



Child Support

Receiving child support provides essential financial security for women who are caring for their children on their own. We work to reform the system so that it delivers the most child support parents can afford, through a process that is straightforward and fair.

Background

Nationwide, 80 percent of single-parent families are headed by women (custodial mothers). The poverty rate for those families is almost twice the poverty rate for families headed by custodial fathers. Child support is critical for custodial mothers, especially those living in poverty, as it can represent more than half of their income. Yet, in 2017, only 46% of custodial parents who were supposed to receive child support received all the support they were owed.

Before the COVID-19 pandemic, in New York State, there were close to 200,000 filings in court for child support each year and helping custodial parents secure child support is one of Her Justice's core service areas.

For parents who are W2 wage earners or where income is undisputed, the process should be straightforward. But the current system is unnecessarily complicated and beset with delays.

For more complicated child support cases (involving non-W2 income streams or disputed income), the process is even slower and more difficult to navigate, leading to awards that may not accurately reflect the non-custodial parent's actual income or meet the needs of custodial parents and their children.

In all types of child support cases, enforcement is a problem, further delaying or altogether denying essential support for custodial parents and their children.

The New York child support system remains opaque to many parents who navigate it without legal representation (more than 90% of parents) and even attorneys find themselves confused about the functions and purview of the courts and the child support agencies. The halting of Family Court operations and slow reopening for support cases during the COVID-19 pandemic highlighted challenges that existed in access to this critical relief and the courts' processing of these cases and made clear the need for reform. Yet a general lack of transparency from the courts around the nature of cases and their outcomes also makes it challenging to identify the most impactful opportunities and solutions for reform.

OUR POLICY AGENDA SUPPORTS:

Providing an administrative alternative to the courts for resolution of straightforward child support matters:

- Establishing an administrative conference process for child support matters involving parents who agree upon or have undisputed sources of income, including traditional W2 wages, without requiring legal representation or a court appearance, and at the same time maintaining Family Court funding and resources for judicial process where needed in disputed cases.



Increased access to representation in child support cases where parental income is disputed:

- Additional New York State and City funds earmarked for legal services and pro bono legal representation in non-W2 child support cases.

Improved enforcement of child support orders to ensure custodial parents receive the awards they were promised, and in a timely manner:

- The Child Support Collection Unit, which prioritizes collecting child support awards paid directly back to the government, should improve its enforcement efforts to recoup awards payable to custodial parents.
- The Child Support Collection Unit should be reachable and responsive to the needs of custodial parents seeking payment for their awards.

Additional benefits for custodial parents as they move through the child support process:

- Funding for programming such as job training, job placement, and childcare.

Increased transparency on the part of the courts regarding child support case characteristics and outcomes to ensure that the system is achieving its goals:

- The courts should collect and publicly release a wide range of information that would be helpful to policymakers, including demographic information for parties, duration of cases, number of court appearances, rate of legal representation, and award outcomes.

OUR POLICY AGENDA OPPOSES:

Linking child support enforcement to child custody or access to children:

- Court decisions and child support agency efforts to enforce or collect child support orders should not be linked to child custody or access to children without determining whether this is responsive to custodial parents' needs.

Child support awards that do not accurately reflect the non-custodial parent's ability to pay:

- When insufficient awards are granted, custodial parents and their children are denied access to their fair share of support.
- When outsize awards are granted, the non-custodial parent is unable to pay, the custodial parent is deprived of access to child support, and the integrity of the system is called into question.