

BOOK REVIEWS

Child Support and Public Policy: Securing Support from Absent Father

By Judith Cassetty

Lexington, Mass.: Lexington Books 171 + xviii pp., \$16.00

The intention of this book is to understand the present realities and problems of our child support enforcement system and develop principles to govern its reform. The importance of the subject cannot be exaggerated. The explosive growth of single parent families is the dominant demographic trend of our time. Families headed by a mother with no spouse present have grown at the compound rate of eight percent per year since 1968! Given the low to nonexistent levels of support provided by so many fathers of these families, given the dual economic and developmental responsibility of the single mother, and given the fact that women are discriminated against in the labor market and thus earn less than men, these family splits result in very high likelihood that such children are much less well off economically than they were before the split, five to ten times more likely to be poor than children in intact families. The author clarifies many issues relevant to reform and forthrightly advocates principles that would radically alter child support if implemented.

The book begins with a sketch of child support history. In both England and the United States "poor laws" have long required the support of needy children by parents, present or absent, and the support of needy parents by their adult children. The forced support of needy parents has weakened in state laws through time and has never been prescribed by federal law. On the other hand, state enforcement of child support was encouraged by the 1950 and 1967 Amendments to the Social Security Act, and a complicated carrot-stick was added in 1974, the latter motivated by Senator Long's well known unhappiness with AFDC mothers and the often-absent fathers.

Chapter 2 summarizes information on the recent growth of single parent families and the demographic reasons for that growth. In Chapter 3, the author uses the Michigan Panel Study of Income Dynamics to attempt to uncover the determinants of whether or not, and how much, child support is paid by absent fathers. From a regression using her total sample she finds that whites and minorities are sharply different, with white fathers more apt to pay some support. Based on regressions using the whites only, she found that the remarriage of the mother lowered the likelihood of any support being paid; number of children to be supported and father's income increase the amount of support paid; surprisingly,

remarriage by the father increased the amount of support paid. For minority men, father's income and his residence in the same state increase both the likelihood of any support and its amount.

The author devotes Chapter 4 to an interesting analysis of support in relationship to the economic status of the children and their fathers. Her analysis shows that the sample fathers paid an average of \$539 dollars per year; only one-third paid anything (Table 4-1, p. 65). She performs two simulations. If support were set to equalize economic well-being between the mother's family and the father or his family, this would require payments of an average of \$3,566, over six times more than actual payments. This would leave one-third of the pairs of families poor. If earnings capacity rather than income were used to measure economic well-being, the average payment would be \$2,933, and no pairs would be left poor.

In Chapter 5 the author reviews and criticizes available studies of child support enforcement programs of particular states and of the federal government. Her conclusion is that cost-effectiveness of present programs is doubtful. She proposed in Chapter 6 that child-support be enforced by the federal government through employer withholding (p. 112). Chapter 7 focuses on the proper level of support; her principles here boil down to payments set to equalize the economic status of the children's family and the non-custodial parent or his/her family. Chapter 8 is a summary.

I have two problems with the book. The first is with the data and analysis used to describe and explain the present status of child support; the second is with the meaning and implications of her principles for reform.

The analyses in Chapter 3 and 4 are intended to show us where we *are*, how much the fathers pay in relationship to their ability (ch. 4) and what determines whether they pay and the amount they pay (ch. 3). The analysis of both these chapters suffers from the fact that the data used in the analysis were not collected for her purpose. The panel data set used contains annual income by sources for (then) seven years for an initial 5000 households and all households formed from that initial population. Properly ignoring male single parents because of their scarcity in the panel, she found 578 cases in which only the mother of the children was present in the household at some time during the survey. Unfortunately, the corresponding male parent in 385, two-thirds, of these cases was never in the panel, so *nothing* is known about him other than the support supplied by him as reported by the female parent. I can think of no justification for using any of these 385 cases in an analysis aimed at explaining why the fathers pay whatever support they do. Her comments on special codes and the reported sample sizes in the regression tables imply that she used all of them. This weakens the value of the analysis of why the fathers pay what they pay.

There is a problem with the actual support data used in both Chapters 3 and 4. Types of income that are received regularly and/or are

a large fraction of the total are quite accurately reported; types of income that are relatively small or infrequently received are seriously underreported. A part of the problem of child support is the irregularity of its being paid and the smallness of its amount; thus there is strong a priori reason to believe that unless special care and methods are used to determine it, the amounts are underreported by the custodial parents. This may be a very serious problem for a proper analysis of the determinants of support because the underreporting itself may be determined by variables correlated with actual support. It should also cause us to take with a grain of salt the magnitudes of the amount of support reported in Chapter 4. However, even if the underreporting causes the \$539 average payment to be underestimated by a factor of 2, which I doubt, there is still a great gap between \$1000 and the amount required to equalize the economic well-being of the absent father and his children.

Cassetty's main reform "principle," setting support to equalize well-being between the new and old family, is not just a frontal assault on present latitude in family law practices, although it is that. It is also implicitly a transfer program of major proportions. I worry that some may accept it without giving thought to the consequences of such a scheme. Her Chapter 5, and the cost-effectiveness studies she analyzes in it, unfortunately, may encourage one to think that administrative enforcement costs are the only costs relevant to the problem. They are not. As Cassetty points out, there are all sorts of social costs that arise when we attempt to force people to do what they wish not to do.

I am sure there are many meanings and approaches to "normative principles." My own is an ethically pragmatic (unprincipled?) one. I do not adopt a principle without knowing its consequences. For example, we have tremendous inequality in economic well-being in the United States. Pure or true egalitarianism is a reform principle that would require taxes and transfers to equalize economic well-being for all. Should everyone cooperate and no one change their behavior in consequence of such a reform, the administrative costs would be \$15 billion at the outside. But, we all know, people would not cooperate with a 100% tax on additional income, nor will they work as much, etc. Therefore, actual administrative costs would be ten times that high and the society would suffer all sorts of other dislocations.

The author's principle, if taken literally, implies a similar mini scheme. It does not imply total equalization of economic well-being, but it does imply equalization between some six to seven million pairs of units. The transfers are not between mutually anonymous taxpayers and transfer recipients, but between often mutually antagonistic ex-wives and ex-husbands. The tax rate is not 100%, but is 50%. (Furthermore, the ex-wife is also subject to an implicit 50% tax, since support payments fall by 50¢ for every dollar she earns.) What would be the administrative and output cost of enforcing such a transfer system? And the effects of such equalization are not confined to the reaction of couples already split. The principle implies a drastic increase in the financial cost of divorce. Un-

justly low as these costs now are, raising them will certainly affect the behavior of husbands-fathers. Are there some, possibly the million plus child abusers and/or wife abusers, for whom we want to at least not increase the cost of splitting?

Pointing out the implications of her principle is not meant to argue that the present non-system is not the unjust, inefficient, disgrace that it is. It is to argue, first, that Cassetty's book is just a beginning, as she tells us; we must learn much more about why child support is what it is and what incrementally improves it. Secondly, it is to argue that righteous indignation, and I share hers, is of very limited value in formulating good policy. At minimum we must analyze the potentially costly implications of our ideals. Reform that will improve things may be as difficult to design as it will be to implement. The children wait.

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Making Fathers Pay: The Enforcement of Child Support

By David L. Chambers

Chicago: University of Chicago Press, 1979, 365+xiv pp. \$25.00

David Chambers' *Making Fathers Pay: The Enforcement of Child Support* dramatically illustrates the persistent conflict in our country between the values of efficiency and justice. Here the social problem concerns financial support for children whose parents have divorced. The issues raised, however, are equally pertinent to civil commitment or the juvenile and criminal justice systems. In all these settings policymakers must ask whether effective sanctions—those which accomplish the purpose intended—are also just sanctions?

In a wide-ranging, well-written, and methodologically sophisticated study, Chambers, a University of Michigan law professor, demonstrates that the combination of persistent warnings and the use of jail will get significantly more fathers to pay for their children's support than will jail and a lax warning system or a competent one not enforced by imprisonment. Fortunately, he is a responsible researcher and an astute lawyer; he does not leave us with his findings alone but explores the social costs of such imprisonment and suggests alternatives potentially as effective and substantially more fair.

The state of Michigan has a unique system for handling the financial consequences to children of their parents divorce. Each county in the state has a Friend of the Court whose responsibility is to collect and disperse child support payments determined by the court in a divorce. The persons who work for this organization are assigned a caseload much