

Child Support and Domestic Violence
From the Global to the Practice—Issues for Advocacy

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Setting the Stage

In my ten years of direct service work with survivors, I do not recall ever talking to a battered woman about child support, or hearing from a survivor that child support posed a potential problem. Subsequently, during my long career working on policy and systems advocacy, I *still* didn't have child support on my radar. What finally brought child support issues front and center for me was welfare reform. In 1996, debates about the proposals for the new Temporary Assistance to Needy Families (TANF) program raised red flags for many of us working on domestic violence issues. We read that women in the program would be required to get involved—in a major way, whether they wanted to or not—with the child support system or risk losing their welfare benefits.

It turns out that problems with survivors being forced to participate in the child support system have been around for a long time—preceding TANF. Had we known what we were looking at, we would have identified many symptoms of the ailing relationship between domestic violence survivors and the child support system, including economic hardship, civil legal issues related to child visitation and custody, perpetrator retribution, and long-term abuse sustained by having children in common. It had not occurred to most of us to look at these problems and wonder if child support—the resource as well as the system—had anything to do with the situations that survivors were facing.

There is no denying it anymore. Though child support offers many benefits, it also presents risks to survivors who either are caught up unwillingly in the child support system or use it voluntarily. Following is a summary of some of the most important things I've learned in the time I've been working on the issue.

The Federal Government's Role

Even prior to TANF, women living in poverty were required, in order to receive welfare benefits, to help states establish child support orders. But the pressures on mothers increased significantly in 1996, with the advent of TANF. President Clinton and Congress included an emphasis on child support in the sweeping “welfare reform.” The federal government was going after “deadbeat dads” to require them to pay for their kids. This, in and of itself, was not a bad thing. But the federal government planned to get to the dads via the moms, and that’s where the risks to battered women went largely unconsidered.

Increasing accountability of dads wasn’t just talk. The federal government invested *money* into the existing child support system. For instance, they created the Federal Parent Locator System (FPLS), a nationwide database used by child support collectors in search of parents, overwhelmingly fathers, who owe child support. No matter where you live in the United States, the FPLS captures data about you—primarily when you get a job. If you ask the people who deal with new hires at your agency, they will show you a form that feeds your employment and income information into this mega-database.¹

Even with such wide-ranging technology, the best chance state and federal governments have of finding dads who owe child support is if mothers assist them by naming and helping to locate these dads. That seems to be the rationale for the additional emphasis, money, rules and personnel that state TANF systems are using to put systems in place to question, and in some cases pressure, recipients (mostly mothers) to give the needed information.

Washington State's Response

The federal government invested money on the state level too. They increased funding to child support agencies in every state so the agencies could much more actively go after the people they

¹ Kudos to any advocates who are thinking that this must mean that employment information about women—maybe even battered women who are being stalked or are fleeing violent abusers—goes into this database, too!

find through the Federal Parent Locator System or other databases (maybe even Google), establish support orders and actually collect the money.

As wonderful as it is to have federal dollars supporting our state system, the money comes with strings attached. The federal government requires that Washington State meet goals around establishing paternity, establishing legal orders requiring a parent to pay a certain amount, and actually bringing in the dollars. The Washington State program can lose part of its federal funding if it does not meet specific goals.

The state system takes these pressures from the federal government and in turn applies pressure to single parents on TANF. The state requires moms to help identify and locate fathers for monetary child support, and has expanded this requirement to medical insurance as well. A parent who is seeking assistance from the state for medical needs (Medicaid) must give information about her children's other parent as well. If the other parent has health insurance that covers offspring, the state will require that parent to enroll the children. This is a little-known fact that may affect more survivors than we realize.

For the majority of women seeking assistance, the state requirement to enroll in child support services is not a problem. Truly, countless women and children benefit from this well-run, well-financed system. Although Washington State keeps whatever child support money the Department of Social and Health Services (DSHS) collects for a parent while that person is on assistance, once off TANF the person will receive the child support dollars, *and* the state will continue to provide child support collection services—free of charge—until and unless the parent contacts the Division of Child Support (DCS) to discontinue the service. Whatever the amount of money (large or small), the increased income has translated into more economic stability for women and children.

However, some women, particularly battered women, find that they *must* resist the pressure from the state to collect child support. Fortunately, there are provisions within the welfare rules that exempt a woman if she is afraid that seeking child support will cause harm to her or her children; she can discuss it with a welfare worker, who can “excuse” her from the requirement to give

information about the father, such as his name or other identifying information, his employer or his whereabouts. In this case, DSHS will not contact him to seek child support. (Remember, this also applies to medical benefits.) In Washington State welfare jargon, this exemption is called “good cause for non-cooperation with the Division of Child Support”—“good cause” for short. A woman has good cause—a good reason—for not wanting DSHS to contact her batterer to collect money if she is a victim of domestic violence and is afraid for her safety or the safety of her children.²

In theory, good cause should protect a battered woman from the state contacting her batterer—and it does work for many women. But in practice, some women are put at risk despite good cause. For instance, when good cause is granted, it is not permanent. Typically good cause is granted for anywhere from three months to one year, after which a DSHS worker again contacts the victim, who is required to provide more information about why she is still afraid that the abuser will harm her if the state contacts him. Additionally, DSHS workers at times do not follow their own procedures for screening each individual for domestic violence to offer people information about good cause. Ironically, the form that people must use to ask for good cause is titled “How You Must Help with Child Support Collection . . .” and is punitive in tone. In some instances, workers neither grant good cause nor call in experts for consultation when survivors describe their fears and concerns. In the worst cases, workers deny good cause when they shouldn’t and put survivors and their children at risk.

What Survivors Say About Child Support

I’ve never spoken with a survivor about child support without inevitably talking about a full range of other financial and resource issues: welfare, healthcare, housing, childcare, food, food stamps, help from family, help from new boyfriends/girlfriends/partners, and jobs of all

² Good cause is somewhat complicated because there are two levels: Level A and Level B. If a recipient is granted good cause Level A, DSHS will cease working on the case and will not contact the other parent. Being granted Level B, the woman would not have to help, but DSHS is free to do its best to track down the other parent without her assistance. It is worth reading the DSHS manual about this (www1.dshs.wa.gov/esa/socialservices/Sections/GoodCause.htm). Don’t work too hard trying to figure out the rationale for these two levels because they were developed many years ago, before any of us had a very good idea about what obstacles we were facing. WSCADV is working on refinements to this policy and practice and hopes to work with the state to make it more responsive and effective.

descriptions. Concerns about child support are mixed in with all these other worries about making ends meet.

When asked specifically about child support, some survivors talk about how much they count on it. Whether the amount of money is small or large, the consistency of monthly child support payments is helpful. One woman I spoke with had two children with two different dads. One of the men was a batterer and the other was not. The non-offender paid child support. This financial support was essential to the survivor when she finally decided to leave the batterer.

Although many women experience the child support system as positive or at least benign, many do not. Some victims tell us that they want to avoid any further contact or entanglement with the abuser and are wary of involvement with the child support system. Even if they are not particularly afraid of the perpetrator, they are certain that they do not want him around. They believe he will have nothing positive to contribute to their children and staying connected with him through the child support system will only increase the chances that he will feel entitled to contact them or their children.

One woman said going after child support would be “like poking a stick at a snake.” Survivors are the most available targets for angry batterers forced to pay support. Survivors suffer when the child support system does not put their safety front and center.

Receiving a support order can trigger batterers to threaten, harm or even kidnap children. Even batterers who previously showed no interest in visits or custody may threaten legal action and take victims to court—over and over again—to secure visitation or custody once a support order has been served. One woman told me that when her batterer was forced to pay child support, he said this to her about their kids: “If I’m going to pay for them, I’m going to have them.” He previously had shown no interest in even visiting.

When victims flee obsessive and deadly batterers and go through the complex ordeal of changing their identity (including social security number), they fear that a mistake made by the welfare or child support agency will reveal their new name and whereabouts and put them and their

children in mortal danger. Unfortunately, social workers in Washington and in other states do make mistakes about address disclosure, so women have cause to be afraid of this.³

Some survivors know that they will never get any significant money from the father of their children because the men themselves are poor. These survivors fear that not only will they not get any money, but the state's contact will cause the batterer to increase his abuse or engage in old behaviors that had been dormant. This is a double whammy for women who previously had a *benign non-paying ex-abuser* but now have an *angry non-paying re-abuser*.

Direct Service to Individuals—Opportunities to Promote Personal Empowerment

It is important for advocates to have background about the child support system and the most common ways it impacts survivors because:

- Victims need to understand, for their own safety, just how large and sophisticated the information-gathering systems have become.
- Accurate information is important for all women, at any income level, because the state child support system can be a great resource.
- Accurate information is especially critical for low-income women because the state *requires* that women receiving TANF or seeking medical assistance participate in the child support system—with very little choice in the matter.

It's a major part of the job description for an advocate to help survivors understand a given system and its relative benefits and risks. Informed battered women are in the very best position to judge the risks they will face in the child support collection system, and they deserve to be in charge of what happens to them. They can weigh, based on their own particular circumstances, the benefits of getting additional money against the costs they will end up paying in emotional or physical distress or abuse.

³ As much as we wish this were not true, the women who are in the most critical danger need to think twice about accessing the welfare system at all because it has no built-in guarantees of complete and absolute address and identity confidentiality. This problem presents unique challenges to local programs who serve this population, and significant ethical issues for the system itself.

Most victims want the father of their children to pay child support: They need the money, it's expensive to raise children, and they feel the father owes it to his kids and should have to pay. For those survivors who don't want to risk contact with the father through the child support system, it's an advocate's job to understand the facts and describe how the resources work. Here are a few important safety issues to be aware of:

The right to good cause: It's an advocate's job, in the realm of individual advocacy, to work with survivors so they can stick up for themselves and access the safeguards they are entitled to. Survivors need to know that they can inform DSHS workers if they are afraid that the state's contact with their abuser will have negative or dangerous consequences. Advocates can explain to victims their right to be informed about good cause and the steps they need to take.

Chances of locating the father: A survivor might be under the impression that DSHS would never be able to find her abuser. Perhaps he never works regular jobs (he works for cash—under the table), constantly moves around or lives in a distant state and never goes anywhere. Advocates need to help survivors learn about the powerful technologies, among them the Federal Parent Locator System, that make it more likely than not that DSHS *will* find him. Advocates can help survivors think through important questions: What might happen if and when DSHS finds a survivor's batterer and makes contact? Would knowing about the power of this system change her mind about applying for good cause? Would she think differently about her safety plan?

Compounding debt to the state: Advocates need to be able to explain to victims a critical safety issue regarding good cause. It's possible for the state to establish a support order (the formal process that establishes how much a father owes each month) and *then* grant good cause (meaning they will not contact him to enforce payment of that order). What's problematic about this is that even though the state isn't contacting the father for payment, what he owes grows. In other words, his financial obligation doesn't get put on hold or disappear just because of good cause. At some point down the road, when a survivor either gets too desperate for the financial support or feels less frightened of the batterer (or both), she may tell the state she doesn't need good cause anymore. The state will start enforcing the order and collecting the money, and the

father will receive a notice of his accrued debt—which likely will come as a big surprise to him. His wages, bank accounts and so on will be affected. This could be a safety issue after the batterer is contacted and informed of the debt. The survivor needs to spend some time planning for how she thinks the abuser might react.

Penalties for welfare fraud: Some women on TANF get money from the father of their children “under the table.” Often, TANF recipients know that if the father pays his child support through the support enforcement system, the state keeps the money it collects—at least while the mother is on TANF.⁴ While it is against the law for a parent to get child support under the table while on TANF without reporting the income to DSHS, a woman may decide to take her chances breaking the rules if she thinks the alternative is receiving so little money that she will become homeless or suffer some other catastrophe. Survivors need the straight facts about the penalties if they are caught. These might include going to jail, having to pay restitution, and being cut off from public benefits in the future. Talking about the facts (without making a value judgment—i.e., that welfare fraud is morally right or wrong) might encourage women to speak up about what is driving them to consider risking fraud. It’s helpful to open the door to discussions about creative—and legal—alternatives.

In the child support arena, an ounce of prevention is worth a pound of cure. If advocates can help women understand the child support system *before* they engage with it, it’s easier to avoid the pitfalls. Some problems are difficult or impossible to fix once information has been entered into computer systems, or once the entire complex system starts cranking through a case. The key to survivors making the best decisions they can about child support is having accurate information—and lots of it. Knowledge is power.

Service to Systems—Opportunities to Help Systems Change

⁴ There are a lot of complicated rules related to how much money the state keeps before passing it along to the custodial parent. Widespread support exists for ending this practice and passing along all money directly to families. If you are a policy geek at heart, there are great policy papers about this on the Center for Law and Social Policy (CLASP) website (www.clasp.org). If you are not, it’s enough to know that the child support system is currently a cost-recovery system for the government. Under many circumstances, the state gets paid back for certain welfare costs while the mother is on TANF; when she leaves, different rules apply that put her first in line for the money that is collected, with the state receiving part of the total only after the mother gets what she is owed. It’s much more complicated than that, but that is the gist of it.

It is an unfortunate reality that we have an extremely complicated public benefits system. DSHS workers have the difficult job of understanding hundreds of rules about programs and eligibility and requirements and goals. And everything changes all the time, and the people who walk through the doors every day need incredible compassion and care. It all adds up to pressure, pressure, pressure.

We, as domestic violence advocates, pressure DSHS workers too. We can be demanding—and we probably *should* be because some of the people we work with face huge risks. There is a lot at stake.

It is no real surprise that in the chaotic environment that exists in some offices, DSHS workers do not understand domestic violence, and do not fully comprehend how their own systems can interconnect to serve survivors effectively. This is where the challenging opportunities for systems advocacy come in.

Just as an ounce of prevention is worth a pound of cure when working with individuals, an ounce of systems advocacy is worth a pound of individual advocacy. When DSHS workers do their jobs without an understanding of domestic violence issues, victims suffer and come to us in terrible straits. But when we can help DSHS workers understand how to use their own systems to effectively screen for domestic violence, educate survivors about the good cause process and the pros and cons of using the child support system, and make accurate determinations of good cause, we can save ourselves hours and hours of hair pulling. Here are some places to start doing systems advocacy related to child support:

Tracking the numbers: I once heard it said that “you get what you measure.” Local welfare offices can produce statistics about how many TANF recipients ask for good cause and how many are granted or denied. These numbers can be tracked for each office and for each

individual welfare worker.⁵ We can ask for a regular review of these numbers—to examine them ourselves or to meet with the office administrator so he or she lays eyes on the numbers. Paying attention to these things on the systems level helps us assure survivors that they will have access to the safeguards that exist in the system.

Changing the rules: On the statewide systems level the Coalition has joined with the Division of Child Support to generate ideas to make the child support system much more responsive to the safety needs of victims. We are discussing rule changes to the Washington Administrative Code (WAC), to agency policy, and to instructions to workers that would allow Washington State to have a better, safer system. We are exploring one model in particular, described below. Using the idea of a simple traffic light, this three-tiered model helps identify among the total child support cases those that need extra attention:

- **Green light:** Child support cases where there is no domestic violence, so there is no need for special safety precautions in establishing or enforcing child support orders.
- **Yellow light:** Cases where a domestic violence victim wants and needs the money from child support and judges that the risks might be manageable, or that it might be safe at some point in the future. The yellow light cases might best be managed in a specialized caseload within child support offices around the state, where specially trained state workers could help survivors with specific safety planning measures (for example, guaranteeing confidentiality of records) and could respond quickly to events (for example, stopping enforcement action if a victim suffers consequences greater than she anticipated and can manage).
- **Red light:** Child support cases where the danger is so great to battered women that the system simply comes to a complete stop—and stays stopped—on the case. No further efforts to establish or collect on a child support order will take place.

WSCADV and DCS are exploring these and other systems changes. We welcome the input of direct service advocates to this element of systems change.

⁵ We would never expect to see large numbers of women seeking good cause; most women do want to collect child support. But we would expect to see a few, and we would expect that every worker would get an occasional good cause application.

Understanding confidentiality options: Finally, just a word about another major issue needing some systems advocacy work—that is, the Address Confidentiality Program (ACP). There is almost universal misunderstanding among DSHS workers about what ACP does and what it cannot do. Many workers encourage women to enroll in ACP as a means to protect the confidentiality of their addresses. But women who are in an established household and are not able or willing to relocate are not eligible for ACP. The program is only suited to victims who are getting ready to move.⁶ Help workers at your local welfare and child support offices understand that ACP is a great option, but only for a relatively small number of families. Then make sure they implement the other safeguards for protecting addresses that exist within their systems.

Conclusion

Advocates, take heart. The child support enforcement system is new to many of you, with all of its attendant rules, acronyms and idiosyncrasies. It's a great irony that I've heard from advocates that learning about the system to assist survivors has helped them access the system for themselves! "We" and "she" are facing the same things. Knowing about child support is about working on economic literacy *and* victim safety *and* welfare *and* surviving *and* thriving. *And* it's interesting.

We're always anxious to hear from you about what you are seeing and hearing. Give us a call or write us an email.

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⁶ If you are unclear about how ACP works, its strengths and limitations, make sure you talk to the advocate in your program who enrolls survivors into the program, and/or read the materials on the secretary of state's website about the program (www.secstate.wa.gov/acp) or attend a workshop on ACP.

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