

CHILD SUPPORT CASES WITHOUT SUPPORT ORDERS THREE-YEAR OUTCOMES

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The federal child support program helps ensure that both parents are contributing to the material needs of their children. Low-income families, in particular, rely heavily on child support payments. Between 41% and 65% of family income comes from child support for poor and deeply poor families, respectively, and consistent payments to these families reduces both child poverty and public assistance use (U.S. Department of Health and Human Services, 2016; Hall & Passarella, 2015).

The University of Maryland School of Social Work has regularly created descriptive profiles of the public child support caseload as part of an ongoing partnership with the Maryland Child Support Administration (CSA). These profiles have focused on the characteristics and trends of cases with either current child support orders, arrears balances, or both. However, there is a substantial minority of cases that do not have any orders—these cases have comprised between 20% and 25% of caseloads in recent years (Gleason & Passarella, 2017). Nationally, U.S. Census data shows that only half of all custodial parents had child support orders in 2009 (Grall, 2016), so this is not unique to Maryland nor is it an isolated phenomenon.

There are many reasons why a child support case may not have a support order established, but the most common reasons are related to either *objective constraints* or personal choice (Huang & Pouncy, 2005).

Objective, or programmatic, constraints include an inability to locate a noncustodial parent, a lack of paternity establishment, or a child aging out of eligibility for child support. As a personal choice, some custodial parents may choose to maintain their own informal agreements with noncustodial parents that include cash or in-kind support (Kane, Nelson, & Edin, 2015; Nepomnyaschy & Garfinkel, 2010). However, non-cooperation as a personal choice, largely among custodial families who receive cash assistance through the federal Temporary Assistance for Needy Families (TANF) program, is an important factor in the lack of financial support orders (Roff & Lugo-Gil, 2012; Waller & Plotnick, 2001).

REPORT HIGHLIGHTS

After three years, three fifths (60.9%) of cases were closed, while one fifth either established orders (21.6%) or remained open without order establishment (17.5%).

Three quarters (74.1%) of cases had a history of TANF receipt.

The majority of cases closed or established orders within one year of July 2013.

Cases were most often closed because of no customer contact or cooperation.

Non-TANF cases tend to close or establish orders sooner and at higher support amounts than TANF cases.

Child support agencies and the TANF program have always worked closely together, and that relationship was strengthened by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA, or welfare reform), which required unwed recipients of cash assistance to cooperate with the child support establishment process. This requirement was introduced so that child support payments made by noncustodial parents could reimburse states for their distributions of cash assistance.

Cancian & Meyer (2004) and other researchers show that, oftentimes, noncustodial parents of families receiving cash assistance are also low-income, so redirecting child support payments to the state instead of families may be a reason for non-cooperation among both parents (Waller & Plotnick, 2001; Roff & Lugo-Gil, 2012; Cancian, Meyer, & Caspar, 2008). Evidence suggests, however, that allowing custodians to retain even a portion of child support income has a positive effect on payment compliance as well as payment amounts (Cancian, Meyer, & Caspar, 2008; Lippold, Nickols, & Sorensen, 2010; Vaughan, 2017).

A qualitative study of mothers and fathers involved in the child support system reveals that non-cooperative custodians receiving cash assistance often have informal support arrangements in place with noncustodial parents (Roff & Lugo-Gil, 2012). For these families, in-kind support is generally preferred to cash payments they view as cold or impersonal, and they may view child support rules as unfair or counterproductive (Waller & Plotnick, 2001). Additionally, cooperative custodians may experience increased conflict or reduced in-kind

contributions from noncustodial parents (Nepomnyaschy & Garfinkel, 2010).

Yet there are negative consequences for custodians receiving cash benefits who do not cooperate with the child support process. In Maryland, recipients of Temporary Cash Assistance (TCA, Maryland's TANF program) who do not cooperate with the child support program are sanctioned, resulting in a case closure and the loss of all cash benefits (Maryland Department of Human Services, 2017). Once they cooperate with the child support program, they are able to reinstate their cash assistance benefits.

With this context in mind, we sought to better understand the outcomes of cases that do not have any support orders. Also, we answer the research questions listed below by whether or not cases had a history of TANF receipt. Differentiating cases by TANF history is particularly important for this report because non-cooperation is more likely to occur among individuals who are required to participate in the program than individuals who voluntarily participate.

1. Within three years, what percentage of cases without a support order were closed, had an established support order, or remained open?
2. How long did it take for cases to close, and for what reasons did they close?
3. How long did support order establishment take, and for what amounts were the support orders?
4. What were the characteristics of cases that remained open at the end of the follow-up period?

Methods

Data in this brief are from administrative data retrieved from the Child Support Enforcement System (CSES), which is Maryland's automated information management system for the child support program. CSES contains identifying information and demographic data on children, noncustodial parents, and custodial parents receiving services from the IV-D¹ agency. Data on child support cases and court orders are also available.

The study population is a subset of a 5% random sample of active child support cases in July 2013. There were 10,760 cases in the full sample, but this brief focuses on the 2,499 cases that had no support orders in that month. Bivariate statistics were used to describe cases by TANF status. Chi-square analysis was used to test for differences between groups. Analysis of variance (ANOVA) was used to test for differences in mean values.

To provide ample time to allow case actions to occur, we have a three-year follow-up period from August 2013 to July 2016. This follow-up period is appropriate since the federal law current during this period required a maximum of three years to locate a noncustodial parent before the case could be closed² (Case Closure Criteria, 2016a).

In order to further investigate cases with no support orders, we retrieved case narratives for a 5% random sample of the 2,499 cases without a support order from CSES. These include information generated automatically by CSES as well as narration made by caseworkers.

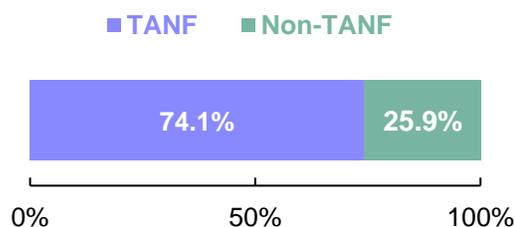
¹ The public child support program is authorized under Title IV-D of the Social Security Act and is often referred to as the IV-D program.

Findings

In order to better understand the reasons and outcomes for no support orders, we identified cases that did not have an established support order in a particular month—July 2013—and investigated what happened to these cases over a three-year period. Because the public child support program includes both families participating voluntarily and families who are required to participate as a condition of receiving cash assistance benefits, we differentiated cases by TANF status throughout the analyses.

TANF cases were identified as those in which custodians received assistance in Maryland at any point prior to July 2013. Figure 1 shows that three quarters (74.1%) of cases with no support orders had TANF histories, while one quarter (25.9%) had no history of TANF receipt. TANF cases were over-represented among cases with no support orders compared to the entire July 2013 sample of child support cases, in which two thirds (63.6%) had a history of TANF receipt.

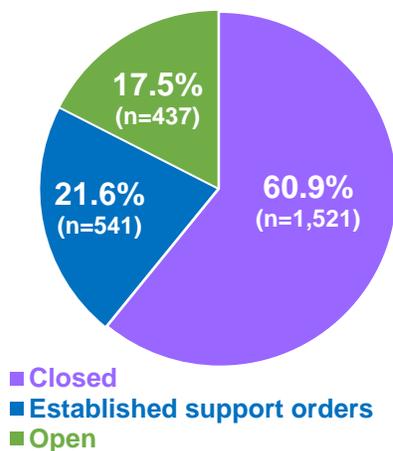
Figure 1. TANF Status
in July 2013



² This is for cases with sufficient information to initiate automatic locate efforts. With the publication of the Final Rule in December 2016, this time period has been reduced to two years (Case Closure Criteria, 2016b).

This cohort of cases represents a spectrum of child support cases, with some becoming active more than five years ago and others first becoming active in July 2013. For some cases—21.5%—current support orders had been established prior to July 2013, but these orders were no longer active in July 2013, suggesting these cases may require closure. The majority of cases did not have a support order prior to July 2013, indicating that these cases may still require paternity and support order establishment. Others, however, may need to be closed because the agency is unable to locate the noncustodial parent.

Figure 2. Case Status
by July 2016



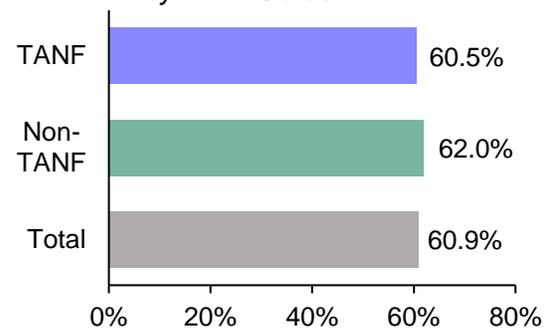
Therefore, child support cases with no support orders were divided into three categories according to the case outcome by the end of the follow-up period—closed cases, cases with established support orders, and open cases. As shown in Figure 2, the majority (60.9%) were closed by July 2016, which means the case either closed and remained closed through July 2016, or the case may have fluctuated between being closed and reopened but was ultimately closed by the end of the follow-up period. One in five (21.6%) cases had an established support order by July 2016.

Nearly one in five (17.5%) cases either remained open for the duration of the follow-up period or were closed at least once but re-opened and remained open through July 2016. We will discuss each of these three outcomes individually throughout this brief.

Closed Cases

Three in every five cases without a support order in July 2013 closed during the follow-up period. This was true for both cases that had a history of TANF receipt and cases that did not. Figure 3 shows that among TANF cases, roughly three fifths (60.5%) were closed by the end of the follow-up period. Similarly, 62% of non-TANF cases were closed by July 2016. Case closure can certainly be a positive outcome especially since it allows child support professionals to focus on cases that currently require management.

Figure 3. Percent of Cases that Closed
by TANF Status***



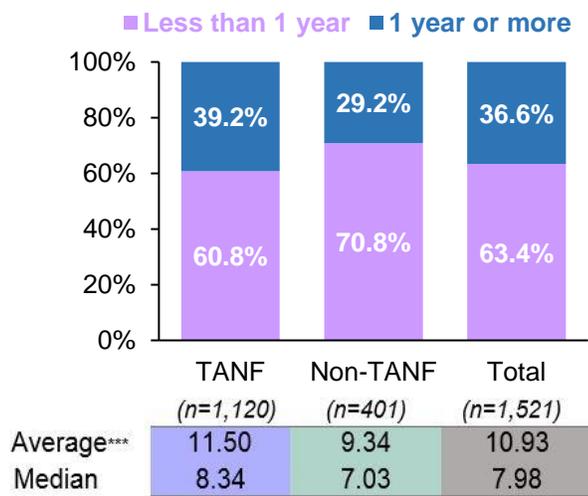
Note: *p<.05, **p<.01, ***p<.001

A typical case in this group first become an active child support case about three years prior to July 2013, but most of these cases were closed fairly quickly after the initial sample month of July 2013. Nearly two thirds (63.4%) of cases were closed within one year. In fact, cases were closed in an average of 11 months, although the median length of time was only eight months,

indicating that half of these cases were closed in eight months or less and the other half were closed in eight months or more.

While the majority of both TANF cases (60.8%) and non-TANF cases (70.8%) closed within a year, TANF cases were 10 percentage points less likely to do so than non-TANF cases. On average, non-TANF cases closed within nine months, compared to nearly 12 months among TANF cases. Although non-TANF cases were more likely to close within a year, they had also been open about a year longer than TANF cases (4.3 years vs. 3 years prior to July 2013). Nonetheless, TANF cases may have taken longer to close after July 2013 due to programmatic reasons, such as currently receiving cash assistance benefits or an arrears balance owed to the state.

Figure 4. Time to Case Closure
by TANF Status***



Note: *p<.05, **p<.01, ***p<.001

Most of these cases did not have a support order prior to July 2013 and they did not have one established by July 2016, so Figure 5 provides the reasons that these cases were closed. Caseworkers must document the reasons for case closures,

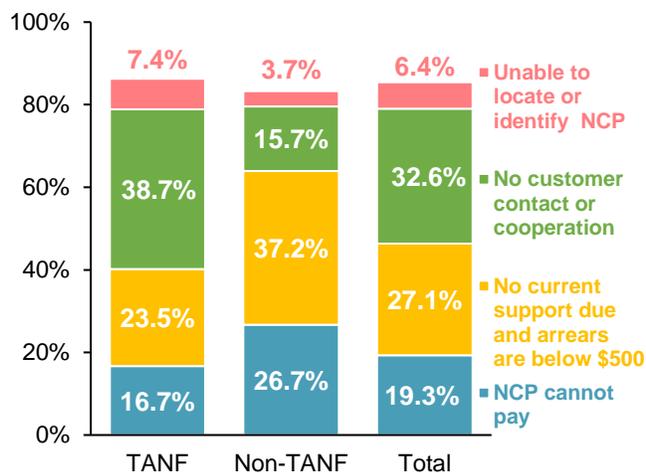
and these closure reasons provide valuable information about the actions taken on a case or the inability for caseworkers to enforce cases. The case closure reasons for all case closures are heavily influenced by the reasons among TANF cases, since TANF cases make up the large majority of closed cases. Therefore, this discussion will compare TANF and non-TANF closure reasons.

The most common reason for closure among TANF cases was due to no customer contact or cooperation (38.7%). TANF recipients do not voluntarily participate in the public child support program, but are required to cooperate with the program as a condition of receiving TANF benefits. While this policy may provide sufficient encouragement for most TANF recipients to cooperate, research suggests non-cooperative custodial and noncustodial parents may find negotiating support agreements outside of the public child support program a more pragmatic or cost-effective strategy, particularly when the noncustodial parent (NCP) also has a low income (Cancian, Meyer, & Caspar, 2008; Nepomnyaschy & Garfinkel, 2010; Pirog & Ziolk-Guest, 2006; Waller & Plotnick, 2001; Roff & Lugo-Gil, 2012). The lack of customer contact or cooperation was a much less common reason (15.7%) for case closures among non-TANF custodians, which makes sense because these custodians are not required to cooperate and are thus willingly engaging in the child support process.

The most common reason for closure among non-TANF cases was that there was no longer any current support due and the arrears balance was below \$500. Nearly two in five (37.2%) non-TANF cases closed for this reason compared to about one

quarter (23.5%) of TANF cases. Non-TANF cases were also more likely to close because the noncustodial parent was unable to pay the child support obligation than TANF cases (26.7% vs. 16.7%). Few cases were closed because the noncustodial parent was unable to be identified or located. In fact, less than 10% of TANF cases and less than 5% of non-TANF cases were closed for this reason.

Figure 5. Case Closure Reasons
by TANF Status***



Note: *p<.05, **p<.01, ***p<.001

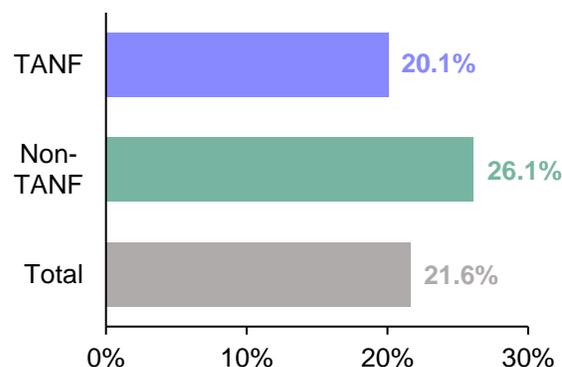
Cases with Orders Established

Although most cases without support orders in the sample month closed by the end of the three year follow-up period, a substantial minority of cases (21.6%) did eventually establish support orders. Non-TANF cases were six percentage points more likely to have an established support order than TANF cases, as shown in Figure 6. While one in five (20.1%) TANF cases established support orders within three

years, over one quarter (26.1%) of non-TANF cases did so.

Even though there is a three-year follow-up period, most of these cases established a support order in less than one year, as seen in Figure 7, and the typical case was open a short period prior to July 2013—just over one year (14 months). The majority (68.0%) of cases with an established order did so within one year, while one third (32.0%) of cases did so in one to three years. Non-TANF cases (80.5%) established support orders within one year more often than TANF cases (62.4%). Likewise, the percentage of TANF cases (37.6%) that took more than one year to establish support orders is nearly double the percentage of non-TANF cases (19.5%) that took more than one year to establish orders.

Figure 6. Percent of Cases with an Established Support Order
by TANF Status***



Note: *p<.05, **p<.01, ***p<.001

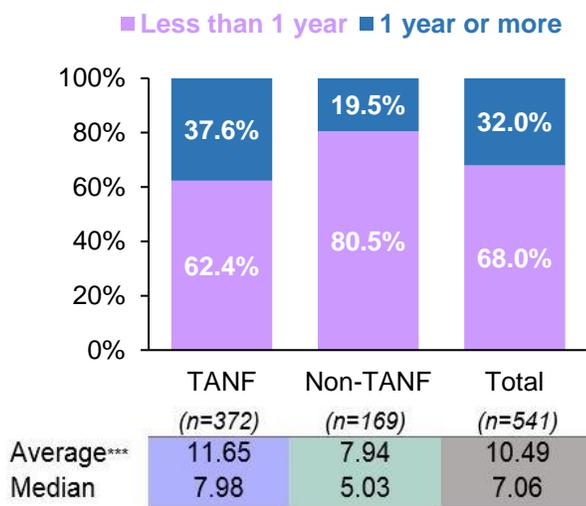
TANF cases took about three months longer, on average, to establish support orders than non-TANF cases. This could be explained by the fact that TANF cases require NCP location and paternity establishment services for a longer period than non-TANF cases³ and thus require

³ One quarter (26.0%) of TANF cases were in locate status at any point during the follow-up period,

compared to 18.9% of non-TANF cases. Additionally, 29.6% of TANF cases required paternity

more effort to obtain a support order. This could also be because the custodial parents on non-TANF cases were more engaged with child support caseworkers during the order establishment process than custodians on TANF cases, a trend that was seen in case narratives. Although all cases had an established order within a median of seven months, non-TANF cases had an established order in five months, compared to eight months among TANF cases.

Figure 7. Time to Establishment by TANF Status***



Note: *p<.05, **p<.01, ***p<.001

The amount of child support ordered among these cases was similar to the amount for cases with an established current support order in July 2013. The median support order amount (SOA) was \$302, which is slightly less than the amount for the July 2013 caseload with current support orders (\$343). Since order amounts are based on income, and families with TANF histories tend to have lower earnings than those without TANF histories (Cancian & Meyer, 2004), support order amounts are lower among TANF cases than non-TANF cases.

establishment at the end of the follow-up period, compared to 6.8% of non-TANF cases.

The median order amount for TANF cases was \$274, compared to \$375 among non-TANF cases. Additionally, the highest SOA among TANF cases was \$1,933, but the highest SOA among non-TANF cases was \$3,000.

Another perspective with which to examine support order amounts is to see the percentage of orders that are above the median amount for all cases with a support order—\$300. Since this is the median amount for all cases, half of all cases are \$300 and above and half are \$300 and below. However, there are considerable differences in this percentage by the TANF status of cases. Just over two in five (44%) TANF cases had SOAs above \$300, while almost two thirds (63.3%) of non-TANF cases had SOAs above \$300.

Table 3. Amount of Established Current Support Order by TANF Status

	TANF (n=372)	Non-TANF (n=169)	Total (n=541)
Average***	\$351	\$509	\$400
Median	\$274	\$375	\$302
Minimum	\$20	\$20	\$20
Maximum	\$1,933	\$3,000	\$3,000
% above \$300	44.1%	63.3%	50.1%

Note: p<.05, **p<.01, ***p<.001

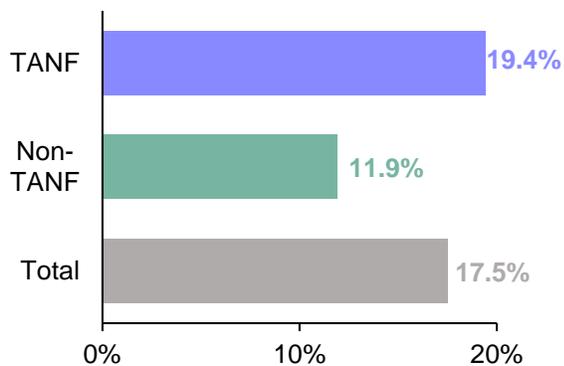
Open Cases

Almost one fifth (17.5%) of no support order cases were still open at the end of the follow-up period. This is the smallest category of no support orders, but also the most complex and difficult to understand. Again, there is a clear difference based on TANF status. One in five (19.4%) TANF

cases were open at the end of the three-year follow-up period, and only 12% of non-TANF cases were open at that time, as shown in Figure 8.

One reason for cases to continue to be open although there were no active support orders in July 2013 is that these cases have an arrears balances greater than \$500. However, only 16 of these open cases (4% of open cases) had an arrears balance in July 2013, with a median arrears balance of \$5,000. Hence, this is not the reason these cases are still open.

Figure 8. Percent of Cases that Remained Open by TANF Status***



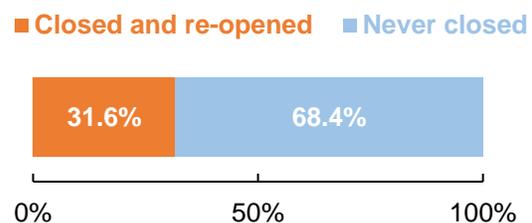
Note: *p<.05, **p<.01, ***p<.001

Another reason a case may still be open is that the children on the case still require paternity to be established before a support order can be determined. We found that 26% of open cases did, in fact, still require paternity establishment at the end of the follow-up period. Therefore, paternity establishment explains why one quarter of these cases remained open.

Conversely, it is possible these are cases that should and will eventually be closed.

About one third (31.6%) of all open cases were closed and then reopened during the follow-up period, shown in Figure 9. These cases are included in the open category, however, because they were open at the end of the follow-up period. Although we do not know the reason the case was reopened, the reason for the initial closure attempt, shown in Figure 10, provides information about the actions taken on the case and why it may eventually be closed.

Figure 9. Case Closures among Open Cases



The majority (58.7%) of cases were initially closed due to no customer contact or cooperation. This is supported by themes in a sample of case narratives in which custodial parents applied and received TCA, did not initially cooperate with child support services, and were consequently sanctioned on their respective TCA cases. These sanctions resulted in the full loss of TCA benefits, so these custodians may have eventually re-applied for TCA and cooperated with child support services, causing their child support cases to be reopened.⁴

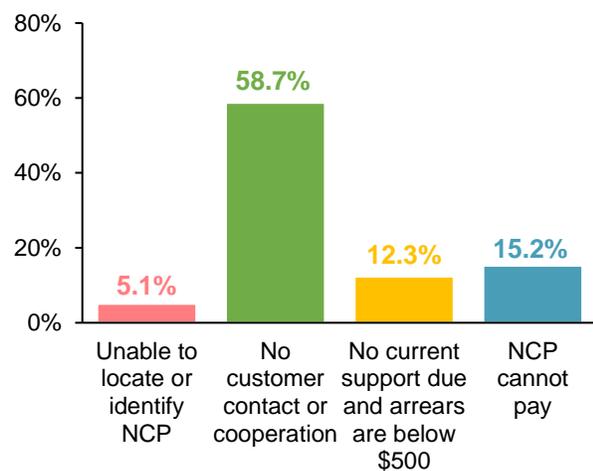
Another 15% of open cases were closed because the NCP could not pay, and 12% closed since there was no current support due and the arrears balance was under \$500. One in 20 (5.1%) open cases initially

⁴ For more in-depth analysis of child support sanctions of TCA recipients in Maryland, see Hall, Passarella, & Nicoli (2015).

closed due to an inability to locate or identify the NCP, but may have reopened because new information about the NCP's identity or location surfaced.

Regarding the remaining cases, little concrete information is known. Administrative data, while helpful regarding cases with frequent activity, is limited in its ability to reflect the complexities of individual cases. More qualitative analysis of individual cases is required to understand the intricacies of these cases and why they remained open.

Figure 10. Case Closure Reasons – Open Cases



Note: Based on the first case closure code during the follow-up period. Excludes cases with case closure reasons other than the above categories (n=12).

Conclusions

Regular review of Maryland's child support caseload found that about one fifth of all cases did not have established support orders. After selecting all cases without support orders from a July 2013 caseload sample, we examined the outcomes of these cases over time. Specifically, we aimed to understand whether these were cases that still required support order

establishment or cases that should be closed.

The majority—three in five—of these cases closed within three years. One in five cases had established support orders with a median amount of \$300, and another one in five remained open without establishing a support order after three years. Hence, the most common outcome for these cases without support orders is a closure. This outcome was a bit surprising since most of these cases have never had a support order, suggesting that maybe paternity establishment was still required or the case was in the judicial process for establishing an order. The receipt of public benefits is a clue as to why closure was the most likely outcome.

Three fourths of these cases had received or were currently receiving Temporary Cash Assistance benefits (TCA, Maryland's TANF program). This means that the opening of these child support cases could have been initiated by the receipt of TCA rather than the custodian's desire to obtain a formal child support order. Prior research has identified different outcomes based on whether the custodial parent voluntarily participates in the child support program or is required to cooperate based on the receipt of public benefits (Hall & Passarella, 2016). In fact, one of the most common closure reasons was due to the lack of customer contact or cooperation.

Since families understand that child support payments made on their behalf will be kept by the state to recoup the costs of their TCA benefits, Cancian, Meyer, & Caspar (2008) argue that this incentivizes both parents to avoid the formal child support system and to establish informal agreements, allowing the custodian to keep the entirety of any contribution from the other parent. Evidence

suggests that allowing custodians to retain even a portion of child support payments has a positive effect on payment compliance as well as payment amounts (Cancian, Meyer, & Caspar, 2008; Lippold, Nickols, & Sorensen, 2010; Vaughan, 2017). There are, however, promising developments regarding child support pass-through in Maryland, as Governor Hogan approved legislation to take effect in July 2019 allowing the first \$100 in child support payments for one child and \$200 for two or more children to pass through to custodians (M.D. Gen. Assemb, 2017).

Cases that were still open at the end of the three years are the most enigmatic of this cohort. About one quarter of these cases still require paternity establishment, so caseworkers appear to still be working through the process of support order establishment. There was an attempt to close one third of these cases—most commonly because there was a lack of customer contact or cooperation—but they were subsequently reopened. It is possible that the rules around case closure make it difficult to close these cases. If that is the case, then recent reforms introduced by the Final Rule can facilitate closure. The Final Rule now allows states to close cases in a shorter time period when the noncustodial parent cannot be located (Case Closure Criteria, 2016b). Case closure is also allowed in a variety of circumstances, including when the noncustodial parent has been determined unable to pay child support. The flexibility offered in the updated federal rule may allow states to remove cases appropriate for case closure from the caseload. This can, in turn, provide caseworkers with more time to focus on other cases that may be more likely to establish support orders or that require enforcement actions.

Although the percentage of cases without a support order has been relatively stable over several years, it is possible there will be a decline in such cases. The two policies discussed above may make this possible. Specifically, the pass-through legislation, effective in 2019, could encourage TANF custodians to cooperate with the child support system when they know they will receive a portion of the child support paid on their behalf. Additionally, the new federal rule may offer states more flexibility to remove cases from their caseload. These two policy levers may positively affect child support outcomes in future years.

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