of child support, but the proceedings themselves were usually very brief. Hearings clearly made poor venues for educating NCFs about modifications, order calculations, and distinctions between TANF and non-TANF IV-D cases. Furthermore, multiple NCFs said they had never even received notice of scheduled hearings. Immediately upon his release from prison, Ben, a 38-year-old White father of one, called the office of Legal Aid since an attorney from the civil division represented him in his initial hearing. He recalled wanting "to find out what's going on." To his surprise, the person on the other end of the line replied, "Oh, someone will be there on your next date." Unbeknownst to him, Ben "was on the docket for like a month after I got out of prison." He

was fortunate to have contacted Legal Aid so promptly after his release because prior to the call he was never alerted to the hearing.

Though it remained unclear why Ben was in the dark about his court date, residential instability and jurisdictional issues appeared to account for other instances in which CSE and family court failed to inform participants of hearings. William was neither able to say how his order was established nor how much he owed. Though he was inclined to avoid contact with the child support system, he also speculated that CSE rarely contacted him (other than when he had wages garnished) because his long history of homelessness made him hard to find. Aside from the housing he had recently secured through a veterans' program, he claimed not to have had a permanent address since the mid-1980s. Jeurys' case, on the other hand, typified the jurisdictional barriers that emerged when NCFs had relocated or were incarcerated in another state. A 37-year-old Latino father of four young children (photos of whom he eagerly presented and scrolled through during the interview), Jeurys was incarcerated in a neighboring state when his wife's public assistance claim resulted in the initiation of a TANF IV-D order. He asserted that his wife had no idea about the order; neither did he, likely due to his incarceration and child support case occurring in different states.

I wasn't involved at all... I was incarcerated and she was getting help. And she just put a child support order—I never had notice, never had a court date, never went to- in front of a judge. It was kind of ridiculous.

Participants expressed vexation over circumstances like these. Not only were they unable to contest aspects of their case when they were imposed and otherwise denied the ability to engage in the process, but they were being penalized for failing to meet obligations about which they were never even told. To men in such positions, the game seemed rigged.

3.2.1.3 Seeking Information

Left frustrated and confused by their experiences in family court and interactions with CSE, many obligors proactively sought answers to their questions about how things work. In fact, when participants talked about obtaining information from formal sources, more often than not the processes they described were ones they had initiated themselves. They reacted to acute need or pains caused by child support arrears, especially circumstances that came as a surprise, by seeking information. For instance, when NCFs were hit with the unexpected garnishment of a paycheck or frozen account, they were motivated to figure out what happened, why it happened, and whether the situation may be ameliorated or avoided in the future.

Although Bruce could deal with the driver's license suspension stemming from his arrears (his take being, "fuck it...as long as my daughter's getting taken care of"), wage garnishment came as a rude awakening. Anticipating that garnishment would leave him unable to make ends meet, Bruce searched for information on public assistance to determine whether that would be a viable alternative to employment as he tried to get back on his feet after prison. Once able to make an informed decision, he concluded that, "being on parole you can't be on public assistance... So uh, because my check is garnished that's why I'm doing physical labor, manual labor, because it's more money" than cash assistance or less physically strenuous employment.

Freddy called the Department of the Treasury when he realized his tax return had been garnished. "I looked it up... I called and they told me," he explained. He was informed that, "Your taxes are being garnished because you have past-due child support." The representative then happened to note that the funds went to the state. His interest (along with a measure of indignation) piqued, Freddy continued to dig. He "went down there in person," to the CSE agency, and only then—through a combination of persistence, curiosity, and happenstance—did he eventually discover

the welfare reimbursement function of child support. He recapitulated the CSE staff reply to his inquiry about the distribution of garnished child support: "...It was general. You know, 'Mr. __, um, you owe past child support...because the mother of your child was receiving state assistance. And we want our money back.'" Freddy went on, describing his initial reaction to this information: "I said, 'Wow, I didn't know that. You know, this was like, over my head... At that time, you know, it wasn't no use in me fightin' it. I mean, what you gon' fight? What's your case?'" As Freddy's experience suggests, there were certain aspects of child support about which formal actors rarely provided direct, unsolicited information. TANF and Medicaid IV-D cases, and how these orders are initiated and owned by the state, were a prime example. A few participants gained this information by studying statutes and policies on their own, though more often they heard of welfare repayment through informal channels.

Even when NCFs endeavored to get a handle on policies, processes, and details of their own cases by contacting formal sources, some encountered further obstacles in the form of inaccurate or otherwise misleading information. Researchers have found issues with communication between child support and welfare agencies, and despite there being many points where the programs intersect, welfare workers are not thoroughly informed about child support nor do they provide much related information to program participants (Nam et al., 2009; Selekman, 2014). Even child support workers may not be adequately informed about CSE policy, particularly in the wake of significant changes. In an assessment of policy knowledge and technical skills among child support staff conducted prior to a multi-module training, Huang and colleagues (2010) found that participants answered just 55 percent of questions correctly. Another study found that child support workers did not adequately communicate changes in pass-through policies to custodial and non-custodial parents (Nam et al., 2006).

Such issues with formal actors providing information and with their own knowledge about child support were evident in participants' narratives. Carl, for instance, went to his case manager at a reentry organization after learning about the support order that had been imposed years earlier, while he was incarcerated. He wanted help getting a grasp on his arrears situation and figuring out what options were available to him moving forward. Although the case manager was not a CSE worker, Carl described the individual as someone who provided guidance on child support and other family service issues. However, Carl recounted this person telling him that child support orders are "supposed to be inactive while you're away because you can't, there's no way you can pay child support while you're incarcerated." It was possible that this participant misapprehended accurate information (self-report data did not permit verification of his account). However, in this instance and others, the information that NCFs took away from their help-seeking encounters with system actor was largely inaccurate. Such experiences of receiving insufficient information or misinformation can turn out to be quite harmful to NCFs, as they might be lulled into a false sense of security (e.g., believing arrears can be modified) or they might miss opportunities to deal with their orders before debts and sanctions mount.

3.2.2 Informal Sources

People's friends, family, associates, and social groups influence the ways in which they make sense of their interactions with state bureaucracies (Lens, 2007). Participants often relied on their social networks for instrumental, informational, and social-emotional support. To the extent that they acquired information and understanding from informal sources, much of their learning happened incidentally. All NCFs had at least some ideas about the child support system and how it operates before their own cases were established. These preexisting notions tended to come about vicariously, as they observed or heard about the experiences of friends, family members, people with whom they

were incarcerated, and others involved with CSE. Take for instance Edgar, who elaborated his view of the child support system as systematically biased against men and fathers (e.g., it is “a whole big game to take fathers out of their kids’ lives”). Responding to a follow-up inquiry about how he became familiar with the welfare reimbursement function of state-initiated IV-D cases, he connected not only that process knowledge but also his gender bias frame to informal social learning.

A friend, a couple of guys [told me about welfare payback]... Conversations come up. Guy talk... you ‘gon talk about child support. Like I said, it’s a lots of guys that’s going through that...that was married and broke up with they wife. And just because of whatever the situation, now they doing child support...that’s to keep the kid away from you.

Talk amongst NCFs appeared to serve the dual functions of information exchange and commiseration. Fathers ventilated their grievances to one another, likely feeding into tropes associated with “gender mistrust.” The commonness of sentiments like, “my support isn’t going for the child” or “she’s spending ‘my support’” on frivolous luxuries (e.g., “hair and nails”) instead of the child, not only among participants in the present study but in prior research as well (e.g., Cozzolino & Williams, 2017; Edin & Nelson, 2013; Furstenberg, 1992, p. 40), suggests that these are more than just individual ideas. They are collective narratives, akin to frames. Drawing on Sykes and Matza’s (1957) concept of neutralization, Furstenberg (1992) argued that such notions serve to justify noncompliance with one’s support order and even disengagement from the paternal role.

There were, however, plenty of instances in which social contacts had more salubrious effects on participants’ understandings and actions. Jordan, a 26-year-old Afro-Latino man who was paying child support for two children and was the custodial parent for a third, successfully sought a modification to an order at the encouragement of a friend. “She was the one that opened my eyes,” he explained. “She was like, ‘You can go to court—go ask for [a modification],’” because Jordan was still paying support for the third child after assuming his care and custody. Before his friend insisted that he look into it, he had no idea that modification was an option. He decided to follow her advice,

going directly to family court to pursue some kind of change to his case. Subsequently a child support magistrate opted to suspend that order. Jordan continued paying for the other two children, and with the change to his obligations he was in a better position to provide for the son who lived with him.

Within their social networks NCFs encountered lots of ideas, facts, and advice about child support without having to seek them out. Though sometimes participants did actively elicit information. Friends and family, especially those with either direct personal experience or some tangentially relevant professional knowledge, helped fill gaps and clarified issues where NCFs' interactions with formal systems left them with puzzled. This resembled some prior ethnographic research, like Soss's (2002) study of AFDC participants. He found that people often relied on loved ones and other social supports to help them navigate the benefits application process and to provide instrumental support to facilitate claims-making (e.g., filling out forms). Among participants in the present study, seeking help from social supports seemed partly to be a matter of access. Simply put, if one had a question about some child support matter it was easier to just ask a friend or family member what they knew than to contact family court or CSE. In need of guidance as he maneuvered through the legal process, Bruce turned to his sister. She was employed in an unrelated field, though one where she frequently dealt with contracts and civil legal matters, so she was able to make sense of all the materials that Bruce had difficulty parsing. Though he bristled at her "holier than thou" attitude, he recognized that her "Type A" tendencies worked to his benefit and he appreciated her help sorting out his case, particularly as it coincided with his already challenging reentry process.

Trust came up as another reason for participants seeking informational assistance from personal contacts. Obviously, one could be more candid in their communication (e.g., about unreported income) with a friend or family member than with a child support worker or family court magistrate. Important though interpersonal trust was, some NCFs explicitly distinguished it from

trust in someone's knowledge and advice. As Rashad put it, the "number one rule [is]...verify everything." His skepticism appeared justified as participants' accounts indicated that they received some questionable information from informal sources. Russell, for instance, was unclear on how to go about paying after his child support order was established. Instead of paying CSE directly and having the agency track and distribute the money, his family instructed him to just pay the mother and write up his own receipts to document how much he had paid and when. Dubious information also came from non-interpersonal informal sources. As we wrapped up his interview, Edgar asked whether there was any truth to a story he saw on Facebook about Donald Trump "ending child support." He speculated that other fathers had probably stopped paying because they thought the story was real.

3.2.3 Information Access in Prison

Incarcerated parents with child support orders face myriad obstacles to understanding their legal obligations, let alone mitigating the accumulation of debt. Prior qualitative research has shown that many NCFs were unaware of pending cases while they were in prison, and the remote hearing process through which they were notified in New York was so swift and uninformative as to seem "duplicitous" (Haney, 2018). While there are massive shortcomings in how, and how much, information is communicated to incarcerated obligors, participants did identify two sources available to them while in prison: the law library and their fellow prisoners.

3.2.3.1 Law Libraries

Legal consciousness scholarship proposes that everyday life is suffused with ideas and experiences of the law (Ewick & Silbey, 1998). Legality serves as a backdrop to quotidian interactions, "salient but largely subterranean," though Calavita and Jenness (2013) contended that, "in prison it is emblazoned across the landscape" (p. 73). The omnipresence of law and rules in the

carceral space lends itself to greater rights consciousness among the imprisoned. Arguably, participants' accounts comported with this notion in the sense that many used prison law libraries in order to explore and exercise their legal rights. Yet insofar as their child support orders were concerned, library use only occasionally resulted in any material change in their circumstances. Given a number of contextual factors—the impediments to pursuing let alone securing modifications while incarcerated (Brito, 2019a; Haney, 2018), court rulings constricting prisoners' rights to legal materials, assistance, and libraries (*Bounds v. Smith*, 1977; *Lewis v. Casey*, 1996, as cited in Kaiser, 2016), and the inadequacies of prison law libraries in assuring access to the courts (Abel, 2012; Smith, 1987)—it was unsurprising that only a few NCFs were able to leverage information and resources to tangible effect.

Close to half of the participants used a law library during their incarceration, and on the whole they found it a helpful resource. Cory attributed his detailed knowledge of child support policies and procedures and his successful efforts to get his order reduced to his library research. Over the course of a seven-year sentence he was moved to multiple correctional facilities around the state. He described libraries in those various prisons as consistently accessible. “You’re entitled to the law library I think six days out of the week...for an hour,” he stated. Even in solitary confinement, he accessed legal materials: “...if you in the box it’s even better ‘cuz they gotta bring you everything.” Cory, however, appeared to be something of an outlier—in the depth and specificity of his institutional knowledge and in the ease with which he utilized the resources available to him while incarcerated. Others were more equivocal when recounting their experiences. Like Cory, Marty managed to get his support order held in abeyance. Without the library or the prisoners who worked there he would not have been able to draft his motion to modify and, roughly fifteen years later, he would have been released from prison with an insurmountable debt burden. Instead, he came out owing less than \$1,000. On the other hand, he pointed out troublesome issues regarding the quality

of legal resources. For instance, Marty faced difficulties accessing case law at one facility that he found particularly lacking.

And [Prison] library is not working, period...It's working, but you on your own there because they don't have sufficient books and staffs. They have computers, but ... one day I tried to bring up a case that I had when I was at another jail. And I had it with me so I put it in the computer to open the case, and the case, the computer was telling me the case wasn't there. But I had the case there in front of me.

Law libraries proved to be crucial resources for some participants, and a significant proportion used them at some point during their incarceration. Yet access to libraries did not necessarily mean that NCFs were able to take advantage of them in a productive manner. Collections were sometimes outdated or otherwise inadequate, as Marty noted, and libraries could be closed at seemingly random times. None of the participants divulged literacy deficits, but in the likely event that some had issues with reading and comprehension,³⁶ what materials were available may have been rendered largely useless. The trend toward digitization and computer-based resources in prison law libraries also means that prisoners without computing skills would be at a disadvantage (Abel, 2012).

3.2.3.2 Prisoners and Jailhouse Lawyers

Formal and informal channels of information converge in the prison law library—the library itself encompassing the former channel, jailhouse lawyers and other prisoners representing the latter. Of all the informal sources from which participants learned about child support, incarcerated peers came up most frequently. Some were characterized as jailhouse lawyers, most of whom held coveted, highly valuable positions as staff in the law libraries. Others were men and fathers with child support

³⁶ Evidence points to the likelihood of some literacy deficits among the sample. The 2003 National Assessment of Adult Literacy Prison Survey (Greenberg et al., 2007) examined three dimensions of literacy, categorizing participant scores as “below basic,” “basic,” “intermediate,” or “proficient.” Analyses of responses found 16% of participants scored below basic in prose literacy (3% proficient), 15% scored below basic in document literacy (2% proficient), and 39% scored below basic in quantitative literacy (2% proficient).

cases of their own who had offered up complaints, wisdom, and advice to the NCFs. Various definitions have been applied to “jailhouse lawyers,” but generally the term is attributed to prisoners who assist other incarcerated people with legal work and who have some measure of relevant experience and expertise, usually gained through unofficial apprenticeships under other jailhouse lawyers rather than through formal education (Abu-Jamal, 2009). Their work involves preparing and submitting others’ legal documents or facilitating self-help, for which they often charge some sort of fee (Feierman, 2006). This definition coheres with the ways in which participants used the label.

As in Marty’s case, prisoners who staffed the libraries helped guide participants in navigating statutes and case law. When asked how he learned about child support order modifications, Terence replied, “Upstate. I was upstate... The guy in the library was telling me... ‘This is bullshit. They get everybody with this shit.’” The man then explained how to go about filing a motion to modify. Carl also received help from a fellow prisoner though he stated that this was person had actually been an attorney prior to his incarceration. With the help of this former-lawyer and current jailhouse lawyer, Carl did extensive pro se work on his criminal case that ultimately contributed to his reduced sentence and early release. Given this gainful experience, he felt frustrated about not having had a similar opportunity to challenge his child support case.

Several NCFs described more mixed—and a few unambiguously negative—experiences seeking and receiving information from other prisoners. “You got these jailhouse lawyers,” Guillermo said. “They think they know everything. Some of them know, they do know, but some of them don’t know.” Facing the prospect of a hearing before the parole board, he went to a self-professed jailhouse lawyer in order to find out what to expect but left the interaction dissatisfied. He was told that he almost certainly would not be granted release at his first parole review and yet that was precisely what wound up happening. Occasionally other prisoners did furnish some useful insights (e.g., “I had asked about child support and they told me that I could go to jail for that”), but Guillermo preferred

to do his own research regarding his child support and criminal cases in the library rather than relying on anyone else's word. One particularly trenchant critique of not only jailhouse lawyers, but also correctional staff, came from Rashad.

I mean everything in jail is a racket... And what you have is this. You have people that actually are genuinely interested in trying to fight their case or trying to deal with a circumstance. And they'll be there consistently and that'll basically become their life while they're in jail...

And then you have, um, you have a lot of times the officers will try to block you from going there. You know, because once you learn the law, once you learn things, you become a threat. You become powerful. So they try—like if you going to the library they might throw your slip away, or they'll say, shut it down for a couple days, or they'll say that you didn't come when it was call time to go. They'll try to block you in a lot of different ways.

And then you have inmates that are basically the law library clerks...who will basically help you out while you're there. They try to show you around. If you're not paying them...they think they're lawyers. If you're not giving 'em money to actually help you with your circumstance they don't want you there. Because they want to fill up that slot with someone where they can make money... It's a racket. So they block each other. There's all kinds of underhanded stuff that goes on.

Rashad illuminated some of the ways in which both correctional staff and other prisoners, for reasons of self-interest, can obstruct an incarcerated person's access to crucial legal resources.

Marty's account affirmed this view of correctional officers and added nuance to the narrative about jailhouse lawyers. Of the officers, he declared, "They don't want anybody to go home... Because they figure if you go home they wouldn't have a job. That's the mentality." He explained that he was party to a class action lawsuit resulting from misconduct among security deputies. One particular officer "had a reputation for messing with people's law work." Marty alleged that the officer had an extensive history of removing exhibits from mail that prisoners sent to the courts in order to sabotage their appeals and other legal matters. He also claimed that they retaliated against prisoners who provided legal assistance to others. Though jailhouse lawyering is a relatively understudied topic, evidence does indicate that solitary confinement has been a common disciplinary strategy used against those who aid their fellow prisoners (Davis, 2009; Thompson & Susler, 1996, cited in Shaylor,

1998). Observing these consequences first-hand served as a deterrent against Marty helping other people with their cases. As he put it, “I know several people that got put in the box for that—helping somebody else get home. So that’s one of the reasons I didn’t help anybody, ‘cuz I ain’t going to no box.” Considering the risks involved, it seemed unsurprising that the provision of legal help among incarcerated people appeared to often be contingent on compensation. For NCFs with limited resources, the expectation of payment by jailhouse lawyers along with potential obstruction by correctional officers add to the already numerous barriers to developing one’s comprehension and understanding of child support.

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In order to comprehend how the child support system functions, and to navigate it such that one can avoid sanctions and debt accumulation, NCFs must be proactive, savvy consumers of information. Obligor with social and human capital—education, financial literacy, document literacy, employment, and “network-based legal expertise,” for instance (York Cornwell et al., 2017)—are likely to identify and leverage opportunities such as arrears abatement programs. Similarly, they tend to be more familiar with the “rules of the game,” exhibiting more knowledge and entitlement when engaged in institutional contexts (Lareau, 2015). Conversely, the “sink or swim” nature of a system in which lay people have to navigate legal and bureaucratic processes largely on their own compounds the disadvantages of those most lacking in social and material resources.

Greater knowledge by no means accounted for all or even most of the differences in NCFs’ economic outcomes. In virtually every interview, participants outlined factors that were beyond their control. Nevertheless, individuals like Cory and Marty did describe marked improvements in their circumstances as direct results of their savvy, proactive engagement with family court. They and others who were comparatively knowledgeable usually recounted substantial employment histories. Additionally, they were less likely than other fathers to report state-owed support orders and public

assistance receipt by the custodial parents in their cases. These participants' job histories combined with their obligees' non-receipt of assistance hinted that the relatively high-information NCFs were also those with greater financial means. Their responses also signaled higher levels of financial literacy compared to other participants. Conversely, those NCFs whose narratives tended more toward confusion and misinformation appeared to lack financial literacy. Some, like Drew and Darren, even refuted the notion that child support debt may have damaged their credit. While it was unsurprising that individuals who lacked understanding of the child support system also lacked financial literacy, this suggested a potential cause for concern regarding criminal justice-involved obligors. Prior research has indicated that incarcerated individuals have lower levels of literacy generally, and financial literacy specifically, compared to the general population (Greenberg et al., 2007; Mielitz et al., 2018). It is perhaps reasonable to speculate that these factors "pile on" and exacerbate one another (Uggen & Stewart, 2015). Research in other contexts has suggested that a dearth of financial and legal knowledge contribute to a sense of paralysis and the normalization of misinformation (Guzmán, 2015). For those with limited resources and who cannot effectively manage entanglements with child support and financial institutions, debt may become ever more intractable. Moreover, this renders people vulnerable to exploitation through predatory lending practices and the informal labor market (Faber, 2019).

Crucially, inadequacies in the availability and provision of information to child support obligors undermine both the objectives and functions of the system. Study participants could not respond to obligations or sanctions that they did not know were in place. Kaiser (2016) referred to "transparency as necessary for the purposes of punishment" (p. 171), including deterrence. If obligors are unaware of sanctions, let alone their support judgments, then the deterrence function of those sanctions is rendered moot. Even more importantly, the legitimacy of the child support system, and its subjects' compliance behaviors, are undermined when its processes are perceived as opaque and

unjust (Pennington & Farrell, 2019; Tyler, 1990; Tyler & Jackson, 2014). Among the many participants who only learned of their child support cases once debt had accrued and sanctions—both financial and remedial—were imposed, there emerged a keen sense of procedural injustice. Beliefs that the bureaucratic institutions charged with imposing as enforcing child support were fundamentally unfair in turn served to justify some of the avoidant behavioral strategies discussed in the following chapter.

Chapter 4: To Pay or Stay Away:

Institutional Engagement and Avoidance

Years had gone by since Carl left the penitentiary, so he was pretty well settled into his old neighborhood and day-to-day life. The initial shock of how different things were—from the minor and mundane, like MetroCards replacing subway tokens, to sweeping changes, like gentrification having transmogrified whole swaths of the city—subsided a long time ago. He recently passed the ten-year anniversary of his release, which meant that he had been back home for as long as he was in prison. Yet the child support debt that was accumulating, unbeknownst to Carl, while he served his time hung “like a dark cloud over my head.” Though it seemed as if he returned ages ago, in certain respects he never fully reintegrated into the outside world.

Carl found out about the support order, and all the money he owed, through wage garnishment at his first post-release job, and in fairly short order he gave up on paying. He simply could not see himself making ends meet on the earnings he took home after more than half of his paycheck was diverted to Child Support Enforcement (CSE). Nor did he consider it all that fair given where the money was going. The policy details and mechanics of collection and disbursement were something of a mystery to him, but what he *did* know was that his debt was owed to the state—not to his now 30-something daughter, nor to the mother who raised her.³⁷ Indeed with cases like Carl’s, in which the custodial parent is a former TANF recipient, the state maintains its right to arrearages and will collect them in order to reimburse itself for public assistance distributed to the

³⁷ Using Carl’s statements indicating when certain key events occurred (incarceration, release, etc.), it is reasonable to estimate that his child support order was established at some point from the late 1990s to early 2000s. After the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), New York retained a \$50 pass-through and \$50 disregard for child support payments on TANF orders (Wheaton & Sorensen, 2005). However, in TANF cases with arrears, CSE collects support payments to reimburse the state for costs of welfare expenditures and only after those arrears are paid do former TANF recipients receive collected funds (NCSL, 2014). Consequently, any funds CSE might collect from Carl after his release would be directed to New York State.

family. Only after one's debt to the state is settled is any money disbursed to the custodial family (NCSL, 2014). So, any funds that CSE might have intercepted from Carl's pay would in fact go to the state. "It's like I owe the [government] so much, so much money. Like, almost \$30,000. Like I owe *them* all this money. Like, I go to work, they just take everything." Financially unable to withstand garnishment, and objecting to it on principle, Carl concluded that his only viable option was to quit his job and make money in the informal economy—or, colloquially, "off the books." Nine years later, he remained in limbo, excluded from the formal labor market and barred from securing a driver's license or passport for the foreseeable future.

Dealing with child support arrears on top of the myriad other challenges associated with reentry can seem an intractable situation for formerly incarcerated fathers. So how, then, do they manage—or perhaps avoid—support obligations? What strategies do they use, and how do they decide what to do? Lacking any clear, easily workable paths forward, noncustodial fathers (NCFs) have to make do with what circumscribed options are available and determine the best course of action. In so doing, they engage a process called "satisficing." This term, a portmanteau of satisfy and suffice, derives from Simon's (1972, 1991) bounded rationality theory of decision-making behavior. Rather than by strict rational choice, people must decide how to handle a given set of circumstances based on limited information, time, and other situational constraints. Carl's decision to work off the books was a function of satisficing. Entering the informal labor market allowed him to take care of immediate, urgent needs; however, it also meant forgoing the benefits of traditional employment and putting more long-term priorities on the backburner. Participant fathers like Carl felt compelled to defy payment obligations and other legal conditions. Sometimes, as Haney found (2018), child support debtors violated orders "unwittingly: with so many rules dictating their lives, they were bound to break a rule at some point" (p. 29). Interviews were replete with stories about NCFs

finding themselves entangled in thorny situations and having to adopt the “least-bad” feasible strategies for getting out or moving forward. Such was often the context for dodging CSE.

At times, fathers violated rules or went “off the grid,” to the extent that they were able, and at other points, they dealt with debt head-on, securing jobs and gradually chipping away at their balances. They adapted to circumstances, deploying a range of strategies simultaneously or shifting their approaches over time. Given this complexity, individual obligors could not be neatly categorized based on their behavioral approaches to handling debt. Their discrete behaviors, however, were easier to pin down because they tended toward either engagement-compliance or avoidance-noncompliance. The three types of strategies outlined in this chapter build on this basic dichotomy. First, *Constrained Cooperation* refers to the obligor’s engagement with formal systems in ways that contribute to child support compliance (e.g., acquiescing to wage garnishment, seeking order modification). Debtors’ engagement is *constrained* by any number of contextual factors, such as their limited financial resources and wariness toward state intervention. Fathers who did not cooperate with child support described avoidant responses, some of which resembled “system avoidance”—the tendency among criminal justice-involved people to withdraw from public and private record-keeping institutions (Brayne, 2014; Goffman, 2009, 2014; Remster & Kramer, 2018). Though important distinctions emerged in the ways that participants defied support judgments. Rather than separate categories, the second and third strategy types represent different forms and levels of avoidance. *Debt Disengagement* refers to passive noncompliance, such as failing to pay or appear for family court hearings. When NCFs took purposeful, exertive steps to evade formal child support, for instance, concealing assets and income, they engaged in *Active Debt Avoidance*. Where disengagement was akin to giving up and manifested as inaction, active avoidance pertained to agentic resistance.

4.1 Constrained Cooperation

Back child support weighed heavily on most participants. In many cases their arrearages dwarfed their incomes, especially considering the amounts that employed obligors took home after garnishment. They frequently felt overwhelmed. Having gamed out their limited options, some concluded that their only way out of the quagmire was through it and thus set about moving forward by legitimate means. But abiding a support judgment was more complicated than just keeping up with regular payments. Echoing some of the behavioral strategies that Fong (2019) observed among poor, Child Protective Service-involved mothers in their interactions with child welfare authorities, the participant fathers who did cooperate with bureaucratic procedures tended to do so reluctantly and with circumspection. Father-obligors also mirrored the mothers in Fong's study in that both self-interest *and* their children's wellbeing drove their engagement approaches. Cooperating with child support served their personal interests because doing so meant steering clear of civil contempt proceedings. Paying down arrearages could improve one's long-term material wellbeing (e.g. repairing damaged credit, regaining the ability to open bank accounts and accumulate assets). NCFs were also keen to see to their children's best interests, fulfilling the ostensible purpose of child support (apart from welfare reimbursement, which they seldom acknowledged unprompted). Dealing with debt was, for some, a way of doing right by their kids, making up for past mistakes, and demonstrating to themselves and others that they had made positive changes in their lives. By paying child support, they were to some extent reestablishing their identities as fathers, performatively enacting transformational change, and signaling desistance from crime (Dyer, 2005; Maruna, 2012; Maruna et al., 2004). Of course, having the will to meet one's obligations would not ensure that he would successfully do so. Material and social constraints frequently limited fathers' contributions. Even highly motivated NCFs could not make payments if they were destitute.

4.1.1 Paying and Engaging

Managing child support debt entailed more than just making payments. It necessitated contact with an array of formal, “surveilling” systems and institutional actors. Obligor engaged CSE agencies and family court, but as they worked toward meeting or modifying their obligations, their involvements branched out to ancillary systems including formal employment, public benefits programs and social services, job training programs, civil legal aid, and myriad others. Some system interactions generated income that CSE could then garnish (e.g., reported wages, tax filings, selected public benefits³⁸). Others functioned as upstream facilitators, like certification and job readiness programs, which represented participants’ broader efforts to attain financial security, employment, and the ability to pay support. In some cases, fathers leveraged processes and resources available through bureaucratic systems to change their support judgments and bring them in line with their financial means.

In its most straightforward iteration, NCFs’ proactive system engagement meant getting a job and routinely paying support, usually through wage withholding and garnishment.³⁹ Several participants were taken aback when their earnings were first garnished. Three reportedly knew nothing of their support judgments until they asked about money missing from their paychecks; others found out when CSE intercepted tax refunds. Given their involuntary nature, payments via garnishment did not always represent *proactive* compliance. Adjusting to garnishment rates and

³⁸ Child Support Enforcement has the authority to garnish Social Security retirement benefits, Social Security Disability Insurance (SSDI), worker’s compensation, unemployment benefits, and VA disability benefits paid in lieu of waived military retired or retainer pay. CSE cannot garnish most other benefits paid by the VA (NCSL, 2014; OCSE, 2013b). Supplemental Security Income (SSI) is exempt from withholding and garnishment (OCSE, 2017).

³⁹ The processes of wage withholding and garnishment are very similar—notably, none of the NCFs indicated any difference, instead using “garnishment” as a blanket term for both. The distinction is that withholding pertains to funds due for current, ongoing orders (i.e., if the NCF owes \$350 per month, then his employer will withhold \$350 in a given month and forward it to the state, which then distributes it to the custodial parent) and garnishment concerns arrears. The 50 to 65% limit on garnishment does not apply to withholding (OCSE, 2017).

continuing to work jobs where portions of their earnings were diverted to CSE did, however, demonstrate intentional engagement and willingness to start tackling their arrearages. This almost always required a great deal of external support. Just thirteen fathers (ten with current orders)—less than half of participants with current arrearages—said they were actively paying child support. All but two of the payers relied on family, friends, or public benefits to help cover their housing and other living expenses. Of the two self-supporting payers, Jad and Russell, neither had wages garnished. Each of them made direct payments, which they were able to negotiate because their non-TANF orders were owed entirely to the custodial mothers—not to the state. Perhaps unsurprisingly, they were the two most financially stable participants in the study sample. Jad reported the highest earnings by a wide margin, claiming an annual gross income of roughly \$60,000. Typical obligors, by contrast, struggled mightily to pay child support on a regular basis. Nate, a 35-year-old Black father with an interstate support order, worked as in-home care provider. He planned to save for a deposit on a studio apartment, but since he almost never secured enough hours at his job he could not even afford the rental fee at an extended-stay budget hotel. He wound up having to take on a roommate just to hold onto his single room.

Three fathers recently paid off their arrearages, though one of them, 50-year-old Wes, continued paying an active order. He held multiple jobs and worked tirelessly to pay off his debt as soon as he was able. Due to his diligent effort, his arrears balance never exceeded \$1,000. The other two NCFs could chalk up their debt-free status to unusual circumstances. Arthur and Calvin, both Black men in their 50s with closed support orders for adult children, settled their arrears in single lump sums. After a workplace accident left Arthur severely injured and dependent on disability benefits, he filed a lawsuit against his employer for damages. The \$10,000 he owed in back child support was then garnished from his settlement. As for Calvin, a sizeable inheritance wiped out his support balance of nearly \$35,000 following the death of his mother.

The fact that the only two participants who had recently settled all of their child support obligations were those who came into large, unexpected sums of money seemed to illustrate how insurmountable arrears could be for otherwise similarly situated NCFs.⁴⁰ Arthur and Calvin each went years without making any payments before sudden windfalls cleared their debts. In more typical circumstances, NCFs made payments gradually and intermittently. Though stretches of nonpayment, often resulting from incarceration or unstable employment, could wipe out any gains they made. Twenty-six-year-old Jordan prioritized his support obligations and paid whenever he had the necessary funds. About a year before his interview he completed a three-year sentence, the last half of which was spent in a work release program. Returning home, “I filed for taxes... to me that’s good because it’s helping me with arrears. If they take the whole, the whole thing, that’s the less, it’s gonna appear in arrears.” Jordan was eager to become financially stable, to pay off his debt, and to provide for his three young children. He anticipated the interception of his income tax refund, recognizing that it would have the effect of reducing his debt burden. Recently, however, he struggled to keep up with child support because he could not find work: “...right now, I’m about to be 8 months without a job. And it’s not that I’m not looking. It’s just...these people looking at my record, you know, and jobs, they need somebody with a clean record.”

For NCFs whose financial circumstances undergo significant, involuntary changes that prevent them from meeting their obligations, modification presents another way of dealing with debt. While it can seem an appealing option, successfully obtaining a modification is easier said than done. Evidence suggests that modifications are relatively uncommon despite unstable earnings among a large proportion of obligor fathers (Ha, Cancian, & Meyer, 2010). As discussed in the previous

⁴⁰ It bears noting that the study’s selection criteria also served to explain this discrepancy. Even so, the fact remains that incarceration is a predictor of arrears accumulation and fathers who have been incarcerated have higher arrearages than NCFs with no histories of incarceration (McLeod & Gottlieb, 2018).

chapter, obligors seeking to have their orders suspended or held in abeyance often do so sans legal support. Lacking intricate knowledge of civil legal procedure and the various guidelines relevant to their cases, and often facing unfavorable judicial discretion, indebted NCFs are unlikely to achieve their best possible outcome on their own. Some manage to pursue modifications anyway. Given a lack of available data it is unclear what proportion of requests for modification are granted. One recent qualitative study (Clary et al., 2017) found that half of the 37 sampled fathers with child support orders had, at some point, sought modifications; of that group, half were successful. Through ethnographic observations in family court, Haney (2018) found that incarcerated fathers seldom petitioned for modifications, and when they did they were treated with mocking disdain. In the present study, nearly one-third of participants either sought or was actively soliciting modifications to their support orders. Six out of 32 claimed to have had their orders reduced or suspended. Of those, three were granted modifications while incarcerated (these were non-TANF orders). Two other participants recalled unsuccessful attempts to have their orders modified, while another had initiated the process and was awaiting a decision.

Obligors recounted varying degrees of proactive system engagement, but by and large they took at least some action in service of managing their child support orders. For some, lengthy periods of time elapsed before they sought information from CSE, got jobs and intentionally paid via wage withholding, filed motions to modify, or made other efforts. Inaction could often be explained by participants not having been adequately informed of their child support obligations and/or being in prison (see previous chapter). Guillermo wanted to pursue modification but while incarcerated he assumed that he had to wait until he was released “because I have to see a judge for that.” He wished that he had known sooner that he had the right to do so, because he might have been able to curb his debt accumulation.

Well if I was explained more earlier I would have got [a modification]... If I was explained to it earlier I would've [tried] getting it done while I was in there, because I've heard that you could get that...while you was in there.

Having missed that opportunity, Guillermo still intended to go to court and request a reduction.

Except in cases where NCFs felt immobilized by the gap between their debt burdens and their material resources, they would usually rather make some effort to comply than go “off the grid.”

Participants shared reasons for these preferences, including practical self-interest as well as a desire to do right by their children, maintain desistance, and demonstrate their pro-social personal change.

4.1.2 System Engagement as Risk Management

Deciding whether and how to engage the child support system broadly came down to the obligor's assessment of costs and benefits. If the potential consequences for nonpayment outweighed the costs of compliance, then NCFs would try to figure out some way to at least partially abide their obligations. Finding employment in the formal labor market, conceding to income garnishment, and filing taxes meant reducing certain risks. Participants generally countenanced the basic idea of child support, so when they did engage with the system most acknowledged some intrinsic good in doing so beyond evading sanctions. “You make better choices when your back's against the wall,” as Sam put it. From this perspective, the threat of punishment could actually push people to cooperate with CSE (which was a positive thing as far as the NCF's children were concerned). At times this appeared to be true, but by no means did it apply to everyone.

One way formerly incarcerated obligors can be coerced to comply with child support is through post-release supervision. Obligor may be required to maintain formal employment and cooperate with CSE as conditions of parole, meaning that nonpayment can lead to violation and reincarceration (Watts, Reitz, & McBride, 2017). This was the case for Bruce. Out of prison for just under two years, he had sixteen months left on parole. When he was first looking for work he felt

some trepidation about taking a physically strenuous job since he was in his 50s and starting to feel the wear-and-tear of aging. Yet after applying to umpteen office jobs he came up short. Parole, meanwhile, forbade informal employment. “They’re real assholes about that, where some people could make more money off the books and, you know, they’ll do that as a violation... They have to see a paystub because they need paperwork,” Bruce said. Ultimately, he saw no viable option but to set aside his concerns about physical strain and accept a manual labor job in order to comply with parole and CSE. Soon after he started, a clerical error resulted in his pay being garnished at more than double the correct rate. Dealing with the child support agency and his employer’s human resources department as he sought to fix the problem, exasperated by the entire process since he did not even want the job in the first place, Bruce considered quitting. Maybe he could just get cash assistance, his thinking went. He quickly discovered that applying for public assistance was even more dizzying a bureaucratic process than the scenario he was trying to escape (“it’s easier just working”). And again, parole functioned as a deterrent.

I wanted to stop working and go on public assistance, but like, being on parole you can’t be on public assistance. You can be on public assistance when you first come out, but they just like hound you more. So now I get less home visits and stuff like that. So uh, because my check is garnished that’s why I’m doing physical labor, manual labor, because it’s more money.

Bruce also realized that relying on public assistance rather than wage earnings “would’ve been like cutting off my nose to spite my face,” because the arrears would keep accumulating. Other participants expressed similar concerns. Despite significant material hardship, especially during the immediate reentry phase, some fathers prioritized child support payments in order to at least put a lid on their outstanding balances. Guillermo, for instance, found a job in a hotel shortly after leaving the penitentiary. On the advice of a friend, he wasted no time going to the CSE agency with his first paystub “because I didn’t want no arrears. So I did that as soon as possible so we could get the process going...” Already \$60,000 behind on payments, he felt a sense of urgency about bringing the

balance down. Edgar also notified CSE when he switched jobs because he wanted to maintain consistent payments. Throughout the interview he continually emphasized his commitment to paying off his debt.

I might not even like the job, but I just work it, you know what I'm saying, while I'm putting in applications... I put in applications all the time, even while I'm working. I tend to take jobs just so I could make my money not particularly 'cause I like 'em. It's to not fall back behind on child support. 'Cause I know how crazy it get.

Cory went so far as to sell Suboxone to his fellow inmates in order to bring down his arrears while serving his time. He was well aware that nonpayment could lead to parole violations having witnessed it firsthand. "I seen it happen...it was four Caucasians... They were home and for the arrears they got put on weekend warrior status. Weekend warrior constitutes police contact," and refers to civil incarceration limited to non-workdays (during the week they are expected to work, generating income that is then garnished). "Parole sent them back...up north." Cory was adamant about not ending up in the same position. Accumulating child support debt while incarcerated was common; making payments was decidedly not. Just three participants claimed to have paid support while in prison; Cory was the only one who did so of his own initiative. It was notable that the only way he managed payments was through illegal activity and thereby running the risk of more prison time—precisely what he meant to avoid by paying down his back support.

For Cory this illicit income was a means to an end. He had different intentions for post-release life. Working off the books held little appeal to him: "there's no future in it." In the months following his release he had been working toward a certification; that in turn helped him secure the public sector job that he was about to start. Marty shared in common with Cory a preference for formal over informal work. He felt confident in his ability to make money off the books, but he still planned to pursue traditional employment in order to support himself and to pay off his arrears. Though he had just been released and was subject to supervision, Marty faced no work or child

support requirements from parole. Evidently this was due to his age (a few years shy of senior citizenship) and the fact that a child support magistrate halted his order many years earlier. So while unreported income may not have jeopardized his release, as it would have for Bruce, Marty was keen to steer clear of unnecessary risks. Having just spent almost two decades in prison, he prioritized legitimate employment for “income tax purposes,” to avoid problems and to generally comply with the law. He elaborated further: “I don’t have to worry about IRS or anybody harassing me about situations like that...so I don’t have to worry about breaking the law or the law coming behind me. That’s it.” In the short time that he had been back in the community, Marty initiated a request for a copy of his birth certificate from another state. After securing his birth certificate and getting other materials in order, he intended to find a job and settle his remaining balance.

4.1.3 Restorative Support

Every participant, without exception, held at least some grievance about the child support system. When they chose to cooperate with CSE or participate in family court, it was often because the threat of sanctions deterred them from noncompliance. Yet, they were not solely motivated by self-preservation. They wanted to support their kids and felt it was the right thing to do. Edgar said as much in explaining why he sought formal employment instead of turning to the underground economy like many other NCF debtors. He felt that working off the books would be unfair to his children.

It makes sense in a way because you could work off the book...if you don’t have no job, the minimum that they—you gotta pay something. When you have no income you pay \$25 a month, which is nothing. But now, you still...you working at a job that’s...you makin’ say, anywhere from \$5, 6-700 off the books, but now you only giving your kid \$25 a month? So you cheatin’ the kid too. So to me that doesn’t make, really, sense.

It was clear that Edgar considered child support a special kind of dispensation because he did not apply the same moral logic about hiding money from collectors to other types of legal financial obligations. Settling his felony surcharge in no way benefitted his kids, nor did it serve any purpose that he felt was worth the material sacrifice of paying. Rather, it was a way for the state to recoup some of the costs of the courts and correctional systems. Edgar had no qualms with evading that particular debt. While he was in prison, any time his family would add funds to his inmate account, the Department of Corrections “would take most of it and leave me like \$30 if it was \$100 that I would get in my account... If it was a week I didn’t want to pay ‘em I just had...put it in one of my friends’ name.” Concealing money to sidestep encumbrances for fines and fees was one thing; trying to get out of paying support was another entirely.

Some fathers framed child support compliance as part of broader efforts to strengthen their relationships with their children after incarceration. By and large they expressed deep commitment and love for their kids, but most of these relationships involved some level of strain or estrangement. A lot of this had to do with participants’ histories of incarceration. Maintaining family connections while serving time can be extremely difficult given geographic distance, poor treatment of family by correctional staff, and logistical and cost barriers to family visitation and even phone contact (Arditti, 2003; Arditti, Smock, & Parkman, 2005; Charles, Muentner, & Kjellstrand, 2019). After release, father-child relationships are likely to suffer from diminished financial support, co-residence, and in-person contact (McKay et al., 2018). Among participants whose experiences fit these trends, dealing with debt could be imbued with restorative meaning. It was a gesture that communicated a desire to fulfill their parental duties and make up for past failures. Wes, for instance, worked multiple jobs in order to pay off prior arrears, stay on top of his current payments, and provide for his co-residing family. Paying support was part of acknowledging where he had messed up in the past and becoming the father that his kids deserved.

[With] steady employment, them being able to garnish my child support, I know that I don't have to worry about them come and saying, 'You're in arrears'... And it's good because I'm able to take care of my kids. You know, it's steady employment. I got a better relationship with my, with my kids, you know. And that was kind of like a strain because I wasn't in their life for a couple of years. And being able to come back and show them that everybody makes mistakes in life. That you learn from the mistakes and seein' this is a person you didn't know, to a person you do know and seeing me get my life together, spending time with them and being able to do the things as a father with them shows them, you know, you can do the same thing. Everybody falls down, but they can get back up. And I have a good relationship with my kids...

By contributing materially and engaging the bureaucratic process, Wes and other NCFs reaffirmed their roles as fathers. This played into a larger project—through perseverance and enactment of hard-won life lessons, obligors reconstructed their identities as fathers and desisters (Charles et al., 2019). Paying child support could be part of what Maruna (2004) referred to as secondary desistance—not the cessation of criminal activity (i.e., primary desistance), but the “assumption of the role or identity of a ‘changed person’” (p. 274; see also Giordano, Cernkovich, & Rudolph, 2002; Maruna 2001). Having experienced homelessness, addiction, and incarceration, and then reaching a point in his life at which he was financially stable and providing for his family, Wes conceived his story as one of redemption and resilience. Within that narrative, repaying a literal and figurative child support debt and desisting from crime seemed two sides of the same coin.

Participants were also motivated to cooperate with child support because doing so served practical goals related to desistance. While Marty was incarcerated, his arrears led to the suspension of his driver's license. Once he got out this became an obstacle to finding work. “I wanted to get a job as a driver—CDL or whatever. And um, I can't get it because this child support thing... So in order for me to get the job that I want, I'm gon' have to get uh, rid of this bill—\$600 bill.” He intended to pay of his debt as soon as he was able so that he could move forward with his post-incarceration life.

4.2 Debt Disengagement

Being motivated to comply with child support only went so far. Even if the obligor's long-term interests and the needs of his children could be served by his engagement with CSE and other pertinent formal systems, his actual cooperation usually hinged on whether he had access to external resources. Those who got by on the income they received after garnishment only managed to do so by relying heavily on social supports or public benefits for housing and other basic needs. Bruce, for instance, decided to stay at his job and continue paying child support since he had the threat of a parole violation hanging over his head, and because relying on public assistance did not present a viable alternative. But he added a revealing caveat: "It's easy for me to say that because, the money that I pay my mother [toward bills], it's not like I have to...that's just the amount that I pay. It's not like I have [my own] apartment and I have to pay. So it's easier for me." The fact that his mother provided him with a place to stay made it possible for Bruce to make do on his reduced income.

NCFs who could not withstand garnishment and who lacked the kind of support that kept Bruce afloat made different calculations. Oftentimes they turned away from the child support system. Some responded with inaction, neither engaging the formal child support process nor going out of their way to defy it. *Debt disengagement* refers to instances of passive avoidance in which NCFs were required or had the opportunity to take some form of action, but did not. The clearest and most common example of this is nonpayment, but disengagement also manifested in participants' failing to appear for family court hearings, ignoring balance statements and other forms of CSE contact, and their disinterest in arrears abatement and modification.

Depending on the individual obligor and his circumstances, debt disengagement might be attributed to any number of factors. For several participants, passive evasion of formal child support

processes seemed a corollary to their antipathy toward custodial parent obligees and their disinclination to cooperating with them. Sometimes NCFs were overwhelmed by other situations in their lives and thus lacked the bandwidth to deal with child support. For some, child support debt was an emotionally thorny subject that they would rather avoid or about which they felt helpless to do anything. Some expressed an aversion to family court, for reasons both simple and complex. Crucially, debt disengagement is distinct from the inaction of the uninformed. Labeling this behavior disengagement or passive avoidance implies a degree of conscious decision-making on the part of the obligor. Though they need not be thoroughly knowledgeable—indeed some such behavior involves avoiding information—they must be generally aware of their financial and procedural obligations.

4.2.1 Anxiety and Inertia

Arrearages were a source of stress and anxiety for virtually all participants. This makes intuitive sense and, further, comports with prior research linking debt to mental health problems (Fitch et al., 2011; Hojman, Miranda, & Ruiz-Tagle, 2016; Richardson, Elliott, & Roberts, 2013; Um, 2019), strained family relationships (Dew, 2008, 2011), and even suicidal ideation (Turunen & Hiilamo, 2014). Under the surface of participants' passively avoidant behaviors, a sense of futility converged with their emotional and material stress. If there was little they could do to change their circumstances, then why bother pursuing modification? Why bother working on the books if one's balance was so high that garnishments were unlikely to even make a dent? Keith said of the roughly \$67,000 he owed, "it just killed my spirit, my energy to do a whole lot of things that I wanted to do, like eventually start to drive and then seek for some employment." With this seemingly insurmountable balance, plus the resultant driver's license suspension, he felt hamstrung in any attempt to move forward with his life. Accordingly, this ruled out any proactive steps he might take to pay down his debt.

William shared Keith's sense of being trapped. Although his living situation was more stable than it had been at any other point in the past few decades, he was in no position to pay back child support. Veterans' benefits—which, notably, were exempt from garnishment—covered both his housing and his income. He contemplated what his day-to-day life might look like if arrearages were not part of the picture. In particular, he imagined supplementing his benefits with wage earnings.

I could take any job I want, you know, a menial job, you know, flipping burgers if I had to...and do the best I could with that little bit of money and so I could do better... I guess, you know, try to get ahead. It stops you, 'cause you know once you dive into that it's gonna be not enough to even eat off. I just, I don't want to face that.

For William, the stress associated with child support arrears had much to do with material hardship, but it was also entangled with feelings of regret over “not being a man and owning up, standing up to responsibilities.” Reflecting on how his own mother and father had raised him in a disciplined yet loving home, William felt it was “shameful...for me to not be there for my son...that bothers me a lot.” His son was then 25 years old. Over the last 18 years William had only spoken with him on the phone a few times. He would avoid even participating in conversations about child support with other NCFs, like his fellow residents in the veterans' housing program or people in addiction support groups, because doing so drew painful emotions to the surface. He even alluded to a link between these feelings and his addiction problems.

When people start having those conversations I don't interject or get into it too much 'cause it's, you know. I start feeling down, depressed, and all that stuff comes back... So yeah, I do a lot of running from feelings. Or even numbing 'em. So you can run or you numb—lose, lose.

Some participants preferred to not look at their balance statements. Child support notices provoked anxiety, plus these fathers felt that there was little they could do about them anyway. Keith set aside whatever mail he received from CSE. In fact, the \$67,000 back child support figure he cited was about two years old. Presumably it had gone up since then, but he could not bear to check any more recent statements.

Now when they come in the mail I just throw ‘em on the side. Like I...need to have somebody real close, like a real close confidante that I could ask to open up the letter for me, and tell me the amount that they asking for now.

Jason also gave an outdated estimate. His arrears were well over \$20,000 but by how much he had no idea. The thing he was certain of was the fact that, regardless of exact amount, it far exceeded his ability to pay, especially since he could not find employment after his release from prison. Notices would arrive in the mail, but “I don’t even read the shit anymore. I just throw it out. It’s depressing to even read it. It’s—I can’t pay it.”

Jason made a relatively comfortable living as an electrician before he went to prison. With two child support orders based on his pre-incarceration income level, his arrears spiked during his three-year sentence. Though vaguely aware that “you still have to pay it,” he did not attempt to research his options in the prison law library or seek out jailhouse lawyers. By the time he did pursue modification to his order he had already been released. While in prison, he “didn’t really care at that point... I figured, she’s gonna get the money somehow, sooner or later.” Child support was the “least of my worries. I lost all my shit... I just didn’t care.” Jason turned out to be one of several participants who were too preoccupied with other crises and stressors to deal with child support for some stretch of time. Bruce described ripping up letters from CSE because he was already overwhelmed by his criminal case in the period leading up to his sentencing. To make matters worse, he incorrectly assumed that his support order would be held in abeyance automatically after he went to prison. Nate—who had recently been incarcerated when his order was set—also recalled being too distracted to fully understand what was happening. He described the hearing at which his order was established:

I didn’t really inquire too much because I was kind of dealing with being in jail. So I was not really paying attention too much to what the lady was talking to me about. So she might have [explained how or why the order was initiated]. But I wasn’t like fully paying attention.

Occasionally NCFs failed to reckon with their child support obligations because they were dealing with substance abuse issues. Calvin, the participant whose arrears were resolved by the inheritance from his mother, never paid support on a consistent basis. He was aware of the process for seeking a modification but never followed through on it because at the time he was too preoccupied with his addiction. William, who also had a long history of substance abuse and criminal justice contact, conveyed a similar experience. While in the throes of addiction, he explained, “You don’t care about anything.” Unlike Calvin’s debt, William’s remained firmly in place for the foreseeable future.

4.2.2 Staying Clear of Court

Since support orders are established by judicial process in New York State (NCSL, 2017), most face-to-face interactions that participants had with the child support system’s bureaucratic actors took place in court. A lack of information led some NCFs to miss their hearings; consequently, almost one-third of participants learned of their support judgments after they were already in place. Others indicated that distance was an obstacle to appearing in court. Six obligors lived at least one time zone away from the jurisdictions that oversaw their cases, and three others had cases in neighboring states. Yet a number of participants, for reasons often tethered to cynicism about the legal process and its potential outcomes, purposely skipped hearings, opted to forgo modification requests, and otherwise chose not to go to court. Like William, some decided to “avoid that stuff,” rather than showing up for hearings where they expected to be stigmatized and sidelined.

William’s experience was somewhat unusual, as he reported never having gone to family court for any proceedings related to his child support case. All but two other participants with in-state cases had physically appeared in court at least once, and one of those two exceptions, Marty, initiated contact by mail and succeeded in getting a magistrate to suspend his judgment. Most disengaged NCFs characterized their attitudes toward family court as relatively open-minded and

willing to negotiate at the outset, but through time and experience their perspectives soured. Jason estimated that he had appeared in family court “twenty, thirty times at least” for his two orders. He was earnest about his intention to provide for his children, but found it impossible keep up with the active orders, let alone pay down the arrears that accumulated while he was incarcerated. His felony conviction made it extremely difficult to find work in the depressed job market of his small hometown in upstate New York, so much so that over the last few years he had been homeless more often than not. Around the time of his release, he went to family court to request that his orders be modified until he could find a job and “make money to get back on my feet.” He explained, “I go back to court and say, ‘Listen, I can’t pay this child support. You have to lower this.’” The magistrate denied his request, and “told me to pick up bottles and cans off the ground, and return bottles and cans to pay my child support.” He shook his head recounting the interaction. His eyes widened as if reenacting his surprise at the magistrate’s response. Not only did he find her suggestion absurd since the active orders alone totaled nearly \$1,000 per month, but it felt profoundly dismissive. So, he more or less gave up. “It gets to the point where I’m getting nowhere with it, so I just don’t even go back to court.”

In his pleas for relief, Jason consciously omitted the fact of his incarceration. He already had a strike against him for not financially contributing to the care of his children—for essentially being a “deadbeat dad.” Rather than contextualizing his material hardship, it seemed likely that piling criminal status on top of his failure to pay would only compound the stigma already attached to him. Changes to New York State law in 2010 permitted courts to grant support modification on the grounds that incarceration causes significant, involuntary changes to an obligor’s financial circumstances. Nevertheless, Jason anticipated that the magistrate in his case would take a dim view of his past criminality, so he opted not to disclose his incarceration. This decision-making process, centered on impression management (Goffman, 1959), cohered with insights from other studies of the

institutional engagement strategies used by people belonging to disadvantaged groups, like the urban homeless (Stuart, 2016) and low-income, CPS-involved mothers (Fong, 2019).

The idea of divulging information about past carceral involvement also concerned Dario. Recently back home after serving a year and six months, the 31-year-old Afro-Latino father had been through the criminal legal system and incarcerated multiple times. He was not eager to appear before another court “and give up more information” about himself. His son’s mother, he claimed, felt similarly about the matter.

I don’t want to...I just feel like there’s enough people that know about my life. You know what I’m saying? And I feel like, um you know, they could use that against me... I don’t want to tell them that I’ve been incarcerated. Because I feel like they can say, ok, the time come that I’m actually doing well...and I got a good job, then I feel like they could say, ‘Oh, you can’t have custody,’ or some shit like that. So I’d rather not.

Dario bristled at the invasiveness of family court proceedings. Despite a complete lack of reported earnings post-release, he had no intention to request that his order be reduced. He worried about possible legal ramifications of his criminal status leaving him vulnerable to the court eliminating his parental rights. And like Jason, he claimed that the court had already denied a modification request, one that he submitted after he lost a job but before his first incarceration. That experience left him with little hope that trying to engage to the process again would be worth the effort. Dario was not alone in seeing contact with the legal system as potentially risky. Obligor might unknowingly be subject to warrants for nonpayment. Most had direct experience or knew other fathers who had been arrested for non-support. Six faced civil contempt charges and had been locked up. Joe, a 55-year-old Black father who owed arrears in a neighboring state, described a cautious interaction in court.

So they gave me a double-warrant. I still don’t—I haven’t heard from them again...tryin’ scare tactics with me, I don’t know... They seemed like they did something wrong, because um, when I was there. Ok, the time before this that I was in there, I told ‘em I didn’t have a problem with—and they locked me up, right? So this time...I was gonna see the judge and I was like, yeah ok. Then I thought about it, and I’m like, they gonna do the same thing they did before...just lock me up. So I left... I left and I went and did the modification [paperwork] and I brought it back. And the lady was like, ‘You’re not here to see the other judge?’ And I

was like, ‘No, no. ‘Cause y’all...lock me up.’ And I left, you know. I handed in my paperwork and left.

Joe’s fear of arrest was unsurprising considering his history, which included multiple periods of incarceration following criminal convictions as well as civil contempt for nonpayment. He and other participants were entangled for years, if not most of their lives, in multiple state systems that controlled, punished, and surveilled them. It stood to reason that they would feel alienated and inclined to withdraw from government and legal institutions, especially those wielding the authority to imprison them. Indeed, scholars have found that criminalized and marginalized people tend to avoid police contact (Fox-Williams, 2019), electoral participation (Cohen, 2010; Lerman & Weaver, 2014; Sugie, 2015), and a range of formal systems both public and private (Brayne, 2014; Goffman, 2009, 2014; Haskins & Jacobsen, 2017; Remster & Kramer, 2018). Fearing repercussions of engaging the courts, and feeling deprived of agency throughout the process, some obligors simply opted out.

4.2.3 “My money goes in my drawer”

In addition to family court, many obligors steered clear of mainstream financial services. Less than one-third of participants used checking accounts, and just two had credit cards. Some participants explicitly avoided banking and other contacts with financial institutions because of their child support debt. The reasoning behind this was straightforward—they expected that their accounts would be frozen and their funds garnished. It had been many years since Jason last had a bank account because, he explained, “they’re just gonna take—they’re gonna freeze my bank account and take all the money out. So I’d be [stupid] to put money into the bank.” Carl did the same. On the matter of banking he said, “I don’t have none of that...they would freeze that, take all of that.” Furthermore, he made it clear that he would have a bank account and probably a credit card if not for his arrearages. He could mostly get by with cash, though he noted some inconveniences. As an example, he cited having to pay a service charge on baseball tickets purchased at the ballpark—

without a credit or debit card he did not have the option to pay for them in advance. Crucially, social support insulated Carl from some of the bigger and more consequential challenges associated with unbanked status. Since his release from prison, he had mostly resided with his mother (aside from a couple of brief stints living with girlfriends), so he did not have to rent an apartment or put utility bills in his own name. Such living arrangements, wherein NCFs resided in the homes of friends or family members and made cash or in-kind contributions (e.g., food) to the household, were common. When they co-resided with partners, it was the other party's name that appeared on the lease. Others stayed at shelters, transitional housing facilities, residential treatment, and in two instances, low-cost, extended stay hotels. Aside from one of the hotels, unbanked NCFs could maintain these arrangements. Only four participants rented unsubsidized apartments, in their own names. Three of the four had bank accounts—each of them were actively paying child support, and they included the two NCFs with credit cards. Altogether it appeared that child support debt constrained participants' access to banking and credit, which in turn limited their ability to find housing and to establish financial independence.

Though a central factor, back child support alone did not explain why a significant majority of participants were unbanked. Some felt disinclined to have their available funds fully documented. For instance, Bruce preferred to avoid a paper trail while he remained under parole supervision. On whether he had a bank account, he stated, “No, I—my my money goes in my drawer... A bank account is a record. That's one of the things I learned from jailhouse lawyers.” Some NCFs conveyed reservations about financial institutions that pre-dated their support cases. Their trepidation was consistent with prior surveys finding low public confidence in banks (Mietlitz et al., 2019) and identifying distrust among the reasons that some do not use traditional banking (FDIC, 2015, cited by Eisenberg-Guyot et al., 2018). Notably, obligors tended to differentiate among types of financial services, expressing aversion to credit and loans, but lukewarm attitudes about checking and savings

accounts. This was the case with Marty. Asked if he knew whether his credit had been affected by his child support order and the arrearages he accumulated while incarcerated, he replied, “Nah, I don’t—I’m not with the credit thing.” He continued on the subject of credit and borrowing:

I don’t believe in credit cards. That’s the way I been my whole life. My wife used to do it but I never believed in credit cards ‘cause I can’t see me paying—unless one of my kids would get hurt and have to have a serious operation, medical, whatever like that. But otherwise, I just don’t see me paying interest on something that I could’ve bought with cash.

Marty did not yet have a bank account, but he was not opposed to the idea. “Debit cards, I don’t mind dealing with that. Or bank accounts, I don’t mind dealing with that.” Yet having just returned home from prison within the last couple of weeks, he needed to deal with other, more urgent matters first. He would get all of his identification issues straightened out then he could give consideration to opening a bank account.

Given most participants’ strained financial situations, the fact that they were unbanked did not necessarily reflect volitional choices. High levels of debt-to-income ratios combined with low income put them at high risk for financial exclusion, which refers to the inability to “access transaction, credit, investment and insurance products and services from formal financial institutions” (Birkenmaier & Fu, 2018, p. 1170; see also Krumer-Nevo et al., 2017) This particular form of institutional marginalization is “organized around race and place” (Faber, 2019, p. 818) and is common in some of communities where participants lived. A report released by the New York City Comptroller’s Office (ONYCC, 2015) revealed that over half of residents in some neighborhoods in the Bronx were unbanked. The national rate is 7.7 percent. So, while NCFs’ responses illustrated their decision-making processes, the actual choices they had before them were highly constrained.

4.3 Active Avoidance

Some forms of institutional avoidance went beyond strategic or anxiety-based inaction. With their financial situations such that they struggled to maintain housing and other basic needs, many

participants simply could not keep up with their orders. Virtually all NCFs who took steps to avoid CSE attributed their actions to material hardship, though perceptions of fairness also emerged as a motivating factor. Concealing one’s income allowed some obligors to evade orders they considered unreasonable and to subvert a system they felt was stacked against them. For formerly incarcerated debtors, whose lives were monitored and controlled by an assortment of state institutions, getting over on CSE offered a way of exercising one’s personal agency.

Whereas some research has indicated that people with histories of criminal-legal contact are less likely to interact with a broad range of formal institutions (Brayne, 2014; Goffman, 2009, 2014), obligor narratives in this study demonstrated *selective* avoidance. Participants abandoned formal employment, but none of them felt that arrears had any bearing on whether they would seek medical care. Nor did they see child support as reason to pass on public benefits or other programs and services. One exception was Bruce, who acknowledged that child support was a factor in his decision to postpone Credentialed Alcoholism and Substance Abuse Counselor (CASAC) training; however, he planned to go ahead with it once he completed parole supervision. NCFs were often cognizant of the trade-offs involved when they did opt to circumvent formal employment and mainstream financial services. Thus, on the whole, NCFs were discerning about which institutions to engage and which to avoid.

4.3.1 Exiting the Formal Labor Market

Just under half of participants were employed in the formal labor market. Of the 15 with “on-the-books” jobs, four were recently hired and had not yet started; three worked part-time. Most with reported earnings had difficulty getting by due to low wages and high garnishment rates—up to 65 percent of an obligor’s disposable earnings can be garnished if arrearages are at least 12 weeks overdue (NCSL, 2014). Unemployment and underemployment certainly contribute to child support

debt, but evidence suggests that the converse may also be true. Arrears, particularly when very high relative to obligor earnings, appear to discourage formal employment (Cancian, Heinrich, & Chung, 2013; Holzer, Offner, & Sorensen, 2005; Link & Roman, 2017; Miller & Mincy, 2009). In line with this prior research, close to one-third of participants explicitly stated that they had quit at least one job as a result of their child support obligations.

Curtis only found out about his child support judgment after CSE initiated wage garnishment. At the time, he held a job that he found very fulfilling despite its low compensation. Having to leave because he could not afford the cut in take-home pay was a demoralizing blow. “I didn’t know what to do. I was like, damn, can’t work no more.” At the time of the interview, Curtis had been without work for over a year, and he relied on disability benefits and housing assistance through the VA. Carl similarly knew nothing of his support order prior to garnishment. Reentering the community after a decade in prison, he managed to find work, but then noticed an issue with his paycheck.

I was, when I first came home, I had got a job I was working. And then I was...getting paid, and you know, about three months after being home, next thing you know, check was gone. I get paid and, you know, I make like \$6- \$700, and next you know it, I just got um, \$90, \$80...they taking everything. Like, leaving me with \$80, it don’t even make no sense. It’s like they leaving me carfare just to get back to work, so they can take all the money again...

After they did it the first time I tried to go down and, you know, I tried to find out what was going on...and they was telling me that they was gonna be taking it. So I think I had went to work again next couple weeks, and they did it again. And once I seen that’s what they was gonna be doing, I just quit.

Since leaving that job, Carl stopped looking for traditional work. Instead, “I ended up getting a job off the books doing some construction.” Calvin, by contrast, cycled through formal jobs, quitting whenever he noticed the telltale reduction in his paycheck. Sometimes he could stay for a long stretch before CSE would locate him. He recounted one position where “they didn’t find me for a good two years... But that third year, ‘Oh’ [throws up his arms]... They don’t give you a letter or

nothing. They just...when you see your check you know...” Garnishment finally kicked in again, and then “I gotta go. Once they garnish you *once*, I gotta go.” Calvin insisted that had the amount taken out of his pay been more manageable—10 to 25 percent rather than 60 to 65 percent—he would have remained at his original job and tried to adjust. Looking back, he lamented having “walked away from employment...I could’ve had a career.”

The fact that Calvin kept seeking traditional employment made him something of an outlier. More often, NCFs took the same path as Carl and turned to informal income. The obvious appeal of working off the books, as Guillermo pointed out, was that “child support can’t touch that.” Jason, for instance, found himself in desperate straits after prison. He looked for any work he could get, but his garnishment rate made low-wage formal employment unworkable. “I remember one time I worked for a Wendy’s, I got an \$8 paycheck. *Eight dollars...*” So even though “it’s horrible to say...because, I mean, I know I owe the back child support...I gotta give ‘em things they need,” he preferred that his earnings be unreported.

Occasionally participants acknowledged taxes as an ancillary factor in determining whether to seek formal or informal work. CSE agencies routinely garnish tax refunds when arrears are owed, and in fact half the obligors reported that this had occurred in their cases. For example, Jeurys was a barber, working independently and renting out spaces in barbershops. He used to self-report his earnings when he filed income taxes. While he was incarcerated, his wife sought public assistance in order to provide for their four young children, and the state initiated a child support order. He resumed working and filing taxes after returning home, then was taken by surprise when CSE intercepted a significant refund. Since then he decided to stop filing. “All my money’s off the books, basically. I’m just not gonna get a tax return. Before I used to claim the kids...I’m not even gonna get a tax return anymore... So I’m not even gonna file no more.”

NCFs who relied on unreported earnings generally recognized that doing so involved serious drawbacks. To begin with, active orders continued accumulating debt with each missed payment. Even participants who no longer owed weekly or monthly support, like those with adult children, were subject to annual interest charges (9 percent in New York and as high as 12 percent in some states) (NCSL, 2019). If they intended to someday find regular employment, open bank accounts, acquire assets, or otherwise engage in the formal economy, they would eventually need to reckon with their arrears. As Jordan said of the informal work he would pick up when he could, “It doesn’t help me advance.” Carl went further. By working off the books out of economic necessity, he was resigned to a lack of benefits: “You need to work on the books, though. You need to, you know, Social Security.” His informal construction work also meant being expendable and exploitable.

I mean...you off the books, you don’t have no, you really have no security or nothing like that...And I be doing construction off the books, gettin’ hurt. I get hurt all the time...There’s nothing there to protect me, or anything like that, you know. You don’t have no sick days, you don’t have none of that... Sometimes you might work 12 hours a day...13-14 hours a day. There’s no time-and-a-half. It’s still straight pay...no benefits.

Asked what he might have done if not for arrears and garnishment, Carl sat for a moment. It seemed as though it had been a long time since he last entertained the idea. Ideally, he would get a job with the MTA, perhaps drive a city bus. But that was beside the point with the arrears “always there. It’s not gonna get paid unless I hit the lotto.”

4.3.2 Money Management on the Fringe

Just as wages could be garnished, bank accounts could be frozen. Roughly two-thirds of participants were unbanked, relying instead on cash and alternative financial services (AFS). AFS, generally synonymous with practices in the “fringe banking industry,” refer to a range of typically high-cost, low-quality financial products that preclude opportunities for wealth accumulation (Eisenberg-Guyot et al., 2018; Faber, 2019). A few participants mentioned AFS like payday lenders

and check-cashing outlets, but came up infrequently. Prepaid debit cards were common—at least seven NCFs used them (though others may have as well, as the interview protocol did not specifically address AFS utilization) for receiving direct deposits and making various payments and purchases. There are a number of drawbacks to prepaid cards, including high fees, complicated fee schedules, limited consumer protections, and the fact that they cannot be used to build credit. However, they appealed to NCFs because they require neither bank accounts nor credit history, and they are difficult to garnish since they function much like gift cards. Raymond, wary of paper trails generally and banking specifically, used prepaid cards to receive his paychecks.

The job, they want to do direct deposit and all that. So it's just like, no because, one, I'm gonna have a record, and then they, you know...garnish my bank account...So what I do is [Bank] has a check card. So you don't open an account, you just have the card. But they can do direct deposit to the card.

Guillermo did the same. Though actively compliant with his child support order—he held a legitimate, full-time job with routine wage withholding—he felt the need to shield his take-home pay due to his estimated \$60,000 balance. He explained that the prepaid card offered a way around CSE's efforts to track down assets and accounts. Guillermo also claimed that a child support encumbrance was placed on his inmate account while he was incarcerated.⁴¹ To evade garnishment and retain commissary funds, for purchasing items like food and hygiene products, he adopted another avoidance strategy: putting resources in someone else's name.

The state gives you monthly \$15. Child support takes that. 'Cause you know like for people who don't have families to send them money, the state gives \$15. Plus you got wages—that you work in the mess halls and stuff like that. Child support was taking everything... I had commissary, and the way I was doing, was getting it to somebody else's account... I couldn't get nothing on my account because child support would take it.

⁴¹ Child support is not typically collected from inmate accounts in New York State; however, NYS DOCC Directive No. 2788 ("Collection & Repayment of Inmate Advances & Obligations") does specify procedures for processing, among other encumbrances, child support.

Jeury's described a similar arrangement post-release. Rather than opening a bank account, which would expose his income to collection by CSE, "if I have—save money, I put it in my mom's account. I send it to her or my girlfriend." He essentially designated his mother and girlfriend as executors of his resources.

Participants' unwillingness or, as seemed to be more often the case, their inability to comply with CSE led some to adopt potentially risky money management strategies. Putting money or assets in someone else's name required a great deal of interpersonal trust, since NCFs had no recourse if the other person was to spend or keep the resources they were tasked with holding. Meanwhile, fringe financial services are notorious for their often-predatory fees and targeting of the socioeconomically vulnerable. Trends in fringe borrowing track with those of income and wealth inequality, with elevated use among people of color, female-headed households, and people with disabilities (Eisenberg-Guyot et al., 2018). Given the growing body of research examining the practices of AFS like payday lenders and check cashing outlets, their effects on users, and demonstrating their concentrations in areas with large low-income and African-American populations (e.g., Faber, 2019; Fowler et al., 2014), it is clear that the fringe banking industry tends to exploit and further immiserate poor communities. Putting money in another person's bank account risked a discrete sum; resorting to AFS increased participants' vulnerability to long-term damage to their financial wellbeing.

4.3.3 Resistance and Neutralization

Although participants thought that the basic idea of child support was reasonable and just, they felt otherwise about the child support system. Assessing its fairness, they shared a collection of interrelated grievances: order amounts and garnishment rates were excessive; magistrates offered no explanations for their decisions, which thus seemed arbitrary; system actors gave little consideration

to the crises and life circumstances that impeded compliance; and in general, the system was structurally arrayed against them. The way that obligors characterized their positions in relation formal child support often conveyed a sense that they had been involuntarily pitted against a bureaucratic apparatus and were completely outmatched. Trying to represent themselves felt like going into a fight with an arm tied behind their back. Carl referred to the dynamic in family court as “me versus the state.” There was no discussion, no opportunity to ask questions or make arguments. He concluded that going to court “was a waste” of time and effort. Jeurys raised an ancillary point in that “the welfare has its own lawyers” in child support hearings for TANF cases, but the obligor did not. Participants’ disadvantaged socioeconomic positions, carceral histories, and general dearth of resources only served to exacerbate the sense that they had little to no agency over the process.

The perceptions of fairness, and of the dynamics power and authority in the child support system evoked aspects of the legal consciousness construct, “against the law.” Ewick and Silbey (1998) conceptualized legal consciousness as a framework for examining the presence of law in everyday life and the ways in which people understand, experience, and engage with it. As a dimension of legal consciousness, “against the law” refers to an oppositional orientation. Within this construction, resistance entails three features: “a consciousness of being less powerful in a relationship to power...of being up against something or someone”; a consciousness of the potential for action or intervention; and attribution of unfair conditions produced by power (Ewick & Silbey, 1998, p. 183). The way that resistance works is as an expression of autonomy. A given tactic or action is not necessarily a manifestation of resistance, but its underlying intent and normative framing that makes it so. In their entanglements with the child support system, participants often felt frustrated and disempowered. They engaged in passive and active avoidance as strategies of poverty survival. Since many of them framed their situation as a struggle with institutional authority, avoidant behaviors took on meanings akin to Ewick and Silbey’s concept of resistance. Occasionally they acted as a salve

to mollify NCFs' sense of powerlessness. Although he had not acted on it, Keith toyed with the idea of escaping his debts by leaving the United States. He gave an impression of defiance. "I'll say this on record. If it gets to the point where I can't pay, then I just won't worry anymore. I'll go to another country... Fuck that, I'm not gonna be a slave for America." Joe, on the other hand, enacted his strategy.

I have to hide from 'em, 'cause I don't know what they gonna do or what they gonna take from me. So I have to, what I do is I have to change my Social Security number around, you know? I have to outsmart them because they'll just, they'll do the same thing. They take out the child support, they gon' take out the medical, and then I'm, you know. I've learned that I have to try to outsmart 'em until I can get this resolved.

Joe's avoidance strategy—falsifying identification information—served dual ends. It allowed him to get around CSE's collection efforts, thus guarding his ability make ends meet. Secondly, he gained some satisfaction, and exercised a measure of personal control over the situation, through the small victory of "outsmart[ing]" CSE.

When Keith, Joe, and other participants elaborated their strategies and ideas about avoiding child support, they frequently cited issues of fairness. Their perceptions of the formal system or its component parts as unreasonable or biased served to rationalize their non-payment. This theme—the unfairness of the child support system justifying obligors' non-cooperation—bore resemblance to aspects of neutralization theory (Sykes & Matza, 1957), particularly more recent formulations integrating neutralization with procedural justice (McLean & Wolf, 2015; Nivette, et al., 2015). As people become alienated from institutions, they become less bound to the legal mores and normative strictures of those institutions. And as the perceived legitimacy of institutional systems and actors breaks down, individuals tend to feel less inclined to play by their rules. The problems attributed to the institution—unfairness, bias, etc.—then justify non-compliance. While most NCFs felt obliged to provide for their kids to the extent that they were able, they did not accept the legal-institutional framework that formal child support imposed on them. Wes, for example, took issue with the welfare

reimbursement function of state-initiated child support cases like his. Though he complied with the order, he did so because it was in his best interest, not because he thought it fair. In his view, the government always wants their cut. "Uncle Sam is greedy. He's always gonna find a way to get something from you." Russell also paid some child support, but he significantly underreported his earnings. He felt morally vindicated doing so since he provided informal support, but also because he considered family court and CSE "big business." That, he explained, was why they did not make it easier to seek modifications or negotiate informal arrangements. "It's like having somebody in jail, why would they tell you how to get out?"

Chapter 5: Reintegration in the Red:

How Child Support Arrears Complicate Reentry

Jason sat with his shoulders hunched forward as he leaned over his coffee mug, a look of seemingly perpetual exhaustion on his face. Asked what it was like when he first left prison, he paused for a moment then replied, “You’re institutionalized.” Getting released was certainly a relief, but with it came a peculiar sort of vertigo. “You get out and you’re just like, ‘Alright.’ And you don’t know what to do with yourself.”

Before a felony drug conviction landed him in prison, Jason was actively involved in his kids’ lives and kept up with regular child support payments. His skillset as an electrician and mechanic meant he could almost always find work, and hence was able to steer clear of financial trouble for the most part. All of this came apart following his arrest. Although it had been several years since he completed his custodial sentence and returned home, the prospect of attaining the level of stability he knew prior to his legal troubles seemed a pipedream. He endured persistent unemployment, homelessness, and substance abuse problems. Just recently he started to get a handle on his alcohol dependence, but over the course of the last decade such bright spots had become vanishingly rare.

Jason made numerous attempts to establish a foothold in terms of housing and work, and some sort of positive trajectory. Looking in the rearview, these efforts seemed to have been in vain since they always petered out amid complications usually linked, whether directly or indirectly, to his child support arrears. Plus, an active order tacked nearly \$1,000 onto his balance each month, thus digging the hole ever deeper. On-the-books employment hardly appeared to be a viable option. The only jobs he could get paid poverty-level wages and garnishment consumed most of them. Deducing that all legitimate, potential pathways to making ends meet were effectively foreclosed to him, Jason felt trapped and despondent. Child support did not solely account for his predicament,

but its impact went beyond simply adding to other reintegration barriers. It compounded and entrenched them. In this regard, Jason's experience was anything but unique.

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Given the prevalence of material hardship among people transitioning from prison to the community, there is an unambiguous logic to the notion that the financial strain of child support debt poses a serious challenge to reintegration. Sure enough, the accounts shared by participants bore this out. Going beyond this somewhat obvious connection, the interviews revealed a range of complex interactions. In what specific ways, then, do child support arrears impact the processes of reentry and reintegration?

To answer this question, it is important to first consider the obstacles that typify the reentry experience. Over 600,000 people are released from state and federal prisons each year (Carson, 2020), the majority of whom face multiple barriers: disproportionately low levels of education and work experience (Holzer, Raphael, & Stoll, 2003); chronic physical and mental health conditions; substance abuse issues (Mallik-Kane & Visser, 2008); limited prosocial relationships (Bahr et al., 2005); diminished bonds with romantic partners and children (Comfort et al., 2018; Geller, 2013; Leverentz, 2011; Turney, 2015); housing insecurity (Geller & Curtis, 2011; Herbert, Morenoff, & Harding, 2015); formal and informal employment exclusion (Denver & Ewald, 2018; Pager, 2003, 2007; Warner, Kaiser, & Houle, 2020; Western, Kling, & Weiman, 2001); disadvantaged and criminogenic neighborhood conditions (Harding, Morenoff, & Wyse, 2019; Kirk, 2019; Kubrin & Stewart, 2006); inadequate support services (Petersilia, 2004; Seiter & Kadela, 2003); and burdensome attachments to legal and social welfare bureaucracies (Halushka, 2019). And, of course, the effects of systemic racism compound these disadvantages for returning people of color, particularly Black men and women (Miller, 2014; Pager, 2007).

Child support debt adds another wrinkle, at once manifesting as a collateral consequence of incarceration, since arrears often accrue while the obligor is imprisoned, and as a barrier to reintegration (Turetsky & Waller, 2020). A striking feature of participants' narratives was the pervasive impact of child support. To some extent this might be expected simply because the interviews explicitly focused on child support. Even so, the fathers' responses made it clear that such focus was not misplaced. Participants articulated an array of challenging circumstances, in their lives generally and in the particular context of reintegration, which their support cases had either created or intensified. Ensnarement in the child support system formed a distinct issue for obligors in some respects, namely as a civil legal matter, while at the same time it suffused many other aspects of their lives, from interpersonal connections to decisions about money and jobs, to their internal worlds of identity, self-worth, and aspiration.

This chapter explores the ways in which child support—meaning the often-punitive functions of the enforcement bureaucracy as well as the financial obligations themselves—steer, influence, and interfere with formerly incarcerated obligors' incorporation into free society following release from prison. Drawing on insights from prior work on reentry processes (Harding et al., 2016; see also Martin & Spencer-Suarez, under review), the findings are organized into four domains, which represent a series of transitional, though not necessarily sequential stages. Harding et al. (2016) characterize reintegration as “a process that unfolds over time—often in fits and starts—in which an individual gradually establishes social ties to friends and family and comes to participate in social institutions.” First, of course, one must find “ways to meet basic material needs” (p. 107). Other conditions that facilitate and mark advancement through different stages of the transition include desistance from illicit activity and fortifying social bonds. Finally, active participation in the community, civic organizations, political activism and other social institutions beyond one's immediate social network both signify and contribute to reintegration. These domains serve as

guideposts for the chapter, which proceeds from the level of basic survival through comparatively advanced stages of social, economic, and civic incorporation.

As participants' stories made clear, child support enforcement impacts on each transitional stage and alters the institutional landscape of reintegration. It dramatically reduces financial capacity over the long-term, disincentivizes formal employment, and puts strain on family relationships. Nonpayment sanctions and the inclusion of child support cooperation with parole conditions magnify the level of state surveillance to which obligors are already subjected, thus augmenting the potential for reincarceration. On balance, participants experienced child support as a significant, often disruptive factor in their post-prison lives. Interestingly, though, its salience varied based on where the individual happened to be in their transition and their level of social and material stability. At the poles of the continuum—severe hardship on one end, relative comfort and independence on the other—child support provoked little concern, if for different reasons. For most fathers residing somewhere in the interstitial space between destitution and socioeconomic security, it proved a persistent obstacle.

5.1 Survival and Hardship

Before participants were able to look for jobs or rebuild their support networks, let alone start paying child support, they first had to prioritize critical needs like food and shelter. Leaving prison with next-to-nothing in the way of material resources could turn even basic survival into a considerable challenge. Nate recalled that when he was released a year-and-a-half earlier, “I was flat broke, basically.” After serving a ten-year sentence, Rashad walked out of prison with just \$40 to his name. Many participants went directly into the shelter system because they had no money and no place else to go. These experiences were typical, not just for the fathers in this study but of returning prisoners nationwide. In New York and most other states, people released from prison receive a

nominal sum to cover immediate expenses like bus fare, but this “gate money” seldom goes very far.⁴² Former prisoners frequently struggle to secure housing, food, and clinical care needed for medical, mental health, and substance abuse problems. Child support could sometimes be a hindrance in these types of situations. Yet more often, during periods of deep hardship, arrears amounted to white noise—constant but unobtrusive as fathers prioritized other pressing issues.

5.1.1 Preoccupied by Crises

When interviewed, none of the participants were coping with extreme conditions of deprivation, or what Harding et al. (2014, p. 449) label desperation: “living on the streets or in abandoned buildings and not having enough food to eat.” A few did describe comparable experiences and other states of crises in their pasts. Common elements included substance abuse and a dearth of social support. This was true for William, who struggled with addiction over decades and seldom had a fixed address. He recalled sleeping on rooftops and in parks because the city’s shelters were too dangerous, and enduring routine police harassment. Under these circumstances, child support hardly registered in his field of vision: “When you in the grips of addiction, you don’t care about anything, about no child support... You just don’t care.”

Addiction fueled Calvin’s sense of detachment: “There was a lot of years that I was a deadbeat father, no contact.” To the extent that he did take stock of his arrears and CSE, it led to avoidant behaviors, but otherwise he was mostly preoccupied with drug use and day-to-day survival. He noted an incident in which someone shared useful information about getting his support order reduced: “Another father who I met somehow...who told me you could change that, put in a motion

⁴² In Alabama, for instance, a person released from state prison after serving one year may receive just \$10. At least ten other states release people from prison empty-handed. Even California, which provides the largest per-person sum (\$200), has not increased its gate money allotment since 1973 (Armstrong & Lewis, 2019).

to change the rate...” Asked why he did not act on that advice and pursue modification, he concisely replied: “Busy—addiction.” At this point his voice trailed off.

Then there was Freddy. He managed to work full-time for a stretch that overlapped with his drug problem. Nevertheless, it sabotaged his financial capacity and figured into his accumulation of back child support, even before it led him to lose the job. “I mean, when I was in active addiction, smoking crack, I never kept no money. Always stayed broke, you know.” Since committing to recovery, he started to regain a sense of control over his life and, more specifically, his financial situation: “Now that I’m clean, now that I’m sober, you know, I can wake up with a couple dollars in my wallet.” Although he was seeking work and not currently employed, he was actively paying child support via garnishment of his disability benefits.

5.1.2 “I’d sleep in a tent in the woods”

In order to get beyond a state of acute need or crisis, and to begin orienting oneself toward longer-term goals, a person needs a reasonably stable, secure place to live. Residential instability among the formerly incarcerated has garnered substantial scholarly attention, and as such its prevalence is well established. Reentry populations experience high rates of shelter use (Metreaux & Culhane, 2004), housing insecurity (Geller & Curtis, 2011), and homelessness (Keene et al., 2018; Roman & Travis, 2006; Visser & Travis, 2003). Oftentimes, returning prisoners first stay with family or friends (Bahr et al., 2005; Visser, LaVigne, & Travis, 2004), though these arrangements tend to be temporary, and for many, housing policies, community supervision stipulations, and other factors preclude them from family residences altogether (Roman & Travis, 2006).

Participants’ living arrangements were generally consistent with established patterns of post-prison housing insecurity. A significant majority (70%) reported having been unhoused for some stretch of time subsequent to their release from custody. Regarding their current circumstances, most

(25) participants either lived with family (including partners) or in “marginal and temporary” arrangements, such as homeless shelters, transitional programs, short-term residential treatment, hotels or motels, or “staying at multiple residences” (Western et al., 2015, p. 1525). Housing issues were especially common during the immediate reentry period, but many fathers lived in precarious circumstances for years thereafter.⁴³ In cases where housing insecurity was a persistent problem, child support debt was often in the foreground. When Jason first got out of prison he could not turn to kin for help, but “friends, some friends helped me out.” They offered him places to stay on a temporary basis. Early on, “everybody wants to help you out, but after a while...” During this initial phase, with friends’ residences providing some semblance of a stable home base, Jason searched for work. “I’d find jobs and I’d start making, you know, working, but my child support caught up to me and you can’t survive.” He quickly discovered that his criminal record translated to few job opportunities in his relatively small hometown (“most people don’t want to hire a felon”), and when he did manage to get hired, the pay rate was always minimum wage. Being able to afford housing seemed like a stretch at that income level, but wage garnishment for child support stamped out any lingering question of feasibility. Jason could neither stay with friends long-term nor could he afford a place of his own. So, “I was homeless.”

I never stayed in shelters. I’d stay in the woods before I’d stay in the shelters, ‘cause the shelters are shitholes... It’s horrible...I’d sleep in a tent in the woods if I had to...I spent a whole summer one time living in a campground.

For years, Jason remained in a perpetual state of housing precarity. He described his experience of homelessness since his release:

⁴³ Time since release was not specified in participant eligibility criteria. Hence participants were included in the study so long as (1) child support obligations affected their reintegration processes and (2) during screening, they affirmed satisfaction of other inclusion criteria. Time elapsed since release ranged from less than one month to 20 years.

It was on-and-off all the time... Once you get stuck in that hole you can't ever get out of anything. You can't save your money. Gotta pay for everything, stay in hotel rooms or whatever at \$4- or \$500 a week.

A few months before the interview, he relocated to New York City to enter residential treatment for alcohol dependency. He did so voluntarily, recognizing that he needed a “drastic change.” With the stability, albeit temporary, and the services available to him in treatment, Jason was able to affirm his commitment to recovery. A hint of pride punctuating his otherwise dour tone, he claimed five months of sobriety. In a few months he was scheduled to complete the program, after which point he would have to find another place to live. Going back upstate held little appeal: “[It] would do nothing for me.” New York offered many more job opportunities and an environment that better supported his recovery. Unfortunately, figuring out a way to remain in the city looked like a long shot given the inevitability of wage garnishment. If he could not handle the cost of housing upstate, how could he conceivably afford it in one of the world's most expensive rental markets? As he put it, “the rent down here is friggin’ insane.” What is more, arrears had wreaked havoc on Jason's credit (“My credit's shot, so I don't even know or care [now]...I've looked it up before.”) and prevented him from opening a bank account. Although he did not explicitly discuss these factors as barriers to housing, they would probably act as such, even if he did somehow manage to pull together sufficient funds for rent and a deposit on an apartment.

Nate, much like Jason, was residing a significant distance from his hometown and familiars at the time of his interview. But whereas Jason initially went back home after his release, Nate left prison over a thousand miles from any family who might have offered support to help ease the transition. At first, he was sent to a shelter. Then “it was like a bounce-around situation ‘cause I was looking for work. So maybe two weeks someplace, two weeks somewhere else.” He eventually took up residence at a run-down, extended-stay hotel and planned to save money for an apartment. However, garnishment of over half his income by CSE left him with just \$300 in take-home pay per month,

nearly all of which went toward lodging. Bills piled up. Nate even fell behind on payments for the room and found himself at risk of winding up on the street. In his desperation, he resorted to payday loans. This forestalled homelessness, but in the long-term it dramatically compounded his financial distress. He estimated that the balance on a few loans had reached \$6,000.

Uh, well the first time, um, I had took out like \$250. That was to pay the rent where I'm staying at. And um, after that, they had like added interest to that. I started, I was paying it off in the beginning. And then it was like, I just got ahead of myself trying to go to too many places. I had went to like two places at once, and I had to pay off two bills at the same time, so I think that was what kind of messed me up...

And gradually I had borrowed more money against it, and um, I didn't repay back in time. And then the other place, I had wind up taking like, another \$300—and actually it was three places. So with all that everything was adding up and I was starting getting letters in the mail, and they was telling me how much I owed.

Jason and Nate's respective struggles suggest that when debt, poverty, and housing insecurity intersect they tend to perpetuate one another, especially for those caught in the “feedback loops of disadvantage” produced by simultaneous entanglements in the child support and criminal legal systems (Haney, 2018, p. 4). As it is, former prisoners face numerous barriers to residential stability; child support arrears and enforcement mechanisms then ratchet up the difficulty of this already fraught situation (Cammett, 2006). High garnishment rates, in particular, sap poor obligors' limited financial resources and disincentivize participation in the formal labor market. Less salient in the interviews, but still relevant, is the damage arrears do to credit ratings. Each of these effects diminishes obligors' ability to obtain housing. Through civil contempt and incarceration, CSE may also jeopardize the stability of existing housing arrangements—not to mention employment, parole status, and other circumstances. Put differently, getting locked up for failure to pay child support can potentially lead to eviction, as well as job loss and other harmful events.

All of this is, of course, set against the backdrop of a nationwide housing affordability crisis (Pattillo, 2013). Stagnant wages and soaring rental prices, plus the displacement and increased policing that accompany gentrification in particular areas, have intensified housing insecurity among

the poor (Beck, 2020; Desmond, 2012, 2018). These make for extremely hostile conditions in which to transition from prison to free society—all the more so for those facing the legal and financial constraints of child support arrears.

5.1.3 Safety-net Assistance

Reflecting the hollowing of the welfare state in the US, the benefits available to formerly incarcerated people can fairly be described as paltry. Even so, they represent an important resource, as people returning from prison tend not to have much else in the way of assets or means. Cash and food assistance can act as a buffer against hunger and destitution (Harding et al., 2014), while evidence suggests they reduce the likelihood of reincarceration (Yang, 2017). Three-quarters of participant fathers, including those who had been out of custody for a number of years, claimed to be receiving some form of governmental assistance, typically Medicaid⁴⁴ or Supplemental Nutrition Assistance Program (SNAP) support. A few received Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). Some were military veterans and thus received benefits through the Veterans' Administration (VA).

For the most part, public safety net programs affected participants much like they would other formerly incarcerated individuals, with or without support obligations. They provided a modicum of support—certainly not lifting anyone out of poverty, but blunting some of its worst effects. On occasion, child support did lead to a procedural snag when fathers sought benefits. Marty, for example, had to file an appeal after the New York City Human Resources Administration (HRA) denied his emergency cash assistance claim due to back child support. Nate encountered problems with SNAP. “They made some kind of assumption and calculated it up. And they actually said that

⁴⁴ Nine participants confirmed Medicaid receipt. Although the interview protocol did include other forms of public assistance, it did not specifically address this item. Given participants' stated incomes, receipt of other benefits, and program involvement, it is a virtual certainty that the total number of Medicaid beneficiaries exceeded the tally of those self-identifying as recipients.

they had to take some money back because I make a certain amount to where I don't need the whole \$200," he explained. His benefits calculation did not account for CSE cutting his income by more than half (payments of which the state was a beneficiary due to the involuntary, welfare-reimbursing genesis of his order), though that was to be expected. What did seem odd was that social services pro-rated his benefits, cutting them by \$15 per month, even though his pre-garnishment income placed him well below the federal poverty line. Bruce, meanwhile, looked into public assistance as an alternative to employment after CSE started garnishing his pay. Finding the benefits claim process to be a prohibitive hassle and not worth the meager sum he might receive, he opted to forgo aid and continued working. Child support factored into that decision as well; parole mandated his compliance with CSE, plus he figured that putting off payments would only allow his debt to continue building.

In a handful of cases where obligors received benefits that were a bit larger or exempt from garnishment, child support could play a slightly more complicated role. For example, Curtis preferred working and getting by on his own, but after CSE commenced wage garnishment he could no longer keep up with basic living expenses. So veterans' housing assistance and SSI benefits came to function as his safety net.

I'm not working right now. I'm on disability...from the VA⁴⁵...[CSE] can't touch that... It's not what I would like for it to be. It's—between the low rent and the [assistance] I get, it's ok, but I could make more money actually working, which I want to work.

On the one hand, Curtis's benefits guaranteed him and a spartan but survivable income. On the other, he derived satisfaction and a sense of purpose from his past employment. He recalled accepting his last position as a substance abuse peer counselor: "It doesn't pay that much anyway, but I took the job because it meant a lot to me." So, he wanted to return to work. Yet, any income he earned would be deducted from his benefits, and beyond a certain income threshold he would no longer be

⁴⁵ A few moments later, Curtis corrected this statement. He clarified that his income came from SSI, not disability "from the VA" nor SSDI.

eligible for housing aid. Therein laid the rub—he had to choose one or the other, benefits or work, and garnishment essentially precluded him from seeking a job, not just in the short-term but in perpetuity. So long as his arrears were in place, he would face the same conundrum any time he wished to pursue gainful, on-the-books employment. Though relieved by the basic measure of security that housing and income aid afforded him, Curtis wrestled with a sense of immobility and the malaise that came with it.

A few other participants faced similar constraints, each dealing with them in their own way. Freddy relied on disability insurance, but he treated it as a stopgap measure until he could find a job. His benefits were already being garnished, so wage withholding did not seem terribly daunting and definitely not so much that it would prevent him from working. Another SSDI beneficiary, Claude, maintained a delicate balance among program eligibility, wage earnings, and child support garnishment. Other income support recipients turned to occasional, off-the-books gigs. William, for instance, put it this way:

If I find a study or a little side job, something to keep a little money in my pocket, uh, you know to help with the phone bill...get me some cigarettes. It's not a lot right now, but it's better than the alternatives.

This approach served the dual purpose of circumventing wage garnishment and benefits disqualification, so long as their side hustles went undetected.

All told, participants' child support situations appeared to have some bearing on whether and how they went about pursuing public benefits, but it was not a singular, overriding concern. More often than not it came up as one among many different barriers, as it generally did in relation to housing. *After* participants got at least a temporary handle on crises and matters of survival, child support did begin to shift into the spotlight.

5.2 Desisting and Staying Free

Once formerly incarcerated individuals are able to meet their basic needs, they are better equipped to focus on higher-order objectives. Establishing a baseline of stability helps people to desist from criminal activity, manage addiction, and avoid further criminal legal contact—all of which are crucial elements of sustained, successful reintegration (Clark, 2015; Yang, 2017). Another aspect of this shift from the chaotic state of day-to-day survival toward stability and desistance is that the ramifications of child support debt become increasingly salient. As the interviews made clear, there are a number of ways in which CSE interferes with obligors' efforts to stay out of legal trouble.

5.2.1 The Criminogeneity of Debt

For fathers who had neither paid down their arrears nor written off the possibility of doing so, the pressure to make regular support payments caused a great deal of stress. The monthly or biweekly amounts that CSE sought from them frequently contrasted with their scant financial capacity, especially among those with active orders on top of outstanding balances. In this situation, turning to the black market might seem the most, or perhaps only, feasible option for simultaneously meeting their support obligations and their own needs. Cory, for example, paid off the lion's share of his debt balance while incarcerated. Asked whether he had applied any prison wages to the sum, he replied: "There ain't no stipend inside. I was selling drugs." He went on to explain the transaction logistics, whereby family members or friends on the outside acted as intermediaries, depositing money into the seller's inmate account on behalf of the buyer.

The empirical link between debt and recidivism remains unclear, as research in this area is at a nascent stage. Some evidence does indicate that debt generally and monetary sanctions in particular are associated with illegal activity (Aaltonen, Oksanen, & Kivivuori, 2016; Piquero &

Jennings, 2017). Studying the Danish context, Olesen (2016) found that criminal legal debt (e.g., fines, fees, restitution) diminishes the impact of factors like education, employment, and secure housing on crime reduction. Meanwhile, another study that focused specifically on child support debt did not find a significant effect on recidivism (Link & Roman, 2017).

Extant evidence aside, obligors were of the opinion that arrears do contribute to reoffending. The logic went as follows: if they were staring down the barrel of serious nonpayment sanctions, including incarceration, but saw no other way to come up with the money they owed, what else might they be expected to do? So far as their personal actions were concerned, participants seldom conceded to going this route. Cory's candor about selling drugs to pay child support was indeed rather exceptional. A few provided less clear-cut examples, like when Joe shared that he gave employers fraudulent identification in order to get around wage garnishment. But for the most part, when participants talked about illicit strategies for dealing with debt, they did so in abstract or hypothetical terms. Some referred to other, unidentified obligors to illustrate the point. Sam did so by sharing the story of a friend with whom he served time. "He was transporting drugs," he explained. "And that was part of his way of making money to pay his child support for his kid." Elaborating further, Sam described circumstances faced by other men he came to know in prison:

I've seen guys who, um, told me a story of it... Guys are literally doing crime in the streets because of child support issues, because they can't get jobs, because you know, because they don't have they—they driver's license taken away from them. And they don't have programs to say, 'Ok, we know these guys have big child support debts. And to help, you know, the average member of society, you know, to protect them, we need to come up with a program to, you know, say, help these people...with these debts. Not so much, you know, to hold they hand, but...to keep the streets safe...'Cause when you give a person a big debt and they don't have a ways to pay it a lot of times what they do is they resort to they natural instincts. And some people don't—it's not naturally for them to go look for a job. Some people, it's naturally for them to go get a gun and go rob somebody and take they stuff. And that's where I think the problem is.

I had a conversation with a guy, in fact, you know, he said, 'Well, I can't work so, you know, I have to do something, sell drugs, rob people.' You know, 'cause they couldn't work 'cause you know, child support, which is kind of crazy.

Where Sam implied a distinction between his own lawful behavior and that of obligors who reoffended, Bruce made the separation explicit. He had more or less adjusted to wage garnishment and resigned himself to just doing what state authorities required of him for the time being. The threat of a parole violation if he was to act otherwise tended to incentivize compliance. But he empathized with those who took a different path. In light of his own experience with arrears enforcement, other fathers' decisions to "start selling drugs again" made sense.

That's why I said I understand recidivism. When I was inside I did not understand recidivism. My situation is different, and still was very, very, very stressful, when it first started, and when they first take the money out.

It was impossible to fully ascertain from the interviews whether and to what extent each man's debt burden contributed to criminal activity. That they were obtuse about the subject came as little surprise. Naturally, they might be guarded about any past or ongoing offenses that were flying under law enforcement's radar. What participants did make plain was their sense that child support debt and its consequences directly undermined their ability to do what the criminal legal system demanded of them after incarceration: become a "productive member of society" and desist from crime.

5.2.2 Driver's License Suspensions

One seemingly peripheral issue that came up repeatedly was that of driver's license suspensions. Nearly all participants lost their driving privileges at some point due to arrears, and for a significant majority (84%) the suspensions were still in effect. Participants often considered this a hindrance in moving forward with their lives, though they rarely discerned any connection between license suspensions and the threat of future criminal legal involvement. Driving with a suspended license might not be as obvious an example of reoffending as others that participants cited, like selling drugs or committing robbery, but it could definitely result in rearrest. In New York State, if a

person is cited more than once, they may be subject to a misdemeanor charge for aggravated unlicensed operation of a motor vehicle in the second degree (VTL § 511). Beyond adding another conviction to one's criminal record, this would result in a fine, surcharge, and myriad DMV fees (Martin & Spencer-Suarez, 2017), thus compounding the debtor's financial distress. And though this does not appear to be common practice,⁴⁶ statute permits the courts to impose an additional sentence of up to 180 days in jail. An unlicensed driving citation would also constitute police contact for those under post-release supervision, thus potentially leading to custodial sanctions or reincarceration.

Since most participants resided in New York City, their access to public transit helped to mitigate the challenges typically associated with the inability to drive. Occasionally there were instances in which obligors either needed or decided to drive. Though Carl had been without a valid license for more than ten years, "I still drive, I need to drive." He acknowledged that unlicensed driving came with some risk—in fact, he knew other indebted fathers who had been arrested for that very reason. Nevertheless, he did not appear to all that concerned. The police had yet to pull him over, he only drove every once in while, and "I don't have a car, so it ain't no big deal."

After moving to the city, Jason got along fine with public transportation. But before then, when he lived in a more rural part of the state, his suspension presented a significant problem.

My license is still suspended because of that shit, so...[How long has your license been suspended?] Years, years. I haven't had my license in years. [Has that been an issue for you?] I just drove around...If I got pulled over... [Have you—has that happened at all?] Yeah, absolutely. [So you've had, like, driving with suspended?] Yeah... quite a few times. Four, five. At least down here I don't have to worry about that. I can take the train, bus...[but up there...?] You have to have a car to get around. I mean, there is public transportation, but it's not like it is down here. Get off the bus stop, you gotta walk a mile to get where you gotta go.

⁴⁶ This is based on as yet unpublished findings from the Multi-State Study of Monetary Sanctions (Harris et al., 2017). Specifically, this refers to the 240 hours of ethnographic observations that Karin Martin and I conducted in various jurisdictions across New York State. Multiple articles are in progress based on this work.

These citations piled onto a debt burden that was already insurmountable (“get the DMV fines, court fees”) and put the prospect of regaining his license even farther out of reach. Vehicle offenses left Jason vulnerable to having his car impounded. This was especially urgent because the car functioned as shelter during his frequent homeless episodes.

5.2.3 Parole Conditions and Supervision

Another potential threat to former prisoners’ successful avoidance of reincarceration emerges through parole. Custodial sanctions following release are highly prevalent, lending to a phenomenon that has been referred to as “back-end net widening” (Phelps, 2013). This suggests that community supervision, rather than being diversionary in nature, tends to expand penal control, especially as probation and parole have increasingly emphasized surveillance over rehabilitation. National data on prison admissions in 2018 showed that technical violations accounted for 30 percent of those entering state and 10 percent entering federal prisons (Carson, 2020). State-level analyses have also revealed large numbers of supervised former prisoners winding up back in custody for noncompliance with parole conditions. One such study estimated that within two years of release, roughly half of parolees had been to jail and one-quarter were subject to other custodial sanctions (Harding et al., 2013). In New York, where “all parolees as well as those conditionally released under a determinate sentencing scheme are supervised” (Watts, Reitz, & McBride, 2017, p. 7), violations resulted in 18.9 percent of the supervised population in 2015 being returned to custody.

Given that paroling authorities can mandate cooperation with CSE as a condition of release, parolees who cannot and do not pay support are at risk of reincarceration. Among the ten participants who were currently on parole, several talked about the threat of violation. Guillermo was fastidious in keeping up with his conditions of release. He carefully went through “my release papers,” making sure to read the fine print. “It was my first time. I read every word.” Since his

release the previous year, he had gotten a full-time job that allowed him to make regular payments via wage withholding. Although he expressed a preference for off-the-books work, “because I’m getting chopped up right now,” he was mindful of the warning his parole officer gave him:

He just told me, ‘Make sure it doesn’t turn into a legal case, whatever happens, you know. Because then we have to step into it and look at if it’s a violation...because you could get arrested for child support.’

Parole figured centrally in Ben’s decisions about money and employment. Responding to a question about banking (he maintained a checking account) and whether he had ever considered alternative strategies to prevent side-job earnings from being documented, he explained that he preferred to just “get it over with.” He committed to paying off his remaining balance and handling everything legitimately because he wanted to avoid future issues in family court and move on with his life. “And not just that,” he added; community supervision meant he had to play by the rules.

I’m on parole. So I have to—they want to know that all my legal responsibilities are being met. So if I don’t—if it’s not transparent, or you can look at it and go, ‘Oh, you’re fine,’ then I’m in trouble with parole! And I go back to prison for, just for that.

Bruce, similarly, took the financial hit of wage garnishment to keep from running afoul of parole. He, Guillermo, and Ben together accounted for half the participants with full-time formal employment.

It’s like if I wasn’t on parole it’d be different, but on parole, when people have child support, you know, they like, threaten you. Not like, threaten you, but they do. But it’s all, incarceration, and you always have somebody to report to. It’s different from somebody like having and you just get maybe like a letter from the court that you gotta show up, or threatening that you gotta pay. But on parole it’s different.

Bruce was especially vigilant about demonstrating compliance because he knew how easily one might be returned to custody. As an example, he mentioned that an acquaintance had been violated for changing his address without proper advance notification.

You could have two jobs...doing everything right. And then you decide that, I’m going to move into those apartments, but you didn’t get approval from parole. You’re gonna be arrested. Even though you’re doing everything right, because the change of address...it has to

be authorized... 90 days if you're lucky. For some, six months. 90 days is the minimum if you get rearrested for anything, you're lucky if they hold it at 90.

Recognizing that his or any other parolee's life could be thrown into turmoil over what seemed like minor infraction roiled Bruce. That one could lose a job, a home, or a relationship—that one lacked agency over his own life—left him frustrated and aggrieved.

For all the warnings their parole officers gave them, none of the fathers actually received violations as a result of nonpayment. That did not mean that reincarceration posed any less of a hazard. The usual pathway just happened to be civil rather than criminal—six participants did, for instance, end up in jail due to civil contempt. As Katz (2019, p. 1298) explained, “family courts employ a wide range of coercive techniques, some of which require the involvement of state and federal employees and resources in a manner that far exceeds court involvement in typical ‘civil’ matters.” In its use of monitoring and enforcement strategies that often resemble those of criminal courts, child support multiplies formerly incarcerated obligors’ punitive contacts with the state. And when debtors must adhere to family court and parole conditions concurrently, they may face conflicting obligations. This basically describes the way Rashad viewed his situation. Civil contempt posed a more urgent threat than violating parole, yet his parole conditions seemed to make the former more likely. The child support magistrate overseeing his case cautioned that if he failed to start making full, routine payments he would automatically go to jail for six months. Meanwhile, the parameters parole set for acceptable employment stymied his attempts to pay. When he first came home, Rashad found a job as a cook making about \$25 per hour. His parole officer objected to the position because it required working odd hours. He was then hired as a plumber’s apprentice, but again had to quit due to parole’s prohibition on informal employment.

To Rashad, the officer’s rigid enforcement of the rules seemed callous: “They don’t give a shit if you have to feed your family.” In light of family court’s demands, he thought it completely

unreasonable that he not be permitted a grace period while looking for more suitable employment.

“The court system communicates with the parole office. They talk to these people whenever there’s a necessary need be. So it’s not like they were oblivious to actually what I was going through,” he said.

Asked whether child support had any bearing on his parole status, Rashad answered:

Yeah, absolutely. Because part of the conditions—when you get released you have, you know, your conditions of release: seek and maintain employment, and also stay current with your parole, uh, with your child support obligations... I literally, I’m ‘a put it to you like this. I have to fight, I literally have to fight and claw to stay out of prison. Like, it’s...it’s hard. You know, most people just go about their business and don’t do anything, you know, they’re fine. I have to, I have to work on not going to jail. I have to work on it. Aside from that—and that takes a lot of energy—I have to work on maintaining my family. So it’s...it pulls you pretty thin.

The conflicting demands laid out by parole and family court, and institutional actors’ unwillingness to make any accommodations, made it a struggle for Rashad to stay out of custody.

The longer that I stay free, it feels to me, that the noose gets tighter and tighter...I worry that much more. Because there’s always something else coming up.

5.3 (Re-)establishing Social Ties

Time and again research has shown social support to be a pillar of reintegration. Partners, family, and friends help ease the travails of reentry by providing emotional and instrumental support (Bahr et al., 2010; Sirois, 2019). Strong marital and familial ties tend to boost stability and protect against reoffending (e.g. Bahr et al., 2005, 2010; Berg & Huebner, 2011; Brunton-Smith & McCarthy, 2017; Cobbina, Huebner, & Berg, 2010). Much of the scholarship in this area draws on the prevailing theory that families support desistance by acting as a source of social control, thwarting recidivism via social bonds and connections to society (Laub & Sampson, 2003).

To a large extent, the necessity of family support stems from the fact that economic distress is a ubiquitous feature of the reentry experience. Public resources to support former prisoners are grossly inadequate, and myriad individual and structural disadvantages make it nearly impossible for

people to support themselves when they are released. Consequently, friends and family tend to become the “safety net of last resort” (Katzenstein & Waller, 2015, p. 638). Child support arrears magnify this material hardship, so debtors may be even more reliant on their social networks—when, that is, they have friends and relatives who are able and willing to provide. Child support obligations can also inject conflict into family relationships at a time when obligors are legally and socioeconomically vulnerable.

5.3.1 Reliance and Reconnection

“Just the space and the freedom, you know, just the freedom to breathe regular air,” Carl replied. “Sit down and, you know.” He paused, glancing around the trees that surrounded the park bench where we sat, and inhaled deeply. I had asked what it was like for him when he first left prison years earlier. “[Don’t] have to look over your shoulder and then be watching behind you and stuff like that, so that, that was peaceful. And comforting.” Coming home was a joyful and long-awaited milestone. But with the good came the bad—a parade of stressors quickly followed. Chief among them was the back child support he accumulated while in prison, which derailed his plans to work a legitimate job with benefits and build savings.

Family and other people in Carl’s life helped to smooth the rough edges of his initial reentry. His mother offered the largest share of support by inviting him to move in with her and stay however long he needed. This was critically important because Carl’s arrears effectively blocked him from earning a formal income and opening a bank account. Hence renting his own apartment was simply not going to happen. In addition to the practical utility of keeping a roof over his head, his mother’s rent-stabilized apartment offered a familiar sanctuary inside a world that could be perplexing in its unfamiliarity.

It’s different. I came home, everything was different... You walk down the street, you see people talking to themselves. At least you think they talking to themselves, but they’re not...

They're actually on the telephone, with the earplugs. So you know, you thinking everybody done gone crazy... You have to adjust... It was stressful, 'cause you have to adjust. You have to being around people...everything moving fast. Everything is moving differently.

Straightaway after prison Carl moved in with his mother. He had lived there ever since, apart from a few brief periods when she kicked him out or he stayed with girlfriends. Support from others had, for the most part, tapered off years earlier, but during his reentry, when he was first reconnecting with people, he got help "from everybody. Everybody gave me a lot of support when I first came out, made sure I had money or clothes, cell phone, different stuff like that."

Many fathers shared Carl's experience of friends and family helping with the adjustment to life on the outside. Generally, returning to the community meant rebuilding their social networks and reestablishing connections. Material support was one aspect of these relationships. Child support debt usually hung somewhere in the background, persistently driving obligors' financial hardship and thus fueling asymmetrical support dynamics between them and their loved ones. Participants' mothers came up repeatedly in relation to material relief. Five, including Carl, lived in their mothers' homes. Calvin spoke lovingly of his mother, describing her as his most stalwart supporter. She stuck by him through addiction and incarceration, quietly sending him money to make sure he had at least something in his pocket. During one of his prison sentences, she kept up with the rent payments on his apartment so that he would have somewhere to go when he got out. She went so far as to furnish the place for him. Even in death, Calvin's mother provided for him—the inheritance she left him wiped out his child support arrears.

Sometimes fathers described these relationships as more reciprocal. Jordan, for example, conjured an image of a particularly tight-knit family from whom he drew a great deal of emotional and tangible support. Just as they bolstered him when he needed it, in the past he made sacrifices for them. Responding to a question about his education level, Jordan explained that he left school in the tenth grade after his mother fell ill with cancer. Up to that point, she worked long hours in a

factory in order to provide for two of them, plus Jordan's siblings back in Honduras. When she was diagnosed and received a six-month prognosis, he recalled feeling "like my world was ending. So I was like, I have to do something, at least for my brothers and sisters. I quit school and I looked for a job, 'cause the bills was piling up...my brothers and sisters over there needed to eat." Her cancer ultimately went into remission. That was over ten years ago, and she was still alive and well. Now Jordan was struggling—he had not been able to find a job in over six months but was responsible for nearly \$40,000 in back support, a monthly order of approximately \$450, and providing for the child for whom he had custody. So Jordan's mother was doing her best to sure that both he and his young son had their needs met.

It was certainly not the case that all formerly incarcerated fathers had family or friends to whom they could turn. Some either lost connections or could not reach out to people for a number of reasons, including geographic distance, interpersonal conflict, legal orders of protection, and simply losing touch over long periods of incarceration. In a couple of instances, addiction led to estrangement. Still others had contact with friends and family, but because these supports were stretched so thin in their own lives, there was little they could materially offer. As Nate put it, "everybody's kind of like spread out with their own problems. So I'm basically on my own."

5.3.2 "You gotta handle this on your own"

Participants' support networks buttressed their processes of reintegration and affected their lives in many positive ways. On the other hand, reentry, debt, and a deluge of other challenges created pressure cooker conditions. And even before an individual was released from prison, their family might have been severely stressed and financially drained. Their initial incarceration may have resulted in a serious loss of household income. At the same time, the family could be saddled with sundry costs tied to system involvement—telephone and electronic communication fees,

commissary items, and monetary sanctions encumbrances via deposits to their inmate accounts. And it is usually women who bear these costs (deVuono et al., 2015).

This diffusion of costs outward onto formerly incarcerated individuals' loved ones can provoke conflict and interpersonal strain, especially when relationships are already fragile due to the separation of imprisonment. It is well established that incarceration destabilizes families (e.g., Geller, Garfinkel, & Western, 2011; McKay et al., 2018; Wakefield & Wildeman, 2014) and romantic partnerships (e.g. Comfort et al., 2018; Turney & Wildeman, 2013). Individuals who support a family member through reentry tend to experience anxiety and acute stress, in addition to financial strain (Grieb et al., 2014; Naser & Visser, 2006). Broadly speaking, those who depend on family and friends during their reentry reckon the burden that their situation places on the people supporting them. Relying on informal support can thus lead to feelings of guilt and inadequacy. Given gendered cultural scripts that tether both provider status and self-sufficiency to masculinity, being dependent on others to meet one's basic needs can rattle a father's identity and perceived familial role, particularly when he is also unable to satisfy his obligations to provide for his children (Arditti & Parkman, 2011; Bryan, 2013; Pleggenkuhle, 2017; Randles, 2018).

Rashad's experience was emblematic of relational and role strain. Since completing his thirteen-year sentence, he had struggled to find a job and was swimming in child support debt. Hence his wife assumed the role of provider and he took on a large share of caregiving responsibilities for their young son. According to Rashad, this reversal of traditional gender roles, combined with financial and emotional strain, became a recipe for marital conflict.

After a few months of being here, you know, my wife was pretty cool and understanding because I was helping with the baby and everything. But it comes a point where a woman...you don't want to be the one to pay...every time you go out to eat or, you know, just—you want help. Every woman wants help. And I...I wasn't able to give that.

So for a while it was...it was a little bit tense in my household. It's tense in my household now because I don't have money. And even then it was...it was worse then. You know, because I...I was angry. I was very angry. I was hostile. And a lot of it was misdirected

sometimes, because, you know, it wasn't her fault. It wasn't my fault. It was just the way things were. And so...it made it harder. It made it harder to readjust and to re-acclimate myself in society.

The reentry period, during which he also dealt with a serious medical condition and periodic family court hearings hours requiring hours of travel each way, was so difficult that it nearly led to the dissolution of their marriage. "It put a lot of strain on my relationship," he recalled. Having seen "statistics saying that people who get married while they're incarcerated," tend to get divorced within a year, they were convinced the odds were against them and braced themselves as if "waiting for a time-bomb to go off." Eventually, "out of necessity" they made their way through the worst of it. Rashad's child support arrears and family court entanglement had certainly added to their problems by sapping his ability to financially contribute to the household. However, he also felt that his wife's own burdens allowed for a kind of mutual understanding that tempered any debt-related tensions.

Nowadays when it comes to a problem, we just try to figure out how we're going to avoid the worst case scenario... We're more or less on the same team now... My wife has, she has quite a bit of student loans that she owes. So she's just as much in debt as I am. And uh, so you know, we're just, we just came to the—we gotta work together...It's hard. It's hard sometimes, but you know, we're here. We got a kid to raise. And that's that.

At times, the conflict generated by father-obligors' dependence on others manifested internally rather than interpersonally. They appreciated the help, but felt badly for needing it. Coupled with Guillermo's gratitude for all his girlfriend did for him were feelings of frustration about his child support obligations forcing him to lean on her so heavily.

I mean, it sucks that she has to help me, while I have a job, to pay my phone. You know? What I have left over I have to budget and at least chip in also...because, ok, it's my problem. She doesn't have to pay for it, you know.

Terence shared similar feelings about his grandfather, on whom he was almost entirely dependent since coming home from prison. Due to steadily growing child support arrears and his exhaustive yet fruitless job search, his financial situation only got worse after he left prison. With the holidays fast

approaching, it pained Terence that he could not so much as pay for a meal for him and his grandfather to share.

It's crazy, it's Christmas next week. I don't...I'm just gonna sit home, watch the game, which is what I do anyway, but—it's not like I can treat my grandfather to some Chinese food or something like that. I gotta depend on him for everything...Yeah, it's not like I can say, 'Yo, let's go to Appleby's and get something to eat. It's Christmas, or um, whatever. Order some Domino's...while we watching the game. I can't even do nothing, can't do none of that.

This desire to return his grandfather's generosity, even if through a small gesture like buying a pizza, reflected an aspiration that Arditti and Parkman (2011) identify as “‘making good’ by giving back.” Embedded in this notion is “a positive contradiction pertaining to empowering opportunities to give back to family and demonstrate that one was helping oneself” (p. 214). Reciprocal gestures took on restorative meaning because they helped bring some balance to the relationship while also functioning as a performance of the giver's ability, or at least his intention, to take care of himself.

5.3.3 Children and Custodial Parents

Whenever participants drew connections between their post-prison financial struggles and interpersonal turmoil, they were almost always talking about relationships with custodial mothers. From their points of view, child support drove much if not most of this conflict. Cory proffered one interpretation. He reasoned that extralegal arrangements are preferable to involuntary formal orders over which governmental bureaucracies maintain control. If the state is not party to the negotiation (and has no stake in it via welfare reimbursement), then the custodial and noncustodial parents are free to resolve their own issues and come to a mutual agreement. Cory felt this process, in which the agentic actors are the parents rather than the state, fosters a more salubrious dynamic in the relationship between mother and father.

‘Cause with the state, where—if you don't have the state [involved], right, ‘cause relationships grow and evolve. You might have a contentious relationship, with your baby moms. And the baby is young, but as the kid get older, ‘Let's...let's agree upon this.’ If the state is involved, it's, that—state don't want y'all agreements, they want they money. So

that, that kinda prevents that. And kinda, a lot of times the family court thing kinda prevents you working through your issues...

If you on child support because she has to pay back HRA—the money has to be paid to HRA—if you can't go to her and say, 'Well, how about we agree upon this much?' No, it's HRA. It's no longer her. It's HRA. And for however long that she's on public assistance—when she's not on public assistance, you know, 'cause my son's mother isn't on public assistance, I start working. We could make an agreement on, 'Listen, you just pay for this, this, and this. And that's it.' Or, 'You give me this much money.' You know, if she was on public assistance we would never be able to have that understanding.

Participants frequently voiced preferences for private agreements over formalized obligations.

Although this certainly may work for some, it is difficult to reconcile with the need for some accountability mechanism if the non-resident parent fails to live up to their end of the deal. What typically occurs when parents live apart and the mother has primary custody is a steep drop off in the provision of informal support over time. To make up for those losses and increase the likelihood of continued support, the custodial parent needs to have a legally binding order in place (Nepomnyaschy & Garfinkel, 2010).

For mothers of children with imprisoned fathers, the problem of inadequate support extends well past the limitations of informal arrangements. Paternal incarceration is associated with reductions in economic and residential stability among custodial families (Geller et al., 2009; Schwartz-Soicher, Geller, & Garfinkel, 2011). It functions as a “double strike” against the mother and child, in that a father's imprisonment increases their need for instrumental support while also diminishing the father's capacity to provide such support when he returns to the community (Turney, Schnittker, & Wildeman, 2012). Consonant with this prior work, interviews suggested that financial hardship was commonplace among child support obligees. Nineteen fathers reported that the custodial mothers had received public assistance, and another five thought it possible but were unsure. In the absence of other measures, welfare receipt is a serviceable indicator of some past or current financial strain since eligibility for the kinds of benefits that would result in the establishment of an involuntary support order (e.g., Medicaid, TANF) is contingent on low-income

status. Interviews hinted at extraneous factors that may have accounted for the mothers' economic stress, but because imprisonment generally impeded the ability of fathers to pay child support, it did precipitate at least some of the strain experienced by custodial families.

The impact of paternal incarceration on families is not only financial, but also affective. When one partner goes to prison, the risk of separation and divorce increase (Lopoo & Western, 2005; Massoglia et al., 2011). To the extent that family dynamics resemble the traditional "package deal," meaning that the father-child relationship hinges on the father's relationship with the mother (Tach, Mincy, & Edin, 2010), the connection between father and child usually suffers (McKay et al., 2018). Studies have demonstrated that the deterioration observed in father-child bond during and after imprisonment can largely be explained by dissolution and strain in the parents' relationship (Geller, 2013; Turney & Wildeman, 2013). Moreover, children of men who have been incarcerated are more likely to have behavioral and mental health issues, including depression and delinquency (Geller et al., 2009; Roettger & Swisher, 2011; Roettger et al., 2011; Swisher & Shaw-Smith, 2015).

Considering these negative effects, plus the fact that custodial mothers by definition shoulder a disproportionate share of childrearing duties, it came as little shock that fathers reported discord in these relationships. Many of them had split from the mothers before they were locked up; hence preexisting conflicts often factored into the dynamics. Insofar as child support was concerned, most obligees had to get by and care for their children on a fraction of what they were owed, while obligors faced support orders that exceeded their means and hindered their ability to survive. All things considered, the circumstances participants described were ones primed for antagonism.

Though the norm, conflict was not universal. A few fathers maintained amicable relationships with ex-partners or had worked to repair connections that were once fraught. Jeury's and his wife managed to remain friendly and cooperative since their recent separation. As he related the situation, Jeury's gave the impression of being a bit wounded yet able to take things in stride. He

replied to my offer of condolence: “It’s a part of life, mama. It happens, happens to people every day.” The informal joint-custody arrangement they had worked out together, in which each cared for two kids at a time, meant that they saw one another frequently as the children swapped homes. “I’m doing my part as a father,” he explained. “If she needs anything—diapers, milk, I send her money... Me as a father, I love my kids. I can’t deny them anything.” Rarely were relationships between custodial and noncustodial parents quite this harmonious.

Reminiscent of Tolstoy’s well-worn truism that “each unhappy family is unhappy in its own way,” conflicts were more varied and complicated than comity. For some indebted fathers this manifested as a battle waged in family court. Rashad was one such case. His relationship with his ex-wife soured a long time ago, so what limited contact they maintained focused almost exclusively on child support. Laying bare his antipathy, Rashad responded to a question about his incarceration with a series of recollections that doubled as an indictment of his ex-wife. At the heart of the matter were a series of betrayals, two of which took place while she was pregnant with their daughter. Cooperating with the prosecution in his criminal case was the first, followed by her request for a divorce and romantic entanglement with his rival. Still wanting to be involved in their child’s life, to the extent he could while in prison, Rashad submitted paperwork to family court seeking visitation rights. The court granted his request, establishing orders not just for visitation but also child support. With his release far in the future, the latter order turned into an arrears balance in the tens of thousands of dollars. Nearly twenty years later he had barely made a dent in the balance and jail remained an ever-present threat as his ex-wife continued to seek payment. The debt was his albatross and her cudgel. Added to this was the last of the betrayals—denying him a relationship with their daughter. She never complied with the visitation order, so the only time Rashad actually saw the child was during the initial family court hearing. He used to be angry about it, but so much time had passed that he ceased to care all that much.

Like I don't know this kid. I'm not gonna say, 'Oh, I'm in love with this little girl.' I don't even know this little girl. Like, like if I walked up to her I'd know who she is 'cause I seen a picture of her. But, you know, we look alike, sorta. But we don't have any type of bond or anything like that... I told [my ex-wife] actually a week ago, I said, 'If I never see this little girl it's not gonna change my life at all. You know, I would like to, but I'm not gonna kiss your ass to do it...I gotta pay no matter what. I'm not gonna kiss your ass at the same time.'

Whereas Rashad never developed a relationship with his daughter, Claude barely even knew the woman who bore his daughter. Their relationship was fairly new and she had just gotten pregnant when he was arrested, so by the time the baby was born he was already incarcerated. Before then Claude had developed a successful (and thoroughly legitimate) business with strong short-term returns and long-term promise. So, when his ex-girlfriend sought child support, family court calculated the order based on his documented pre-incarceration assets and income. This resulted in an extraordinarily high order totally at odds with his new socioeconomic reality. New York State was still years away from amending its policy of disqualifying imprisoned child support obligors from pursuing modifications. With a reduction or suspension of his order out of the question and no means to pay given his simultaneous losses of freedom and wealth, there was nothing Claude could do but let his debt pile up while serving his time.

More than a decade later, when Claude was released, he had a disability, no financial resources, and arrears well into the six figures. He ultimately got back on his feet and established a new trajectory for himself with the help of his support network, public benefits, and a tremendous amount of effort. Activism always served as an animating force in his life, so he returned to the work with a new intensity. Every so often this work received media attention, and this led to his daughter's mother catching wind that he was back at the grind. Claude was quick to point out that he contributed to these various campaigns and projects on a volunteer basis, but she remained convinced that public visibility translated to a paycheck. At that point, he said, she went after him. He reacted by proposing they negotiate the balance and terms of payment together, with a third-

party mediator. Opting instead for legal enforcement, she rebuffed the offer. Claude imagined that, had they been something more to one another than virtual strangers, this interaction might have gone differently. “This attack [of hers] is really because two people don’t know each other,” he reflected. In the absence of any bond, loyalty, or meaningful history together, it was easy to dismiss him as “the bad guy.” This came up again, when his ex forbade contact between him and their daughter.

I tried to [build a relationship], but my daughter told me, literally, like she would never allow it... And then my daughter ended up, like, she had to survive in that environment as in, to painting me the bad guy. That was it. And so long as I’m the bad guy she’s gonna be ok. She won’t get thrown out. The minute she did, she threw her out. And that’s when my daughter came, lived with me for a week. And then she called me and told me I kidnapped her. And that’s how I lost the fact that I could file for custody. So all these things are scams for her. And she use that.

Amid the complexity and conflict, gatekeeping surfaced as a coherent theme in mother-father relationships. This accords with previous qualitative work that has explored fathers’ reentry experiences (Crandell-Williams & McEvoy, 2017) and the intersections of paternal identity, involvement, and incarceration (Dyer, 2005; Roy & Dyson, 2005; Tasca, 2016). Mothers engage in gatekeeping when they enforce parameters on contact between their children and other people, particularly fathers. Obstruction, or “gate-closing” (Nixon & Hadfield, 2018), is a form of gatekeeping that came up regularly during interviews, including, for instance, in the above quotations from Rashad and Claude. It was also an important element of Terence’s narrative. Having been forcibly separated from his children by incarceration then by maternal gatekeeping, he was plainly distraught. He explained that at the time of his arrest, he, his then-wife, and the kids all lived together as a family. The comfortably salaried job he had at the time allowed him to assume the patriarchal “breadwinner” role and thus provide for the family. All told, Terence’s kids and his desire to do right by them comprised a central feature of his life. So, when the criminal case happened, his

closeness with them made the initial separation all the more abrupt and the protracted separation since then all the more painful.

Terence recalled writing letters to the kids in an effort to keep in touch while he was away (“I mean, I wrote the kids, but...”). His voice trailed off, his face dropped into a gloomy visage, and he stared down at the floor. After a moment he continued, explaining that he recently went to family court to seek visitation rights. For the time being, his ex-wife refused to let him see the children because he could provide neither formal nor informal support.

She tells me, ‘You’re broke. Why would you want to come see the kids? You can’t take ‘em to the movies... I got somebody else here taking care of me and the kids. Like, you’re broke. Why would you- kids don’t want to see you.’ I said, ‘How do you know the kids don’t want to see me?’ She said, ‘Cause I’m telling you. You just making that decision for them. You making that decision for me.

This seemed to imply that the mother felt Terence had no right to resume his role as a father without first living up to his responsibilities (i.e., from a traditionalist perspective, “breadwinning” and materially providing for the family). His inability to do so essentially disqualified him acting as a father. Further distancing Terence from his former family role was the presence of another man in the house (“I got somebody else here taking care of me and the kids”). So, in a sense, he had been replaced and thus the mother—and by extension the kids—did not really need him.

Cory described another situation in which the custodial mother’s new relationship had an alienating effect. As he told it, the mother tried to leverage his supervision status against him in an effort to excise him from their daughter’s life.

My daughter mother...she’s getting married to someone else. I guess my daughter doesn’t accept him like as a father, even though he was around when I was in jail. She says he doesn’t treat her—he treat her like a stepchild... She wanted me not to be in my daughter’s life, to go away. Easiest way to get me out of my daughter’s life is for her to just get me locked back up.

He told of the mother manufacturing a story about him defying a protective order. Recognizing that such an allegation would violate his parole, she reported it to the police. He was subsequently

detained for two and half months. Curtis shared a similar story in which his community supervision status left him vulnerable to coercion.

It's just, I didn't like the drama. She did. She thrives on it... One day, I'll tell you, we was in a cab and she called me—we had an argument and she said, 'I'll call your PO.' I made the cab stop and I got out. I was so scared. All day long I was scared they was gonna come to my apartment and knock on the door, say, 'He hit her.' Parole officer says, 'Even if she say that and there's no...there's no evidence, you gotta go. You have to go... If she makes any allegation.'

Absent interviews with the mothers, these findings only reveal one side of the story. It is certainly conceivable that participants might have shared skewed accounts or misattributed certain views or motives to the mothers of their children. Nevertheless, it was clear that the nexus of child support arrears and incarceration and reentry related to turbulence in parents' relationships with one another. Such conflict could then make the reintegration process that much more difficult.

5.4 Engaging Social and Civic Institutions

While establishing supportive interpersonal bonds is a vital part of reentry in its own right, it also prefigures one's reassimilation into the broader community. Ideally, as former prisoners progress through the reintegration process, they will increasingly participate in social institutions like employment, education, health care, and other forms of community and civic engagement (Harding et al., 2016). However, participants' narratives suggested that they seldom involved themselves in such activities outside of employment, and even that dimension was highly constrained by their criminal legal histories and the disincentives created by child support ensnarement.

5.4.1 Employment

In terms of setting returning prisoners' reintegration trajectories, employment is a decisive factor. Obtaining stable work helps to cover the costs of their basic needs, cultivate community roles and positive self-image, and reduce their risk of reincarceration (Hagan, 1993; Sampson & Laub, 2003; Uggen, 2000). Imperative though it is, finding work in the formal sector can be an uphill

battle. And when one does succeed despite stigma, limited social and cultural capital, and manifold legal restrictions, the position probably offers minimal pay and job security (Bumiller, 2015). Broadly speaking, low-wage workers struggle to make ends meet dedicating most of their earnings to rent and utilities (Desmond & Gershenson, 2016; Pattillo, 2013). Low-earners with child support debt must manage on a portion of those already sub-living wages because CSE can garnish up to 65 percent of their income (NCSL, 2017). For many in this situation, living stably and independently on their take-home pay simply does not compute. One strategy for dealing with this, examined in the previous chapter, is to ditch formal work in favor of unreported income sources that fly under CSE's radar, thus circumventing garnishment. George succinctly summed up this logic while explaining why he quit his on-the-books job: "I'm not gonna work and then all of a sudden you taking half my check." Others remain in the formal labor market, straining to make do on drastically reduced pay.

For some participant fathers, particularly those who had to comply with child support as a condition of parole, potential sanctions increased the stakes of securing employment. Although the threat of civil contempt pressured debtors to find work, it did nothing to make the task any easier. In Rashad's experience, restrictions imposed by parole actually made it more difficult for him to find a job and pay support. It frustrated him immensely that regardless of his continuous efforts to meet the terms set by family court and parole, authorities in neither system were willing to reconcile his conflicting obligations. Quitting his job put him at risk of incarceration for support nonpayment, but his parole officer instructed him to do so anyway, explicitly refusing him a grace period to look for other work. In family court, the magistrate presiding over his child support case denied a request for leniency as well. Prohibitive parole stipulations or not, Rashad's failure to start paying by a certain date would automatically land him in jail for six months. The same magistrate made a similar decision a few years earlier when he rejected a prior plea for accommodation.

I'd been diagnosed [with cancer]...I was constantly in the hospital. Right now it's in remission... So between going back and forth to doctors...taking care of a newborn baby... All of those things together, it didn't make any sense to him. The only thing that he said that, it's his responsibility to do what's in the best interest of the child that's on record. Everything else is irrelevant... And he told me, 'I have guidelines I have to follow that are based on law'... And I just sat there and I said, 'Ok, fine.' I come to the point where I realize that I'm not gonna win. Whenever I got to court I know I'm not gonna win... Not only that, I'm a Black man. And then Black people say that doesn't matter. But it matters.

At that juncture, it had been a matter of months since Rashad's release. He was still adjusting to life in the community after spending nearly a decade and a half in prison. Arguably, that context provided reason enough to suspect he might have a hard time establishing income, but then factoring his illness and other childcare duties into the picture it became difficult to imagine how he could satisfy the court's demands. To Rashad, the position of the court seemed so thoroughly unreasonable that it suggested discriminatory intent. The explanation of racial bias possessed a natural logic in light of his past experiences in criminal and family court, and in the broader institutional context. He was obviously no stranger to the notion that racism permeates American legal and carceral systems. In another instance, he recalled correctional authorities treating him as "the uppity n—." He observed this as the officers bristling at his familiarity with statutes and policy.

Ben also had to deal with CSE and parole supervision concurrently, though he fared better than Rashad in terms of income and employment. Educational experience helped, as he was in the advantageous position of having finished college prior to his incarceration. It also bears noting that Ben was one of just two White fathers in the study. Given the vast privileges afforded to Whites in the United States with regard to social, cultural, and economic capital, it is reasonable to speculate that Ben's race may have played a role in his relative reentry success. At a minimum, he was not hindered by racism. Throughout the period since his release the previous year, he mostly worked full-time in his current job, making wages higher than all but a couple of other participants. Even so, Ben had to deal with some degree of instability.

The construction business is very...very turnkey, it's very—you know, I could be working today and not working tomorrow. I mean if this guy loses his client, this guy doesn't have work for me, he's got too many people on the site...it's unreliable.

One day, he said, you might have union workers making \$65 per hour. The next day there are no union jobs and the pay is down to \$22 per hour. Ben generally managed to sustain fluctuations in his paycheck without too much damage. His housing benefits went a long way toward ensuring his needs were met.

Individual circumstances aside, his point about erratic wages hinted at a larger paradox. To wit, the way that the child support system determines the amount a noncustodial parent must pay at regular intervals necessarily presumes consistent earnings. This appears to be at odds with the common realities of job insecurity and income volatility among low-income NCFs. Obligor carrying large balances are particularly vulnerable, as evidence from high-arrears states shows that those with annual incomes of \$10,000 or less hold a significant majority of aggregate outstanding child support (Sorensen, Sousa, & Schaner, 2007). As for debtor NCFs with histories of incarceration, consistent earnings are more the exception than the rule. Studies examining post-prison socioeconomic indicators have estimated that at least 40 percent of individuals who serve sentences of two or more years experience long-term exclusion from the labor market (Mueller-Smith, 2014), and about half of returning prisoners are unemployed at any given point within one year of release (Western & Sirois, 2019). The latter study also found that average monthly earnings roughly equaled the federal poverty line; meanwhile, child support research has shown unstable employment and incarceration to be primary drivers of nonpayment (Berger et al., 2019; Ha et al., 2008). Approaching the relationships among these factors from another angle, Holzer, Offner, and Sorensen (2005) found that CSE and prior incarceration explained at least half of the drop in employment among young Black men during the 1980s and '90s.

When poverty, incarceration, and child support arrears (plus, for many, racial inequities) are co-occurring, they can function as mutual reinforcement, thus creating and sustaining a vicious cycle, which to participants felt like a trap. Again, Ben shed light on the irrationality of sanctioning debtors whose financial capacities have been laid waste by incarceration and labor market exclusion.

And most fields, that [criminal] record is a huge barrier. Like I can't, I can't do what I've been trained to do. I can't do what my degree would enable me to make really good money doing. I can't. So, instead of, you know, instead of locking these people up, and tallying a bill that's never going to get paid—it's never going to get paid—enable them to, to...to contribute to society in some way... not, 'Oh, you're irresponsible, and you owe work. Here, pay this.' 'Well, how can I pay?' 'Alright, well, go to jail.' Alright, they come out of jail. 'Alright, so now you're done with jail...so pay us.' 'I was just locked up for six months. I can't pay—definitely can't pay now.' 'Oh well, ok. Alright, well, go back to jail.' It just doesn't make any sense. Like, you know, like you have to enable people to be able to support. And you do that through education, and, you know, trade schools.

Nonpayment sanctions' internal contradictions cohered as a common theme across the interviews. That is, fathers understood these penalties to be undermining CSE's ostensible goal of increasing payment, since they made it more difficult for the NCF to work, earn money, and pay the support they owed. In the above quotation, Ben suggested that the civil contempt sanction (i.e., incarcerating parents to coerce payment and punish nonpayment) is based on a flawed rationale because it fails to take into account debtors' actual material realities. A NCF can hardly pay support while in jail unless he possesses the kind of economic resources that would mark him an outlier among arrears-holders. Secondly, jail time pursuant to civil contempt of court might result in the obligor losing his employment, and with it his means to pay (Harding, Seigel, & Morenoff, 2017). Having a job that facilitates child support compliance through wage garnishment does not necessarily insulate a NCF from civil incarceration. Claude, for example, was formally employed when a magistrate imposed a custodial sanction on him. Though in his case, like those of other "weekend warriors," the court balances the inherent contradiction of simultaneously requiring jail time and payment by permitting obligors to leave custody during the workweek. Still others may have their

employment terminated—reporting on the Walter Scott case revealed this to have been true for him (Robles & Dewan, 2015). All of this is to say nothing of the other potential impacts of short-term incarceration—detained debtors can be evicted from their homes, have possessions lost or seized, or lose relationships. In essence, even short-term incarceration can prove highly destabilizing; hence it renders child support compliance *less*, not more likely.

Participants described driver’s license suspensions in similar terms. As discussed earlier, everyday commuting around the city was not especially troublesome since most participants made use of New York City’s public transit system. License suspensions *did* become a big problem when it came to employment. Many of the jobs that participants wanted and could feasibly secure after getting out of prison were inaccessible so long as they could not legally drive. “The majority of the jobs I apply for you have to have a driver’s license,” Marty said. He talked about getting a commercial driver’s license, as did Freddy and Sam. Others like Calvin and Keith just needed a personal driver’s license for work. Yet to get one’s license back the obligor needed to pay child support, so without income he was basically stuck. Seeking a way to dislodge himself from this predicament, Terence looked into getting a restricted license. He was chagrined to find this option a slightly different version of the very “Catch-22” situation he sought to escape.

My license is suspended right now. I could get, I could get a restricted license if I had—if I get a job working. But it’s crazy because my license is suspended right now, so if I get a job tomorrow driving, but the people check my license, they gon’ see that it’s suspended. You know? So, like, you telling me, ‘You can get a restricted license if you get a job.’ But how am I gonna get the job...if it’s suspended? Like, when you go for driving jobs—and I been looking for driving jobs and stuff like that—they want a, they want your driver’s license and...a disposition of your driver’s—I forgot what it’s called, but it’s something with your driving record. And that’s gonna show right there, it’s suspended. Like how—they can’t hire me if it’s suspended. I would have to go to court and like, then your—the hassle I’m gettin’ from your—time I get to court and gettin’ me the restricted from the judge, I won’t have a job. It’s just, it’s a Catch-22... I can’t get the job unless I have an active driver’s license!

Marty related a comparable impasse. Like Terence, he was recently released, in need of work, and his driver’s license suspension seemed the key obstruction to moving forward with his life.

Taking stock of the situation, he figured that most of the things he needed to do were predicated on having a license—first, getting a job, then supporting himself financially, starting a bank account, finding an apartment and moving out of transitional housing. But before any of that could happen he needed to somehow come up with enough money to pay down his support balance. Though the remaining sum was quite low (under \$1,000), having the suspension in place until he could pay seemed vexingly counterproductive.

I think it's unfair for you to stop some—a person from supporting himself, 'cause you really preventing him from paying child support. Well...I could say you could get a job where you don't have to have a driver's license and you could pay the child support. I understand that...but otherwise if I'm trying to get a job where I can make some money and pay child support and support myself, then don't stop me.

Sam echoed Marty's sentiment and drew a similar connection between the unfairness of the driver's license suspension and the financial incapacitation it could cause.

You can still hold the person accountable for [child support], but don't stop them from making a living. It defeats the purpose. It's like, to me it's self-defeating. If you know I can get a job with my driver's license, why take it from me? And this is my way of...of seeing the system, is just kind of messed up... Like I said, I have family members who...refused working because they have big, \$15,000 debt.

Sam managed to eventually get his driver's license back. He recalled being without it as a substantial if temporary hindrance: "Most of these jobs require driving...that's my profession. So, I need it. So it kind of crippled me for a minute."

Various other, less salient obstacles emerged in the context of employment. In a manner somewhat analogous to incarceration, treatment programs could effectively bar employment. It was clear to Jason that he could not work while in residential rehabilitation. Wage earnings might jeopardize his eligibility for the public benefits covering his treatment, though that was a moot point since the program schedule would have conflicted with outside work. Once enrolled in the program he had no choice but to continue accumulating arrears for its duration. Other fathers raised the issue of credit. For instance, Jordan realized "that majority of these jobs...they start doing this new

program that even your credit score is being checked before they hire you.” Freddy made a similar point, noting that, “a lot of employers do a credit, um, background check.” So, by damaging their credit scores, child support arrears could indirectly thwart obligors’ job searches.

Participants were plainly aware that getting back on their feet, paying child support, and successfully reintegrating necessitated employment. Decent jobs also diminished the lure of illicit income, as Guillermo’s experience demonstrated. Having found a degree of comfort and security in a supportive relationship with his partner and through his job, he was disinclined to take up a fellow ex-prisoner’s offer to connect him with a drug source. Going back to prison was out of the question and, as things stood, he had too much to lose.

There’s other people that been released...that I’ve seen, that been with me up there. And they were like, ‘Yo, yeah, my friend, he’s gonna give me a few bags, you know. You wanna help me sell ‘em?’ Like, ‘Ah, no no, man.’ See, I mean, I’m setting myself up again, you know. ‘No, I’m good, don’t worry. I got a job.’

Participant fathers sought employment because it figured centrally in their capacity for building a better, more prosperous life after prison. Partly driven by internal motivation, they were also responding to external pressure from the state. They had to pay child support, and thus had to work, in order to avoid reincarceration and other punitive measures. Yet when they failed to pay, bureaucratic authorities responded in ways that ran counter to their ability to make good on their obligations. To participants this seemed illogical and unfair.

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Overall, participants wanted to provide for their children and considered it reasonable that they be expected to do so. Yet the conditions authorities imposed toward those ends often failed to account for the limitations formerly incarcerated obligors contended with in their day-to-day lives. Given participants’ criminal records, incarceration histories, bad credit, and their lack of secure housing, work experience, and supportive social networks, they could spend months searching for

work and come up empty-handed. Nevertheless, they were denied modifications or subjected to penalties for voluntary nonpayment, some of which compounded the reintegration challenges—and particularly the employment barriers—they already faced. Many participants thought family court and the child support system treated them unfairly. But more than that, some felt that sanctions and enforcement actions amounted to sabotage. Highlighting the contradiction between the system’s purported goals and its undercutting of obligors’ ability pay, Marty asked, “How you want me to pay child support and you put me in the street?”

Chapter 6: Discussion and Implications

In the fraught transition from prison to free society, formerly incarcerated people come up against a confluence of challenges and constraints. These are often felt most acutely in the immediate wake of release, given the psychological shock of abruptly leaving a total institution (Haney, 2002), and because the reentry phase tends to involve heightened levels of material deprivation and surveillance by paroling authorities (Western et al., 2015). In any case, the difficulties associated with reentry are seldom resolved during the initial adjustment to life on the outside. Usually they persist for years, hobbling former prisoners throughout the more protracted process of reintegration. Some such obstacles, like housing and employment restrictions, monetary sanctions, and other collateral consequences, flow directly from criminal legal involvement, along with the informal (though occasionally formalized⁴⁷) consequence of criminal stigma. Others are broader in their origin. These types of disadvantages may have predated, and perhaps even contributed to, the person's system contact—factors like poverty, addiction, limited education and employment, which together inhibit opportunities for social and economic advancement and elevate the risk of further carceral embroilment. All things considered, making one's way in the world after prison can be a Sisyphean undertaking. For many, it is a continuous struggle just pulling together the basic resources (shelter, sustenance, etc.) needed for day-to-day survival (Western et al., 2015).

Debt can make what is already a complicated situation far worse. This is particularly true when financial obligations are enforced by the state, with the weight of punitive sanctions hanging over the obligor's head and compelling cooperation, as with formal child support. Support arrears are at once a collateral consequence of imprisonment and a barrier to reintegration (Turestky & Waller,

⁴⁷ Sex offender registries offer a key example. For a comprehensive review of collateral consequences, see Kaiser (2016), and for the New York State context, see Smyth et al. (2015).

2020). Compared to never-incarcerated noncustodial fathers (NCFs), those who have served time carry substantially larger arrearages—three times as much by one recent estimate (Emory et al., 2020). They are less able to make child support payments, since a felony record diminishes one’s chances of obtaining employment, let alone the kind of job that pays enough for him to make ends meet after support is withheld from his paychecks. And when a formerly incarcerated obligor does manage to secure a job and comply with Child Support Enforcement (CSE), his ability to get by usually hinges on supplemental resources, whether family support, off-the-books income, or some combination thereof. Beyond its socioeconomic impact of stymying upward mobility and financial independence, child support arrears can directly jeopardize the debtor’s freedom. A recent analysis of data from the Fragile Families and Child Wellbeing Study showed that 14 percent of respondent fathers who owed back child support were jailed for noncompliance (Cozzolino, 2018b). NCFs exiting prison face the same potential consequence, plus the threat of custodial sanctions for violating parole, as compliance with CSE is often set as a condition of one’s supervision.

At this point it seems clear that child support arrears tend to magnify and prolong the material hardship faced by formerly incarcerated NCFs, while forging additional pathways back to correctional custody. Though, as this research has shown, child support’s role in the reintegration process involves many more layers of complexity. These conceptual strata are teased out in the three preceding chapters, each of which takes up a distinct set of inquiries: (1) how and to what extent NCFs understand the child support system, and how that understanding coalesces (*Chapter 3*); (2) debtor-fathers’ behavioral strategies, and ways in which they either manage or avoid their support orders (*Chapter 4*); and (3) how arrearages impact or, more to the point, interfere with the various dimensions and phases of post-prison reintegration (*Chapter 5*).

This study’s findings highlight arrears’ motley spillover effects, as well as the symbolic meaning that support payment hold for NCFs—an oppressive burden for some, a redemptive

aspiration for others, or some assemblage of contradictory notions and ambivalent feelings. Also relevant is the apparent discordance between two of the child support program's foundational aims—first, supporting children, and second, generating revenue to reimburse the state for public assistance expenditures—and how this plays out at the case- and family-level. Tension between the respective interests of the state and low-income custodial families stirs confusion, which in turn fuels interpersonal strife between NCFs and custodial mothers. In this way, the obscured structures of the child support system further disadvantage poor families, and intensify the current against which formerly incarcerated obligors must swim.

In this chapter, I recapitulate these and other core points from this research, including thematic findings and ways they engage and rearticulate existing theoretical frameworks. Furthermore, I address a number of important, interrelated critiques of the CSE system that emanate from the findings. Problems stemming from CSE's twin pillars of welfare reduction and repayment comprise a key thread running throughout these critical appraisals. I conclude with a brief examination of this study's policy implications and gesture toward potential policy solutions.

6.1 Knowledge, Confusion, and Institutional Estrangement

When arrears-bearing fathers are released from prison, they must promptly start making every feasible effort to comply with their support obligations. Such are the expectations of CSE, family court, and in many cases, paroling authorities. Holding the obligor accountable implies a basic set of assumptions on the part of these entities—namely, that the father is aware of his obligations, how he is supposed to meet them, and the potential consequences for failing to do so. Ideally, the father should also know how, when, and why his order was established, along with key facts about modification and where or from whom to seek other specific information as needed. The findings laid out in Chapter 3, however, suggest that institutional actors may not be justified in taking *any* of this

as a given. They highlight a need for the system to step up its provision of information to NCFs, and to communicate with much greater clarity, thoroughness, and consistency, if it is to reasonably expect compliance from its subjects. Interviews revealed major knowledge gaps among indebted fathers, from the elemental facets of their cases (*case knowledge*) to processes and procedures they might leverage to their benefit or to which they might be subjected (*process knowledge*). Being unaware or confused about such matters could have serious consequences, both practically and in terms of one's attitudinal orientation toward the system. For instance, not knowing about some court-imposed sanction might result in police contact (e.g., if a warrant is issued or driver's license suspended); that may in turn feed into one's view of the system as intentionally setting him up to fail.

From the variegated collection of obligor narratives, a picture of the child support system as seen by its poor and criminalized subjects came into focus. It was that of a Kafkaesque bureaucracy—unresponsive to their needs, limitations, and reasonable requests; seemingly arbitrary in the decisions and actions of its actors; and opaque to the point that NCFs sometimes went years without so much as knowing that they had any legal obligations within the system at all (but would be held accountable and penalized for noncompliance all the same). Some fathers spoke of officials applying rigid standards despite extenuating circumstances beyond their control (e.g., life-threatening medical condition, conflicts with parole, severe material hardship), but then also withholding critical information. Their critique echoes a notion mostly applied in the policing context—that marginalized groups are subject to legal authority but not protected by it. Ultimately, this engenders a sense of alienation, or what Monica Bell (2017) conceptualizes as legal estrangement: “a cultural orientation about the law that emanates from collective symbolic and structural exclusion” (p. 2100). It refers to communal distrust of the law and legal institutions rooted in a community's experiences of legal and structural conditions like poverty and racial subjugation.

Participants regularly conveyed sentiments that aligned with Bell's legal estrangement framework, some of which surfaced in their frustrations about the child support system's opacity. Disaffection undergirded fathers' *systemic understandings* of child support—that is to say, it permeated their normative assessments and symbolic interpretations of the institution. Broadly, they perceived child support as a site of procedural injustice, extraction and immiseration.

Insofar as reintegration was concerned, many obligors felt arrearages had an impeding if not sabotaging effect on their ability to make progress adjusting to life in the community. With the enforcement bureaucracy in the foreground, NCFs found their institutional reentry contexts—or reception structures, in the parlance of prisoner incorporation (Kaufman, 2015)—more hostile than helpful. Many felt aggrieved due to experiences in family court and with CSE. Oftentimes, they questioned the fundamental legitimacy of the system, doing so either implicitly through their actions (e.g., *active avoidance*) or overtly in how they talked about it (e.g., dismissing judicial orders as products of *gender bias*). Participants countered the potential dissonance between these views and their universal endorsement of parental responsibility by distinguishing between the duties of fatherhood and formalized child support. These were perhaps related, but not synonymous, the thinking went. Hence the way they assessed themselves as either good or bad fathers did not turn on whether they were making regular contributions toward their orders. Nonpayment really only prompted feelings of guilt or shame when it coincided with other, more emotionally resonant failings—estrangement from a child due to one's history of drug addiction, for example.

Given this propensity for compartmentalization, obligors' systemic understandings of and feelings about the child support program revolved around factors largely unrelated to their relationships with their children. These included, chiefly, how fair they considered their orders, sanctions they received, and treatment by CSE and family court actors. Their assessments were usually negative, to say the least, and hence they tended to harbor some degree of cynicism. Order

amounts were a central point of contention. The problem was not so much *that* they owed money, but *how much* they were expected to pay, especially in light of the fact that most reported incomes fell below the poverty line. Only one-third were currently working on the books, and even fewer were employed full time. Notwithstanding these dire economic circumstances, ten participants reported active orders totaling hundreds of dollars per month, plus arrears. And larger orders did not correspond to better financial situations. The participants with the three highest monthly orders each struggled with long-term unemployment despite earnestly seeking work.

For those with active orders out of sync with their financial resources, relief was not always forthcoming. A handful of NCFs successfully pursued downward modifications, but others had their requests rejected, including a father who owed close to \$1,000 per month, over \$20,000 in back support, and who had spent most of the past half-decade jobless and homeless. Incidentally, he and several others whose cases were still open could have been eligible for reductions based on the self-support reserve standard;⁴⁸ some participants did get their orders curtailed in this way, but they were the in the minority. The denial of motions to modify was certainly not the only barrier to order abatement. Thus, we return to the aforementioned problem of inadequate process knowledge. Many fathers were misinformed about order adjustments or simply did not know they were a possibility, and those who were aware of them were often confused as to how one might issue such a request. Others expressed frustration over having learned about modifications after they had already accumulated considerable balances. In any event, these orders mostly predated the 2010 policy change that allowed obligors incarcerated in New York State to seek order reductions (Makidis, 2018), so for them the point was moot. Conditions like these—informational and procedural

⁴⁸ See Chapter 1 for discussion of the self-support reserve.

impediments to abatement, order amounts markedly exceeding what a formerly incarcerated, low-income debtor could conceivably pay—fanned grievances and alienation.

6.2 Dealing with Debt: Engagement and Avoidance

Recognizing the scope and magnitude of the challenges that indebted, formerly incarcerated fathers must overcome in order to meet their legal financial obligations, one inevitably has to wonder: how do people actually respond to this situation? As discussed in Chapter 4, NCFs tack in various directions and employ different strategies depending on their individual circumstances. Faced with a plethora of contextual constraints, like incomplete information, the obligor engages in “satisficing.” A portmanteau of “satisfy” and “suffice,” the term derives from the theory of bounded rationality (Simon, 1972, 1991), and refers to a decision-making scenario wherein the individual, lacking an optimal choice, settles on a satisfactory, or least-bad course of action. “Optimal” solutions were generally off the table for study participants, so they went with whatever solution best suited their immediate needs. Perceptions of fairness emerged as a secondary factor in obligor decision-making. When people view bureaucratic processes as being just, they are more likely to deem them (and the wider institution) legitimate and to comply with them (Lin, 2000; Tyler, 1990). The interviews bore out this procedural justice interpretation. Though their practical, material conditions played a more determinative role in their actions, obligors also cited the unreasonableness of family court and CSE as justifications for avoiding child support.

Much of the discussion about the rationales and strategies that participants used in dealing with debt pertained to employment. Most lacked formal jobs, though this was at least partly a function of their criminal histories. To be sure, a felony record comes with a slew of disadvantages (e.g., collateral consequences and “civil death,” publicly accessible criminal records) and confers upon

the criminalized person a distinct, degraded status of “carceral”⁴⁹ or “custodial citizen” (Lerman & Weaver, 2014; Miller & Stuart, 2017). Such formal restrictions and stigmatization can reverberate for years. And as one might expect in light of existing evidence (e.g., Berg & Huebner, 2011; Smith & Broege, 2020; Smith & Simon, 2020; Sugie et al., 2020; Zatz, 2020), employment presented a major cite of social and institutional exclusion. Yet some NCFs related an entirely different type of experience: forced marginal *inclusion*, meaning that threats of civil detention or violation of parole compelled them to work. Constitutional doctrine permits incarceration as punishment for failure to pay legal financial obligations only if nonpayment is deemed “willful.”⁵⁰ But crucially, “willful nonpayment” extends to “willful failure to acquire the means to pay” (Zatz, 2020, p. 311). What this means in practice is that an indigent obligor may be locked up for contempt on the grounds that he did not sufficiently demonstrate efforts to seek work. Scenarios like this are a matter of routine, as family courts in New York regularly apply such rationale when upholding custodial sanctions for poor debtors. Within this punitive enforcement regime, child support orders effectively become “carceral work mandates,” impelling obligors to accept whatever jobs they can get in order to stay out of jail (Zatz, 2020). This renders them vulnerable to exploitative working conditions, and indeed, those with cases in highly punitive jurisdictions tend to work more hours for less pay (Zatz & Stoll, 2020). The state then seizes a majority of those wages, capturing a sizeable portion as welfare reimbursement if the custodial family has received public assistance and leaving the NCF with a paltry income on which to get by. Several participants, mainly parolees, faced “carceral work

⁴⁹ Whereas Lerman and Weaver (2014) conceptualize “custodial citizenship” as an explicitly diminished status, Miller and Stuart (2017) articulate “carceral citizenship” in a manner that resists categorical, “either/or”-type definitions. The latter entails restrictions on the individual’s rights and freedoms, but also “duties and benefits uniquely accorded to carceral citizens” (p. 553). Given these separate entitlements, however limited or even punitive they may be in practice, “carceral citizenship” simultaneously imparts certain “(perverse) benefits” as well as constraints and denigration (p. 542).

⁵⁰ See *Bearden v. Georgia* (1983).

mandates” because their release statuses were conditioned on compliance with CSE. In Chapter 4, I construe this form of system engagement as risk management. Participants took jobs that were physically taxing and which offered low wages and unreliable hours to then have almost two-thirds of their pay garnished for the foreseeable future. This was a bitter pill, but they were inclined to swallow it if the alternative was a parole violation or civil incarceration.

The opposite problem—labor market *exclusion*—surfaced in the interviews a bit more frequently. Many participants struggled to find legitimate employment, and unsurprisingly so, in view of the mountain of empirical literature linking criminal convictions to diminished labor market outcomes (e.g., Harding et al., 2018; Mueller-Smith, 2014; Pager 2007; Pager et al., 2009; Pettit & Lyons, 2009; Western & Pettit, 2000, 2005). Prior studies also indicate negative associations between child support arrears and formal employment (Cancian et al., 2009, 2013; Link & Roman, 2017; Miller & Mincy, 2012). A similar relationship came into view in the interviews, along with insights into the underlying mechanisms. The principal theme here was the deterrent effect of wage garnishment by CSE, which contributed to what I refer to as *selective system avoidance*. This represents a modified iteration of system avoidance, the latter of which “denotes the practice of individuals avoiding institutions that keep formal records (i.e., put them ‘in the system’) and therefore heighten the risk of surveillance and apprehension by authorities” (Brayne, 2014, p. 368). Departing from Brayne’s findings, participants rarely conveyed any inclination to evade medical institutions like hospitals and clinics, nor did they stay away from educational programs, rehabilitative treatment, or other community-based services. However, they routinely avoided formal employment and financial institutions. Some quit jobs in the formal labor market, or opted not to seek traditional employment at all, in response to wage garnishment. These decisions mostly had to do with basic financial logistics: they could never make ends meet with what income was left after CSE intercepted the lion’s share of their earnings. This economic survival rationale then subdivided,

amoeba-like, into another—this one on the grounds of fairness. Since they *could not* feasibly pay via garnishment, it was unfair; and since it was unfair, they *should not* pay via garnishment. Such conditional reasoning, along with one’s material needs, thus precluded traditional employment in many cases. Participants’ reasons for avoiding financial institutions were strictly practical. Out of a justifiable fear that CSE would freeze any account they might open, even NCFs who could use traditional banking services rarely did so.

The short-term calculus of selective system avoidance obviously made sense. Staying clear of family court, making money off the books, and relying on fringe rather than mainstream financial services allowed obligors to skirt CSE and thereby use what earnings they could generate for their own subsistence. Unfortunately, these stopgap strategies ran counter to obligors’ long-term interests. Left unpaid, arrears continue to accumulate, if only due to interest. Meanwhile, those who engaged in avoidant behaviors were vulnerable to unscrupulous payday lenders, exploitative and dangerous working conditions without the protections of labor law, and they could claim no employment benefits, nor could they build credit or any other formal measure of financial security. Debt, and their inability to address it, locked them into states of perpetual precarity.

6.3 Undermining Reintegration

Whether and to what extent a person will be able to establish a stable, satisfying life after prison depends on social and institutional context. That is, prosocial motivation and confidence in one’s imagined future are important, but by no means do they ensure that the individual will “successfully” reintegrate into society (e.g., desisting from crime, maintaining employment, achieving social stability and community inclusion) (Leverentz, 2011; Steen et al., 2012). Along these lines, prisoner incorporation scholarship has posited, “that the reception structures used by states and the non-state sector have more influence over the societal involvement of new members than the

members' characteristics and individual traits" (Kaufman, 2015, p. 536). These institutional "reception structures"—chiefly comprised of the various bureaucratic mediators of reentry, like parole, public assistance, and community-based services (Mijs, 2016)—may either facilitate or subvert one's transition from incarceration to the community. Findings from this research suggest that CSE tends to have the latter effect.

Among participants, the consensus view of child support's impact on post-prison life was unequivocally negative. They upheld the notion that parents, whether custodial or noncustodial, have a duty to provide for their children. Accordingly, they agreed with CSE's ostensible goal of ensuring that children receive the support they are due. Yet few countenanced how the system levied and enforced support obligations. They were subject to orders that exceeded their ability to pay—wildly so, in some cases—and seldom secured downward modifications. When they did not (or could not) pay, they faced financial and remedial sanctions, up to and including incarceration. If they held legitimate jobs, CSE garnished over half their earnings, thus making it almost impossible to survive solely on earned wages and creating an incentive to exit formal employment in favor of black and gray markets. And crucially, interviews revealed no consistent linkage between the quality of participants' relationships with their children and whether they cooperated with CSE. Paying child support allowed fathers to avoid sanctions, but it did not afford them any opportunity to become more connected with their kids—connections that could potentially reduce the likelihood of recidivism and reincarceration (Mitchell, Landers, & Morales, 2018). All of this contributed to a widely held view of the child support system as unjust and unreasonable, and in some cases, the fomenting of antipathy toward custodial mothers.

6.3.1 Jeopardizing Desistance

Child support primarily falls within the purview of family (i.e., civil) law, though in practice it inhabits in a more liminal legal space. Incarceration for nonsupport effectively amounts to criminalization, even when it takes the form of civil detention (Lollar, 2018). Moreover, the federal government and all states have criminal nonsupport laws on the books, authorizing sanctions that resemble and are sometimes functionally indistinguishable from those that family court may impose via civil contempt. Hence Katz (2019) has argued that child support enforcement is “criminal law in a civil guise.” As she points out, the hybridization of child support and criminal justice can be explained, at least in part, by the fact that the former system is historically rooted in the latter: “Family nonsupport was criminalized around the turn of the twentieth century to permit extradition of offenders. Criminal court judges then tasked newly minted probation officers with reconciling, investigating, and monitoring families—novel state interventions in domestic life...” (p. 1242). The present-day “institutional intersectionality” of the child support-criminal justice nexus (Haney, 2018; Waller, 2019) simultaneously reflects this legal heritage and the more recent expansion of what Beckett and Murakawa (2012) have dubbed the “shadow carceral state.” Consider, for instance, indebted parolees. They are at once subject to correctional surveillance and a more “submerged” form of quasi-penal power through the child support program’s judicial and administrative authorities, since the metastasizing carceral apparatus has empowered family courts (and other non-criminal legal entities) “to impose punitive sanctions...even in the absence of criminal conviction” (Beckett & Murakawa, 2012, p. 222). A number of interviewees bore the brunt of this shift, serving jail time for nonpayment of support.

Participants’ experiences illustrate the carceral net-widening impact of CSE. Parole often stipulates child support cooperation as a condition of release (Cammett, 2010), thereby turning

nonpayment into a pathway back to prison. Generally speaking, multiple system entanglements translate to more extensive surveillance, and with it a greater likelihood of being returned to custody. These conditions, in combination with the financial pressure of arrears and multitudinous strains of reentry, can provoke intense frustration. Participant narratives depicted child support arrears and sanctions as binds, inhibiting their capacity to gain control over their lives as they waded precariously through reentry and reintegration. For some, debt elicited anxiety and feelings of inertia, which manifested behaviorally as disengagement if they concluded that it was pointless to try tackling their debts. Should a pall of fatalism beset them, obligors' commitment to desistance would tend to wane, thereby elevating their vulnerability to recidivism and reincarceration (Halsey et al., 2017; Todd-Kvam, 2019). What is more, despondency and support evasion appeared to deepen (or at least prevented the healing of) rifts separating them from custodial families, including their children.

All told, this research makes clear that ensnarement in the child support system precipitates negative outcomes among criminalized debtors in ways that go beyond the diminishment of material and interpersonal resources—ways that are not always readily apparent until after the gears are in motion. Since most of these cases involved public child support debt (i.e., owed to the government), what is fundamentally at issue here is a question about how the disciplinary and responsabilizing functions of the state impact a subset of the predominantly Black and urban poor. So naturally, the findings evince a number of insights germane to public policy. Below, I conclude by highlighting some of the most salient problems, along with a few potential solutions.

6.4 Policy Implications

At a glance, the child support system appears to simply do what its name implies: ensure financial transfers from noncustodial parents to children and primary caregivers. For middle- to higher income families in the program voluntarily, it most often does function in this way, basically

as a financial conduit. Yet, for low-income families compelled into the system, like many of those with incarcerated or formerly incarcerated obligors, CSE turns on completely different institutional logics. Welfare repayment reconfigures “parental responsibility” into a duty (i.e., debt) to the state. Rather than serving the literal aim of *child support*, it expropriates resources that might otherwise go directly to the custodial family, if not to the obligor’s basic subsistence needs. Hence CSE can often operate less as a provisioning instrument for poor children than as a disciplining instrument for poor parents. Incarcerated NCFs subject to state-owned orders may find themselves in an especially perverse bind relative to the state. To wit, incarceration might result in a support order and arrears accumulation, then difficulty complying after release, then punishment for noncompliance. The incarceration-arrears nexus targets the marginalized, then deepens their marginalization. Indeed, “the neoliberal era of governance has been marked by a resurgence and transformation of state predation on poor communities of color” (Page & Soss, 2017, p. 140). Potential reforms should address the welfare repayment function of CSE, though they should extend to myriad other solutions as well.

6.4.1 Compounding Racial Inequality

Considering that low-income people of color are disproportionately subject to criminal justice *and* public child support arrears, efforts to mitigate CSE’s harmful effect on incarcerated obligors can be framed as a matter of racial justice. By now it is common knowledge that Black Americans in particular are vastly overrepresented in the criminal legal system (The Sentencing Project, 2018)—a reflection of the “antiblack punitive tradition in the United States” that has persisted for centuries (Hinton & Cook, 2021, p 262). Recent estimates show that across the total U.S. adult population, three percent have served time in prison, and eight percent have felony convictions; among Black adult males, those figures jump to 15 percent and 33 percent, respectively (Shannon et al., 2017). Whereas White men have a one in 17 lifetime likelihood of incarceration, those odds are one in six

for Latino men and one in three for Black men (Bonczar, 2003). Racial inequality is also thoroughly intertwined with economic stratification. Black and Latino household wealth amounts to just six and eight percent, respectively, of what White households own (Sullivan et al., 2015). This gap continues to grow and was accelerated by the Great Recession and subsequent mortgage crisis (Cooper & Breunig, 2017). Similar disparities are observable in income, employment, and educational attainment (Sullivan et al., 2015), as well as burdens and defaults on medical, predatory (e.g., payday loans), and types of debt (Charron-Chénier & Seamster, 2020; Seamster, 2019). At the individual and group levels, these disadvantages often overlap and compound one another (Kurlychek & Johnson, 2019).

Instances of serious arrears accumulation consistently stem from contexts of cumulative disadvantage. Obligor with incomes well below the poverty line owe the majority of all unpaid formal child support—70 percent according to one frequently cited study (Sorensen et al., 2007). Given stark racial disparities in income and employment (and likewise, incarceration), minoritized obligors are at greater risk of failure to pay and subsequent sanctions. A series of studies examining civil contempt sanctions in South Carolina, for instance, found that most contempt proceedings were held for Black obligors, and that compared to the relatively small observed number of White contemnors, they were less likely to have their sentences postponed or suspended (Patterson, 2017). Relatedly, the tight linkage between racial and economic inequality is reflected in the demographics of public assistance receipt (Irving & Loveless, 2015).⁵¹ Low-income noncustodial parents of color are in turn saddled with an outsized share of government-owned arrears (Boggess, 2017). And, naturally, we must return to the central matter of incarceration. Being locked up prevents noncustodial and

⁵¹ Although Black Americans do receive public assistance at higher rates than do Whites, it bears noting that public perception and political discourse have tended to exaggerate the degree of difference (Moffit & Gottschalk, 2001). As Cammett (2014) notes, this “merging of race and welfare” in the popular imagination has contributed to “eroding support for a robust social safety net, despite growing poverty and economic inequality” nationwide (p. 233).

custodial fathers alike from providing for their children, which potentially leads to establishment of new orders for some and debt accumulation for most. The threat of remedial sanctions for nonpayment then hangs over the obligor's head after his release, the next domino to fall perhaps being a parole violation. Thus, as May notes (2004), when one considers its points of convergence with carceral authority and its role in the reproduction of racial stratification, CSE can seem more like a dragnet than a safety net.

6.4.2 Public Assistance Repayment

For many families, the CSE system has performed laudably with respect to the goal of ensuring routine financial transfers from obligors to custodial parents and children. This can mainly be said of cases with formally employed obligors who earn adequate, stable incomes—that is, cases conducive to automatic wage withholding and generally free of volatility and compliance threats. Among the custodial families who do receive routine disbursements, child support is a vital resource, boosting incomes and helping to make ends meet. It also plays a decidedly crucial role for many poor recipients (Ha et al., 2011). In fact, child support is among the federal government's most effective anti-poverty programs, serving more than one in five children and nearly 80 percent of eligible poor children in the U.S. (Sorensen, 2016). In 2015, child support comprised over half of the mean income for the segment of below-poverty obligees who obtained full payments on their orders (Grall, 2020). Yet such cases are more the exception than the rule. Usually, when custodial parents are low-income public assistance beneficiaries, their obligor counterparts are also poor, and thus constrained in their ability to pay support. This partly accounts for the low rate of child support receipt among obligees with the highest levels of need (Cancian & Meyer, 2018). Another important factor is that CSE diverts a share of the support that obligors do pay toward these orders to the state for TANF (and sometimes Medicaid) reimbursement.

The federal CSE program’s fundamental purpose, and that of ancillary state and local agencies, is to curtail public expenditures on aid to poor families. By compelling contributions from nonresident parents, the system is effectively trying to replace and recover those outlays—that is, replacing public benefits with private support, and recovering public aid costs. A 2019 Congressional Research Service report specified the replacement aim as “strengthen[ing] families by securing financial support for children...on a consistent and continuing basis to enable some of those families to remain self-sufficient and off public assistance” (Tollestrup, 2019). As for recovery, states are entitled to keep all monies paid on behalf of TANF recipients to reimburse itself and the federal government for aid paid out to the custodial families. Some states “pass-through” a defined amount to the custodial parent and keep everything paid beyond that, but other states retain all obligor contributions (NCSL, 2020). These orders are compulsory. In order to receive Medicaid or TANF, a custodial parent must sign over her rights to child support and comply with the state’s efforts to collect.

The low-income, often justice-involved⁵² NCFs obligated to pay these involuntary cost-recovery orders face numerous barriers—inconsistent and inadequate employment, minimal access to basic material resources, and CSE-based challenges, like professional and driver’s license suspensions, difficulty obtaining modifications, civil contempt sanctions, and excessive imputed orders. Many end up accruing arrears and interest as a result (Vogel, 2020). These patterns, not to mention the depreciating effect of cost recovery on support for poor custodial families, make it clear that policy-makers should reevaluate how CSE goes about its goal of promoting “self-sufficiency and parental responsibility.” Broadly, welfare repayment amounts to extraction and state capture of revenue from

⁵² In the Wisconsin-based Child Support Noncustodial Parent Employment Demonstration (CSPED), an OCSE-funded demonstration grant program which targeted under- and unemployed obligors experiencing difficulty paying child support, over two-thirds of participants reported criminal convictions. Of those, 97 percent had been incarcerated in jail and/or prison (Vogel, 2020).

“deadbroke” (as opposed to “deadbeat”) dads (Cammett, 2010; Maldonado, 2006; see also Mincy & Sorensen, 1998) and a regressive transfer of resources away from families in need. In the 26 states that have declined to modify their pass-through policies (NCSL, 2020), TANF beneficiaries get none of the funds collected by CSE. This “means that many of the poorest children never receive the child support paid by their parents” (Turetsky & Waller, 2020, p. 123). The needs of dependent children potentially justify efforts to collect some amount of support from even the poorest NCFs, and indeed, case law shows that the “best interests of the child standard” is customarily cited in legal proceedings related to child support (Hatcher, 2007). Welfare repayment, however, nullifies the central premise of such an argument. Crucially, it is not just formal contributions that cost recovery tends to reduce. By sapping obligors’ sparse resources, it also cuts into direct, informal (and much-needed) support to poor children (Hatcher, 2007; Turner & Waller, 2019).

Also relevant is the system’s differential treatment of families based on whether they opted into CSE services (i.e., non-welfare cases) or were compelled to cooperate. Middle-income families, in the program on a voluntary basis, are afforded significant latitude in negotiating alternative arrangements should their circumstances change (Brito, 2013, 2020). For example, if the NCF in such a family were to lose his job, he and the custodial mother may adapt to the situation by redistributing their respective financial and childcare responsibilities. Yet in public aid-based child support cases, since payments are owed to the state, parents cannot agree to payment alternatives like in-kind contributions or direct care if the father is experiencing financial strain. This institutional inflexibility leads to consternation among obligors (Crowley et al., 2008), particularly low-income, nonresident Black fathers who tend to display higher levels of involvement with their children than NCFs from other racial groups (Maldonado, 2006). Poor fathers, including many in this study, often prefer informal and in-kind support arrangements and bristle at family court and CSE defining fatherhood in purely economic terms (Edin & Nelson, 2013; Kane et al., 2015). Noting

the systematic discrepancies in how the system treats welfare and non-welfare cases, Brito (2013) explains: “The middle class enjoys a greater degree of autonomy and privacy in their family lives than do the lower classes, who are more likely to access traditional forms of state welfare that impose conditions, invade privacy, and limit options that advance gender equality” (p. 23).

Reform efforts in recent years suggest that federal and state governments have begun to reckon with the inherent inequities and practical problems of cost recovery—namely, that it deprives poor families of much-needed support, strains relationships between parents, interferes with paternal involvement, and disincentivizes payment when obligors know their children are not the primary beneficiaries (Turetsky & Waller, 2020; Turner & Waller, 2017). Evidence suggests that it is a fiscal failure, to boot. According to Hatcher (2007), “the net financial benefit to the government resulting from welfare cost recovery is minimal and may actually be negative” (p. 1032). Changes in policy have gradually decentered cost recovery as one of CSE’s core functions. Since 2006, states have had the option to distribute (i.e., “pass through”) some or all of the amounts paid on TANF orders to custodial families. They can also discontinue the assignment of support to the state if the family is no longer receiving TANF (Sorensen, 2014). Still, Turetsky and Waller (2020) note that “states overall keep two-thirds of the support collected for children receiving cash assistance. Even after families leave TANF, states continue to withhold a share of their child support payments... These payments made for families who no longer receive TANF represent 60 percent of the total cost recovery dollars” (p. 124). Some states even persist in seeking reimbursement for birthing costs to Medicaid. It is worth highlighting that states now hold back a much smaller share of collections than they did ten, twenty, or thirty years ago, and that the proportion of arrears owed to the government has dropped from one-half to one-fifth since 2002 (Turetsky & Waller, 2020). This indicates progress, at least insofar as custodial families’ receipt of support is concerned. However, an important caveat remains: the principal reason for the drop-off in arrears owed to the state is the decline in cases

owing TANF arrears (Sorensen, 2014). Put another way, there is less welfare-driven child support debt because there is less welfare—certainly for the nation’s poorest families (Shaefer et al., 2019). Aggregate child support debt continues to tick upward, so changes in who is owed arrears hardly represent a lower burden on poor NCFs. Rather, they signal a shift toward child support increasingly functioning as welfare replacement

6.4.3 Policy Solutions

6.4.3.1 Eliminating Cost Recovery

Federal and state policy measures downgrading cost recovery as a CSE priority certainly move the system in a more equitable direction. Policy-makers at the state level should push farther in this direction and *eliminate all government retention of child support revenue in favor of distributing funds to families*. Doing so would bolster the poverty-mitigating impact of child support for low-income custodial parents and children by increasing the share of support they receive. Assigning collections to families instead of the state also dispenses with the problem of cost recovery disincentivizing compliance on the part of obligors. As discussed in Chapter 4 (see 1.3 *Restorative support*), obligors who did pay child support after prison were in large part motivated by the desire to do right by their kids and to make up for not having provided support in the past. Complying with CSE took on restorative meaning. It could signify reclamation of one’s identity as a father and efforts to strengthen familial bonds; likewise, it could signal that he had become a “changed person,” desisting from criminal activity. Since the restorative potential of child support payment was generally premised on it having a positive impact on the custodial family and the obligors’ relationship to them, state retention of funds undermined obligors’ compliance motivation. It basically turned “child support” into a tax or some kind of fine, from the obligor’s perspective. This reduced his motivation to simply avoiding nonpayment sanctions or parole violation.

With regard to fiscal consequences, states actually stand to lose very little by relinquishing these funds. Accounting for administrative costs, combined federal and state welfare recoupment efforts have operated at a net loss since 1989. Early on, the federal program absorbed most of these losses and some states continued to make gains, but that tide turned in 2000. This contrasts starkly with the non-welfare side of CSE, which has been massively successful (Hatcher, 2007). Changing policies related to welfare recoupment would leave this thriving part of the system untouched. In sum, cutting cost recovery poses no threat to states' fiscal health, but stands to impart significant benefits on struggling families.

6.4.3.2 Anti-Poverty Measures

The elimination of welfare cost recovery would undoubtedly be a step in the right direction, but it should be a *first* step. If enacted in isolation, widespread indigency among obligors would tend to blunt its potential benefits because payments to custodial families would remain low. And the fact remains that grievous economic need is widespread among low-income single-parent families, due in no small part to decades of neoliberal austerity. Following the 1996 welfare reform law, for instance, intensified precarity increasingly led single mothers to resort to potentially unsafe or illicit methods of “income packaging” and relying on already-strained friends and family (Seefeldt & Sandstrom, 2015). For these and countless other reasons, federal and state governments should undertake more sweeping anti-poverty projects. Programs and policies aimed at providing work supports (e.g., subsidized jobs), establishing employment opportunities, and increasing wages have been proffered as strategies for promoting debt-laden fathers' financial capacity, and hence child support compliance (e.g., Link & Roman, 2016; Mincy, Klempin, & Schmidt, 2011; Sorensen, 2010). Employment is crucial for any poor obligor with the capacity to work, and expanding opportunities certainly presents a meritorious goal. Unemployment emerged as a common issue in this study, affecting just

over half of participants. High CSE garnishment rates did explain some of this. As discussed in Chapter 4, nearly one third of participants reported having quit a job at some point due to CSE. Even so, some participants searched for work in the formal labor market but had been unsuccessful. For example, Terence diligently applied to every job posting he could find in the months since he left prison, but had yet to get a call back. And Jordan had not found a job in eight months. NCFs' obligations continue regardless of whether they have any income, so in cases like these, subsidized jobs or other supports could be invaluable. This is all the more true during economic downturns—the Great Recession, notably—as the resulting employment insecurity is negatively associated with support compliance (Mincy, Miller, & De la Cruz Toledo, 2016).

One particularly targeted policy instrument already enacted in New York State and Washington, DC is the Non-Custodial Parent Earned Income Tax Credit (Mincy, Jethwani, & Klempin, 2015). Much like the Federal Earned Income Tax Credit (EITC), this measure would offer payroll-tax relief and employment incentives. Currently, low-income noncustodial parents can only claim the much lower childless worker EITC regardless of whether they fully comply with CSE. Proposed federal legislation, co-sponsored by Senator Obama in 2008, would have doubled the tax credit for CSE-compliant, low-income NCFs. Even if it had passed (or does in the future), the New York experience points to some potential limitations. Consistent with prior evidence, Mincy and colleagues (2015) found that qualitative interview participants were largely unaware of the credit. Since full compliance with CSE is required, and support orders often exceed obligors' ability to pay by a substantial margin, low-income fathers seldom qualify for the New York noncustodial parent EITC anyhow. To make the credit a more viable means of boosting poor fathers' economic stability and payment consistency, it must at least be combined with measures to bring support orders into alignment with NCFs' financial capacities (e.g., the self-support reserve, low-income standards) (Mincy, Jethwani, & Klempin, 2015).

While employment opportunities and expanding the EITC to noncustodial parents would undoubtedly prove beneficial, in the contemporary sociopolitical context of deep-rooted privation and historic levels of inequality, much more comprehensive anti-poverty and anti-austerity measures are needed. This could (and, I argue, *should*) include, for instance: *increasing the federal minimum wage* (McLeod & Gottlieb, 2018), *enacting a federal jobs guarantee* (Paul et al., 2018), and *dramatically increasing public investment in and provision of healthcare, education, and housing* (Baradara, 2019; Galvani et al., 2020; Harper et al., 2020). Not only would these measures benefit economically vulnerable fathers, but they would enhance the wellbeing of custodial families and vast numbers of the poor and precarious nationwide. Relatedly, the scope and magnitude of childhood and family poverty in the United States, and the demonstrable inadequacy of relying on responsibilized family support, calls for targeted relief to custodial families, including a *universal child credit* (Shaefer et al., 2015) and *child care subsidies*. These provisions, ideally in concert, would constitute major steps toward ensuring a baseline of security for vulnerable obligees and their children. They would also render families less dependent on support payments from obligors who are themselves indigent. This study's findings indicate that nonpayment of needed support fuels antagonism between custodial and noncustodial parents. Chapter 5 (see 3.3 *Children and custodial parents*) considers participants' accounts of "gatekeeping" scenarios, wherein mothers prevented them from seeing their children at least partly because of nonpayment. Such conflict is a serious matter. It potentially obstructs fathers' involvement with their children, and hence weakens a bond that is emotionally significant and desistance-enhancing—and that is to say nothing of the negative implications for the child's wellbeing (e.g., Geller et al., 2009; Swisher & Shaw-Smith, 2015). If, however, additional public resources via child credits, care subsidies, etc. lessened the family's need for support pass-throughs, they might also mollify some of the strife that nonpayment tends to produce.

6.4.3.3 *Setting and Modifying Orders*

Imposing unrealistic obligations on indigent and formerly incarcerated fathers sets them up for indebtedness and nonpayment sanctions. As this study and prior research indicate, they often face orders that exceed their ability to pay, leading to accrual of large balances and views of child support as deeply unfair—all of which tends to undermine compliance (Barfeld & Meyer, 2003; Huang, Mincy, & Garfinkel, 2005; Lin, 2000; Takayesu, 2011). The following measures, if enacted in combination, would help to ameliorate these problems while prospectively counteracting debt accumulation.

First, family courts and child support agencies should *halt the imposition of retroactive orders*. By back-dating the order as far as the child’s birth and including, for instance, birthing costs, obligors start out with arrearages that many never manage to pay down (Mincy, Jethwani, & Klempin, 2015). Building on a host of federal rules established in 2016, states should also *refine child support guidelines to explicitly require that orders be based on the obligor’s income and evidence of ability to pay* (Turetsky & Waller, 2020). Ability-to-pay considerations should *account for obligors’ subsistence needs and other encumbrances*. For poor obligors, child support authorities (family court magistrates or administrative functionaries, depending on the state) should impose *orders based on low-income standards, such as the self-support reserve*. Since orders this limited end up displacing some degree of hardship onto the custodial parent, states should respond with additional supports. The previous section touches some important examples, while Cancian and Meyer (2018) extend another proposal: a minimum assured support amount per month per child. In this scheme, public supports would make up the difference if obligor contributions fall below a baseline. Amounts are slightly variable in a manner designed to incentivize obligor payments. Regarding other, external encumbrances that child support guidelines should address, a major priority should be concurrent

child support orders. The prevalence of multi-partner fertility and, relatedly, economic distress among NCFs with complex families bring this issue to the fore (Cancian & Meyer, 2011). Indeed, one-third of participants reported having children with multiple partners, a few of whom owed support to multiple obligees. In two other instances, participants had one formal order belonging to one mother and an informal agreement with another. Instances emerged in which multi-partner arrangements contributed to interpersonal conflict and economic hardship. Regarding financial impact, Jason’s obligations stemming from two separate orders rapidly spun out of control. As discussed in Chapters 4 (see 2.1 *Anxiety and inertia*) and 5 (see chapter introduction and 1.2 “*I’d sleep in a tent in the woods*”), his combined monthly obligation of nearly \$1,000 was impossible to keep pace with, so he had spent most of the three preceding years homeless. Becoming depressed and fatalistic about his prospects for a decent life, he had developed an alcohol dependency (he was in recovery at the time of the interview). Multiple orders had somewhat less grievous, but similarly compounding financial effects for Jordan and Freddy, intensifying the unmanageability of their respective circumstances.

Child support guidelines that thoroughly specify and mandate procedures for determining ability-to-pay would likely undercut the commonplace yet highly detrimental practice of imposing default support orders based on imputed income at the full-time minimum wage level. As noted in a study conducted by the Orange County Department of Child Support Services in California (Takayesu, 2011), “cases with imputed income...[lead] to lack of payment and high arrears growth.” Hence it bears clearly stating that *the use of imputed income should be dramatically curtailed, as should the imposition of retroactive orders*. Furthermore, states should *develop protocols for crediting low-income obligors with in-kind and informal contributions*, should custodial parents give consent (Turetsky & Waller, 2020). Some fathers may actually be confused as to what can and cannot count toward child support, assuming that direct child care or informal monetary

contributions may be reported as substitutes for child support payments. Russell, for instance, recalled keeping receipts for monies he had given to the obligee in order to prove to the family court magistrate that he did provide support. Accounting for and crediting other forms of provision may help in curbing debt accrual and serves as a useful, realistic alternative to formal monetary support obligations during times of financial strain. Building this kind of flexibility into child support schemes might safeguard against the ill effects of unstable employment and earnings—a ubiquitous problem among low-income obligors that CSE should be able to address, but for which it lacks clear and effective strategies.

Regarding the modification of existing child support orders, there are a number of informational and procedural barriers that beg policy correctives. As the present study and other recent ethnographic research have shown (Brito, 2019b; Haney, 2018), criminalized-status obligors often misapprehend or lack critical knowledge about child support. Chapter 3 details numerous forms and implications of misunderstanding and misinformation. Participants were variously confused about or unaware of all manner of case-specific, procedural, and system-level information: how and when their orders were imposed; active order amounts; arrears totals; how orders were initially determined; why orders were imposed and whether it had to do with the mothers' receipt of public assistance; modifications, what they entail, and how to pursue them; nonpayment consequences; among other details and processes. Being unfamiliar with the legal and procedural intricacies of the system puts obligors at a disadvantage in certain contexts—*pro se* appearances in civil (i.e., child support) proceedings being a prime example. Some participants, like Jason and Dario, sought modifications *pro se* and were unsuccessful despite clearly being eligible for low-income adjustments (see Chapter 4, 2.2 *Staying clear of court*). On that account, states and local jurisdictions must ensure obligors' fair and adequate access to the court and to appropriate legal remedies, such as petitioning for order adjustments. Likewise, obligors should be free from impediments to equivalent

processes in states where child support cases are handled administratively. To support “fair and adequate” judicial access, CSE should make clear, up-to-date, and user-friendly information as accessible as possible (e.g., legal self-help materials in print and online). This is especially crucial as it relates to modifications. Only a handful of participants had accurate, working knowledge about order adjustments, sometimes believing—incorrectly—that they could be granted retroactively (see Chapter 3, 1.2 *Process knowledge*). Failing to request a modification in a timely manner means that there is little one can do about arrears once they have accrued. Hence the state should fund civil legal services for debt-burdened child support obligors and various other categories of indigent litigants.

6.4.3.4 Enforcement and Sanctions

It is well-established, and perhaps obvious, that economic precarity plays the central, determinative role in whether an obligor will accumulate back child support. Sure enough, over two-thirds of outstanding arrearages are owed by obligors with incomes significantly below the poverty line—a large proportion of whom have no reported income whatsoever. And over 70 percent of NCFs in the U.S. are identified as “economically vulnerable” (Mincy, Jethwani, & Klempin, 2015). Simply put, one cannot pay his debts if he has nothing with which to pay. The CSE program’s caseload skews toward lower-income families, so it must strike a balance between the interests of custodial and noncustodial parents, making sure that custodial parents, usually mothers, receive adequate support from noncustodial parents. To address periods of hardship on the part of obligors, CSE permits modifications, but for the most part, the child support system’s orientation toward them centers on enforcement. It may be that this adversarial dynamic plays some role in institutional resistance to accommodating obligors (e.g., denying modifications; payment schedule inflexibility; threatening and actually incarcerating low-income debtors). Some illustrative examples appear in this

study, as participants recounted interactions with child support magistrates who they felt had dismissed their issues out-of-hand. These were by no means trivial circumstances, including, for example, homelessness, involuntary unemployment, responsibility for other children, and of course, incarceration. Rashad found himself in a bind, struggling to satisfy parole and CSE while taking care of a newborn and undergoing cancer treatment. Despite all this, neither family court nor paroling authorities permitted accommodations (see Chapter 5, 4.1 *Employment*).

Certain reforms and evaluation projects signal a measure of progress and of promise. States should continue pushing in this forward-looking direction by curtailing some of the more egregiously inequitable features of the enforcement regime. Starting from a bird’s-eye view, there is a fundamental problem with punitive approaches to handling noncompliance—that is, poor noncustodial parents make up most of the non-payers, and in turn they account for most of the sanctioned NCFs. To the extent that poverty precipitates child support nonpayment, it suggests some lessening of culpability on the part of the obligor because failure to make payments is probably not entirely voluntary if the person is low-income or indigent. Many participants in this study had little control over debt accrual, and in some cases, were not even aware of it (see Chapter 3). In short, remedial enforcement measures and noncompliance sanctions are essentially poverty penalties. So, states should *ease nonpayment sanctions across the board for indigent obligors*. Breaking this down into more specific components, states should take up each of the following points. First, *cut the maximum garnishment rate by at least half*. The current rate for an active order with arrears is equal to 65 percent of net earnings—an enormous share of incomes that are generally low to begin with, specifically among formerly incarcerated obligors. Obligor cannot get by on less than half of their earnings, so many if not most simply drop out of the labor market. Again, one-third of participants not only avoided formal employment due to garnishment, but actually quit jobs after they had already started. Second, *eliminate interest charges on outstanding balances*. Third, *halt driver’s*

license suspensions for nonpayment of support by low-income obligors. Fourth, eliminate child support “debtors’ prisons”—that is, the use of civil contempt sanctions as a method for compelling payment. Finally, states should heavily prioritize arrears abatement. Emerging arrears abatement initiatives highlight promising solutions (Mincy, Jethwani, & Klempin, 2015). One recent debt relief pilot in San Francisco demonstrated wide-ranging yet robust benefits related to financial stability, family relationships, employment, housing, and mental health (Hahn et al., 2019). Hence states should *build out successful pilots into more expansive, permanent programs.*

6.4.3.5 Prison and Parole

Policy and practice approaches for mitigating the problem of child support arrearages among criminalized NCFs should perhaps focus mainly on the child support side of the equation, since setting, modifying, and enforcing orders fall within the purview of CSE agencies and family courts. Changes geared toward making support orders more realistic and child support procedures more accessible and equitable would have the added benefit of improving conditions for indigent obligors broadly, not just those involved in the criminal legal system. At the same time, there are a number of measures that should be implemented in criminal legal institutions, including some already operating in selected states.

As previously noted, NCFs must be able to avail themselves of civil legal processes, and to do so effectively. During periods of incarceration, downward adjustments to child support obligations become distinctly urgent. Being locked up precludes gainful employment and most other income-generating activities, ergo payments grind to a halt and debt starts accruing. Some manage to get their orders modified through a combination of luck—chiefly, the idiosyncratic inclinations of the magistrate who happens to review one’s petition—and savvy—navigating the procedures and paperwork deftly enough to persuade said magistrate, and being cognizant of modifications in the

first place. Consider Marty’s case: after writing a letter to the family court magistrate detailing his circumstances, his support order was promptly suspended (see Chapter 3, 1.2 *Process knowledge*). Most incarcerated obligors do not have such luck. General confusion and information deficits tend to get in the way of modification regardless of whether an obligor is in prison or living in the community, as this study has demonstrated (see Chapter 3). Though to be sure, being incarcerated can make it markedly more difficult to obtain legal and procedural information, civil legal aid (to the extent this is available at all), and access to family court. For example, some participants did not receive any notification of orders established during their confinement. They only learned of them after their release and, hence, after their encumbrances accumulated (see Chapter 3).

Ideally, states should *automatically hold orders in abeyance when noncustodial parents enter correctional custody*. California did just that with the 2015 enactment of AB 610, which required order suspensions “by operation of law” upon obligors’ imprisonment or involuntary institutionalization, except when incarceration is due to domestic violence or nonsupport. Obligations resume upon the noncustodial parent’s release (NCSL, 2019). Short of automatic suspensions, states should proactively *notify incarcerated obligors of their right to pursue modifications and provide information* to facilitate efforts toward those ends. Minnesota’s Child Support Liaison program provides an instructive model. As part of prison intake procedures, noncustodial parents may consult with a CSE representative. This liaison “then educates and informs [new prison admits] about the child support system during inmate orientation, facilitates communication between the [parent] and the county child support enforcement agencies, and helps families support their children while the noncustodial parent is incarcerated” (NCSL, 2019). Other states would do well to adopt measures like those enacted in California and Minnesota (NCSL, 2019).

Another set of issues arises after obligors leave prison. Like most recently incarcerated people, participants faced myriad obstacles as they attempted to secure housing, employment, and

steady income (see Chapter 5). Some had not managed to obtain these essentials despite having been out of prison for significant periods of time—years in some cases. And these resources were effectively prerequisites for getting on track with child support payments. Considering how difficult it generally is to attain even a modicum of material stability during reentry, including CSE compliance as a parole condition seems bound to result in reincarceration for some number of NCF parolees. As discussed in Chapters 4 (see 1.2 *System engagement as risk management*) and 5 (2.3 *Parole conditions and supervision*), release conditions may have increased the likelihood of payment, but they left obligors in constant jeopardy of violating parole. They established a new, obligor-specific pathway to reincarceration—or, put differently, to a new iteration of the debtors’ prison. Furthermore, parole need not monitor child support payments because that function is already served by CSE. Hence paroling authorities should *refrain from imposing CSE compliance as a condition of post-release supervision*.

In terms of more inclusive efforts regarding legal debt among criminalized individuals, states should make it a priority to *reduce, and in certain cases* (e.g., mandatory surcharges in New York State) *eliminate, the legal financial obligations that attend criminal convictions* (e.g., fines, fees) (Slavinski & Spencer-Suarez, 2021). Several participants affirmed that they had owed legal financial obligations. Monetary sanctions can pose a significant challenge to formerly incarcerated individuals on their own, but especially in combination with child support arrears. Another salubrious and even more expansive project would be for states to *convene commissions to review statutes authorizing collateral consequences of conviction and to identify targets for repeal* (Kaiser, 2016).

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The intersections of public (i.e., welfare-reimbursing) child support, incarceration, and reentry exemplify the state’s project of poverty governance in the neoliberal epoch. Key to this are

two symbiotic historical trends: carceral expansion and social welfare retrenchment (Soss et al., 2011). Incarcerated and formerly incarcerated child support debtors personify the collateral fallout of both. In addition to carceral confinement, they experience an array of state interventions (e.g., surveillance by correctional agents, civil consequences of conviction) that limit their opportunities for social mobility and even basic material security after they are released. At the same time, they bear the brunt of child support policies designed to responsibilize the state's poverty aid functions—or, in other words, to shed its role in providing aid to poor families and children (“welfare”) onto the private sphere (“family responsibility”). The people who wind up in this situation are by definition a marginalized class, and hence state efforts to extract resources from them almost inevitably lead to a variety of pernicious effects. Rather than serving important goals like child poverty mitigation, paternal involvement, debt reduction, racial equality, criminal desistance and public safety, this study suggests that certain aspects of the current policy regime too often do the opposite.

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Appendix A. Interview Protocol

Introduction

Thank you for taking the time to meet and for agreeing to be interviewed. I appreciate you helping me with this study.

Before we get started, I should introduce myself. My name is Kim Spencer-Suarez. I'm a graduate student at Columbia School of Social Work.

Over the last few years, I have interviewed many people about their experiences with criminal justice debt (fines, surcharges, restitution, etc.). As I talked to more and more people about fines and fees, I learned that quite a few of them also owed back child support. So that's what this project is about. I realize that having child support arrears can be very challenging, especially after someone has served time in prison. So I am trying to learn more about what formerly incarcerated people's thoughts and opinions about arrears are, and how they deal with them. I am really interested in your story.

If it's ok with you, I'm going to audio record our conversation. This is so that I can concentrate on what you're saying instead of writing notes. It will also help me stay faithful to what you've said when I go back and review the interview. The audio file, your name, and any information that could possibly be used to identify you will be kept private [more information on confidentiality in informed consent form]. Is audio recording ok?

One last thing: your participation is totally voluntary, and that goes for each individual question. You can say as much or as little as you're comfortable sharing. If there are questions you'd rather not answer, just let me know and we'll move on.

General Background

1. To get things started, why don't you tell me a bit about yourself?
How long have you lived in New York City/State? Where did you grow up?
Do you have family in New York City?
Did you go to school in New York City? Somewhere else? How far did you go in school?

Housing and Living Situation

2. Let's talk about where you're living now.
What's your current housing situation—apartment, house, transitional/treatment facility, shelter, etc.?
How long have you lived there?
How would you describe your neighborhood?
Do you pay monthly rent? If so, how much?
Who do you live with (by yourself, with a partner/spouse, family, friends, etc.)?
Have you ever had any problems with housing (evictions, homelessness, discrimination, etc.)?

Employment, Income, and Benefits

3. Since I'll be asking you about how you deal with debt, it will be helpful for me to understand your income and work situation.
 - Are you working right now?
 - If *yes*, probe type of employer and employment, job duration, on or off the books, wage or salary income, full- or part-time, regular or irregular hours
 - If *no*, probe how long participant has been without work, most recent work experience, issues/barriers related to finding or keeping employment
 - Do you have any sources of income other than regular work (regular meaning that you receive a regular paycheck)?
 - Odd jobs, illicit income, veterans' benefits, public assistance (HRA), SSI (Supplementary Security Income), SSDI (Social Security Disability Insurance), etc.?
 - If you earn income off the books, is this because you *prefer* to make money that way or because you *need* to make money that way?
4. How much money do you need in order to get by in a given month?
5. Do you receive financial or other material help from family or friends?
6. Aside from child support arrears, do you have any other financial debts—criminal justice debt (i.e. fines, fees, surcharges, restitution), medical, student, credit card, etc.?

Criminal Justice and Incarceration

7. Before I ask you about child support, I have a couple of questions about your experiences with the justice system.
 - How long has it been since you were released from prison?
 - How much time did you serve?
 - Had you been incarcerated before that? (Probe number and length of previous sentences.)
 - Would you mind explaining a bit about your convictions (i.e. offense categories; when convictions occurred; other related circumstances that you think are important)?
8. What was it like for you getting released and coming back to community?
 - How did/do you go about meeting your day-to-day needs (food, shelter, clothing, etc.)?
 - Were you able to rely on family or other resources?
 - What was the process of coming home like for you emotionally?
9. Are you under community supervision now (i.e. parole)?
 - How were you released (discretionary release by parole board, conditional release, alternative release program, or maxing out)?
 - If you are under supervision, what are the conditions of your parole/release?
 - Do you have to pay supervision fees or fees for mandated programs?

Children and Family

10. Are you single, married, divorced or separated (currently)?

11. I'd like to hear about your children.
How many kids do you have?
What are their ages, genders, and (if applicable) grade levels in school?
Where and with whom do your kids live?
What are your relationships with your kids like?
12. How many partners/co-parents do you have children with?
What is/are your relationship(s) with your kids' custodial parent(s) like?

Child Support Obligations

13. Please tell me about your child support obligations.
How many child support orders do you have, for how many kids?
How much do you owe on a monthly basis? How much do you usually pay?
14. When and how were your child support orders imposed?
Did you go to family court? What was the process/experience like?
How was the order amount determined?
15. What do you know about the self-support reserve?
Do you know whether the self-support reserve determines the amount of your monthly obligation?
16. Do you know whether your support order was established because the other parent receives public assistance?
(Probe their knowledge of the difference between child support in public assistance and non-public assistance cases.)
17. When your order was set, did someone explain the order, your obligations, and how it all works to you?
If *yes*, how was that information communicated to you?
If *no*, did you try and were you able to seek out that information somewhere else?
Did you feel then like you had an adequate understanding of the support order and all the rules and procedures involved?
18. Right now do you feel like you have a clear understanding of how child support orders are set and enforced?
Are there any aspects of child support that are confusing? Are there aspects that you'd like to understand better?
(Probe where they get information about the child support system and procedures and how they learn about it.)
19. Do you provide support to your children in other ways, beyond your legal child support order?
For example, do you provide other financial support, in-kind (non-financial, e.g. clothes, school supplies, food) support, etc.?
Do you prefer providing one kind of support to another (i.e. formal versus informal)?

Do you know if your kids' custodial parent has any preferences about the type of support you provide?

20. Let's go back to talking about your formal child support order. What is the procedure for making child support payments? In other words, how do you pay?

Do you have payments automatically deducted from your work, benefits, or any other type of income?

Does child support enforcement contact you? Can you describe your interactions with child support enforcement?

21. Do you find it difficult making payments? In what ways is it difficult?

How important is making child support payments compared with other financial obligations that you have (e.g., rent, buying food, phone bill)?

Are there things that you have to sacrifice in order to make payments?

22. How much do you owe in child support arrears?

How did the debt accumulate?

(Probe time it took to accumulate and factors contributing to debt build-up.)

Were you aware that you were accumulating arrears?

Did child support enforcement contact you about your arrears? What happened?

23. What do you know about child support modification and how it works?

Have you ever tried to get a child support order modified?

If *yes*, what happened?

If *no*, why not?

24. To the best of your knowledge, what are the possible consequences for not paying child support?

Have any of the following happened because of your child support debt?

(Check all that apply.)

☐ I have been to court

☐ I have faced civil contempt-of-court for nonpayment

☐ I have had criminal charges for nonpayment

☐ I have been re-incarcerated

☐ I have had a driver's license suspended

☐ I have had a lien placed on my assets

☐ I have had contact with the IRS

☐ I have had one or more accounts frozen

☐ My credit score has been affected

☐ I have had difficulty getting credit cards, loans, etc.

25. Have you ever tried to get legal counsel or assistance in your child support case(s)? If so, what happened?

Experiences and Perspectives

26. How does your child support debt affect your day-to-day life?

How does your debt affect decisions you make about work, money, or other aspects of your life? Your expectations or plans for the future?

Is your debt a factor in decisions you make about accessing different kinds of services or agencies (e.g., medical care, DMV and other driving-related, job services/training, banking/credit unions, other)?

How might your life be different if you didn't have child support arrears?

How has your child support debt affected you since you were released from prison? Has it affected your ability to find a job, find and pay for housing, or make ends meet?

27. How do you manage your child support arrears? Your monthly obligations?

Describe a practical strategy that you use (or have used) to deal with your debt. Why do/did you use this strategy?

Describe a practical strategy that you use (or have used) to avoid or put off your debt. Why do/did you use this strategy?

28. What are your thoughts about the fairness of child support debt?

Do you think differently about the fairness based on whether the child support case was started because the custodial parent receives public assistance?

What do you think about the fairness of child support collection procedures?

What do you think about the fairness of child support nonpayment penalties?

29. Overall, how would you describe your experience with the child support system?

30. If you could make changes to the child support system, what would they be?

31. Is there anything else you'd like to share about your debt experiences? Or anything I haven't asked that you think is important?

Demographics

32. To wrap up, I have just two more quick questions about you.

How old are you?

How would you describe your race/ethnicity?

Wrap-up

Those are all of the questions that I have for you. Do you have any questions for me?

Thank you for taking the time to meet and for sharing your thoughts and experiences.

Appendix B. Screening Instrument

Screening Questions for Interviews with Formerly Incarcerated Fathers with Child Support Debt

Date and Time: _____

Introduction: Thank you very much for contacting me and being willing to participate in this research study. Before we set up an appointment to do an interview, I have a few short questions for you to make sure that you are eligible to participate in the study. Basically, since this study is about how formerly incarcerated fathers deal with child support arrears, it's important for me to make sure I'm doing interviews with people whose experiences match up with that. As I ask you these questions, I won't be recording your name or any other information. Your answers are anonymous and just to confirm your eligibility.

I also want to answer any questions that you might have, so please feel free to ask anything that comes to mind. Is there anything you'd like to ask me at this point? [*If yes, answer the question(s); if no, move forward.*] Ok, let's move on to the questions.

1. How did you find out about this study?
2. Do you currently have outstanding child support debt (also referred to as back child support or child support arrears/arrearages)?
 - a. [*If yes, move on to Q3*]
 - b. [*If no, exclude from study at Q6.*]
3. About how much do you think you owe in back child support? (If you are not sure, please estimate.)
4. Have you been served time in correctional custody for a felony conviction?
 - a. [*If yes,*] How long ago were you released?
 - b. [*If no, exclude from study at Q6 or ask whether volunteer has been incarcerated in jail due to a reduced felony, depending on study needs.*]
5. You're at least 18 years of age?
 - a. [*If yes, move on to Q7*]
 - b. [*If no, exclude from study at Q6.*]
6. [*If the person answered NO to all of the questions above and/or has not served time for a felony conviction and/or does not carry child support, they are not eligible for the study.*]
Thank you very much for your interest in the study, but I won't be able to include you in the research at this time. I appreciate your time and I'm sorry it didn't work out.

Reason for Exclusion:

7. *[If the person is eligible]* Great, you are eligible to participate in this study. I would like to set up a time for an interview at a time and location convenient for you. Before we do that, do you have any questions you'd like to ask? *[If yes, answer the question(s); if no, move forward.]*

What borough(s) work best for you? Here are some possible locations *[match to their response regarding borough(s)]*:

Bronx

NYPL Bronx Library Center, 310 Kingsbridge Rd

Brooklyn

Brooklyn Central Library, 10 Grand Army Plaza

Kensington Library, 4207 18th Ave (between Ocean Pkway and McDonald Ave)

Park Slope Library, 431 6th Ave (near corner of 9th St)

Manhattan

Columbia School of Social Work

NYPL, Science, Industry, and Business Library (SIBL), 188 Madison Ave (34th St and Madison)

NYPL, Bloomingdale Library, 150 W 100th St

NYPL, Schwarzman Building, 476 Fifth Ave (42nd St and Fifth Ave)

Queens

Central Library, 89-11 Merrick Blvd, Jamaica

Long Island City Community Library, 37-44 21 St

Are any of those locations convenient for you, or is there another public space that would be comfortable and convenient for you?

We will need to schedule about 2 hours for the interview. The interview may not take that long, but it's a good idea to make sure we schedule enough time in case it does. What would be a convenient time for you to meet?

Great, please contact me if something comes up that will prevent you from making the interview. Would you like me to call and remind you the day before?

Perfect, I look forward to meeting you at _____ (location) at _____ (time) on _____ (date).

Any additional notes: