

# States of the Union

## WISCONSIN'S CHILD-SUPPORT EXPERIMENT

BY RICHARD J. MARGOLIS



**T**HE STATE of Wisconsin, marveled Theodore Roosevelt in a 1912 essay, leads all others as “a laboratory for wise experimental legislation aiming to secure social and political betterment of the people....” He attributed that happy circumstance to “The Wisconsin Idea,” an ongoing partnership between progressive politicians and reform-minded scholars at the University of Wisconsin.

Today the scholars and the politicians in Madison are again hip-deep in social experimentation. Their aim this time is nothing less than an overhaul of the public welfare system—first the state’s, then the nation’s—beginning with the mechanisms that provide support to children in single-parent households.

The ranks of those children keep expanding, as do their needs. If “the feminization of poverty” sums up one element of the current social climate, the juvenilization of poverty reflects another. In the 1970s the number of families headed by women doubled and the number of never-married mothers tripled. Some 40 per cent of the nation’s under-18 population will spend at least part of the time growing up in single-parent families, and more than half of those families will be poor. Overall, at least 7 million single-parent children today live below the poverty line. Most are eligible for assistance from that massive but makeshift public almsgiver known as Aid to Families with Dependent Children (AFDC).

Just about everyone familiar with the AFDC process has concluded it is obsolete. Not only does it throw money at the problem—a grievous sin these days—it also throws problems at the

money. Critics on the Right cite AFDC’s tendencies to discourage work and to promote dependence; those on the Left point to its Spartan benefits (in most states) and to the mean-spirited policies that often accompany them.

In truth, AFDC seems something of a throwback to more strait-laced times. It was created over 50 years ago, mainly for widows and their children, and it has not kept pace with the social transformations that have followed. Whereas lawmakers in 1935 assumed the program would gradually shrink in importance as more and more widows gained protection from the survivors’ insurance plan under Social Security, just the opposite has come to pass. AFDC now supports millions of children whose fathers are alive and well, and who are capable of contributing to their children’s upkeep.

Wisconsin’s answer to this turn of events is a series of innovations that go by the name of the Child Support Assurance Program (CSAP). The plan’s chief architects and advocates are Irwin Garfinkel, a 44-year-old social worker and economist, and his colleagues at the university’s Institute for Research on Poverty (IRP).

CSAP posits an appealing blend of the

public and private obligations. In effect, it stipulates that in matters pertaining to children's welfare, we would all ultimately be responsible. The parents' responsibilities would loom largest, as always. Where single-parent households are concerned, the program makes an emphatic point of the need to enforce fair contributions from the absent or "noncustodial" parent (nearly always the father). But when parental incomes fall short of adequacy, the rest of us would be required to assist through a variety of publicly-sponsored supplements. We would become the father of last resort.

Estimates of the program's cost to taxpayers have run from zero to negligible, though, thanks mainly to the additional support to be exacted from absent fathers. Those extra dollars, says Garfinkel, will reduce the need for AFDC expenditures, and the savings can be passed along in the form of uniform minimum subsidies to children.

Garfinkel is aware that the plan may sound too good to be true. As he told a U.S. Senate subcommittee last February, "You should be asking yourself if you are being addressed by a snake-oil salesman, because it sounds as if you will be getting something for nothing." Still, he insisted that "a Federal child support assurance program can achieve simultaneous big reductions in both welfare dependence and poverty at no extra cost."

Part of Wisconsin's CSAP—the part affecting absent fathers—is already in place throughout the state, and it seems to be working. The more public components, which will assure a minimum benefit for every child and possibly a work-incentive supplement for the single parent, are still on the drawing board. A trial run in two counties is likely to begin in mid-1988. Meanwhile, quite a few other states, including New York, Vermont and Massachusetts, are experimenting along similar lines.

There are signs, too, that Congress is joining the brave procession. As far back as 1975 it created a Federal Office of Child Support, thereby signaling a fresh national interest in the economic problems of single-parent families. Con-

gress took another major step when, by unanimous vote, it passed the Child Support Act of 1984. That measure required states to establish child-support guidelines for voluntary use by Family Court judges; it also attempted to make it easier for single mothers to collect payments from defaulting fathers. Now, under prodding by the indefatigable Senator Daniel Patrick Moynihan (D.-N.Y.), the lawmakers may be inching toward a Wisconsin version of welfare reform.

"It's just possible that a revolution is under way," says Robert D. Reischauer, a Brookings Institution economist who specializes in welfare complexities. But he quickly adds, "I find it hard



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to believe it is not going to be controversial.'

**I**F A REVOLUTION is indeed in the making, it can be said to have begun in earnest about a decade ago, when a young woman named Judith Cassetty—one of Garfinkel's graduate students in social work—submitted a PhD dissertation entitled "Securing Support from Absent Fathers." (It was published by Lexington Books in 1978 under the title, *Child Support and Public Policy*.)

Cassetty took the refreshing position that every parent who lived apart from his children should be required to share his income with them. The government, she said, had a duty to enforce child-support payments in ways that would assure children "the fullest benefits to be derived from the resources of *both* parents." (Emphasis in original.) She

called on policymakers to set fair payment standards, to "fix child support at a given level of [the absent father's] income."

This was pioneering work. Although many policymakers deplored the heavy taxpayer burden imposed by AFDC rolls, few scholars had given serious thought to the financial responsibilities of absent parents. Wisconsin, like other states, left such matters largely to Family Court judges and magistrates, who set paternal support contributions on a case-by-case basis, according to their peculiar judicial lights. Nationwide, a patchwork pattern of court-mandated awards tended overall to shortchange mothers and children, while letting many fathers off the hook.

Garfinkel, picking up where Cassetty left off, estimated that fewer than half of the 9 million single-parent families in the country eligible for paternal assistance were actually awarded such help, and in a majority of those court-ordered settlements the absent fathers failed to deliver, either in whole or in part. The shortfall between contributions assigned by judges and contributions made by fathers came to about \$4 billion a year. Here was a statistic to conjure with. It seemed to reflect both a major problem and a possible solution.

Cassetty eventually went to Texas, but her dissertation had planted seeds in Wisconsin that were soon to sprout. Garfinkel, whose primary interests had been in health care and unemployment problems, now began to think systematically about issues pertaining to child support. In the best traditions of "The Wisconsin Idea," he consulted widely with fellow academicians as well as with state legislators, judges and welfare officials.

The plan they eventually brought forth went considerably beyond Cassetty's early recommendations. Besides setting uniform standards of child support to be provided by noncustodial parents, it postulated a wage-withholding device similar to that used by the Social Security program and the Internal Revenue Service. The idea, of course, was to increase collections.

The standards that Garfinkel pro-

posed, and which the state finally adopted, are far more generous to children than those ordinarily applied in court settlements. In 1983, for example, child support payments nationally accounted for only 13 percent of absent parental income. The CSAP mandates a 17 per cent contribution for the support of just one child, and the share increases with each additional offspring, peaking at 34 per cent for five or more children.

Garfinkel and his associates see a time, somewhat farther down the road, when every child will be guaranteed a minimum level of support—perhaps as much as \$3,000 a year—to be supplied either by the parents or, that failing, by the government. Their vision of the future includes a relaxation of AFDC rules. The extra money that families on welfare might collect from absent fathers would not have to be recycled into the AFDC pot (as Federal law now stipulates); in effect, it could be returned to general revenues and then used to finance guaranteed benefits to the children.

Some of the initial skeletal dreams began to take on flesh in 1983, when Wisconsin's Department of Health and Social Services (DHSS) published a set of child support standards based on the absent parent's income. The following year, a new state measure induced 10 "pilot" counties to start withholding child support payments from the wages of all new "obligors."

It is true that the reforms at first encountered opposition from Family Court judges and social workers who felt deprived of their accustomed discretionary powers. The state Bar Association also voiced misgivings. Many of the members, after all, made their livings representing fathers in separation disputes. On the whole, however, the new system won surprisingly swift acceptance, and by 1987 both the standards and the payroll deductions were in use throughout the state. James B. Meier, a former Family Court magistrate and now head of Community Services at DHSS, was one of the early doubters who later came around. "The standards and the wage assignments," he

says, "are admitted by everyone to be worthy. They don't even merit study any more."

Nevertheless, more study seems inevitable. Lots of questions remain to be answered. Are the standards just? Can they be effectively enforced? Will payroll deductions appreciably increase collections, and can they be used to reduce AFDC dependency? So far, the answers have been promising but inconclusive. An "interim report" by Garfinkel, issued last year by IRP, suggests that the new system does increase both the amounts of the awards and the rate of compliance. Mothers and children, he estimates, are getting as much as 25 per cent more non-custodial support under the new rules.

Garfinkel's educated guesses are generally confirmed by the firsthand impressions of Family Court judges and magistrates, who must convert scholarly theory into daily practice. "I think it's been working splendidly," says Judge Angela B. Bartell of Dane County, noting that in the past "awards for child support were embarrassingly low." Like many of her colleagues on the bench, Bartell likes "the evenhandedness" of the new arrangements. "Child support," she says, "is no longer a weapon, a bludgeon, in separation disputes. It's more or less automatic now, like no-fault divorce."

**S**TILL, A FEW wrinkles await ironing out. Some judges have voiced a fear that obligated fathers might choose to vanish into an underground, all-cash economy, where their wages could not be touched. Others have expressed reservations about the extra paperwork that payroll deductions impose on employers. As Ralph Guerin, a Family Court magistrate in Madison, has speculated, "In a low-wage situation the employer might fire the father, or else not hire him in the first place, just to avoid the additional red tape."

Certain objections appear to have wider implications. In a memorandum to Senator Moynihan, Robert D. Reischauer—a friendly CSAP critic from afar—has wondered about a number of "unintended repercussions" that could arise

from more liberal child support standards and stricter collection methods. Among other things, he sees the possibility of "more court battles between fathers and mothers over child custody," and "more pressure ... exerted on women, particularly unmarried women, to have abortions." In addition, Reischauer worries about the "second marriages of non-custodial parents," fearing "they could be disrupted by the financial strain associated with higher child support payments."

It is probably too early to sort out and assess such caveats. The most that can be said to date is that nothing has surfaced that would seem to seriously discredit the Wisconsin experiment.

Yet this has been enough to encourage state officials to push ahead with the CSAP's master plan, albeit in a gingerly fashion. In August state and Federal agencies completed the essential paperwork that will allow at least two counties to slip through the horns of AFDC's classic dilemma. Instead of reducing a family's public support in proportion to the additional income it receives from the absent father, the counties will be free to switch to a guaranteed benefit program for the children. But it is not clear what forms the benefits will take or how much they will cost. Those issues, along with the selection of two demonstration counties, are being debated. In Madison as in Washington, welfare transformations do not occur overnight. Their patient pace usually renders the "r" in "revolution" unnecessary.

When it came to social reform, the late Wilbur Cohen believed in evolutionary processes. He kept citing the rather sluggish metabolism of the American body politic. It was always better, he said on more than one occasion, "to digest one meal at a time rather than to eat breakfast, lunch and dinner all at once—and get indigestion." Cohen was in a position to know. As a young man he had a hand in drafting the original Social Security measure, and in middle age he became the main force behind Medicare. Most telling of all, perhaps, Cohen got his education at the University of Wisconsin.