

## Child Support Collaboration with Federal Criminal Justice Agencies

*Most federal prisoners are parents. To become a reliable source of support for their children when they leave prison, these parents need child support orders that reflect actual income while they are incarcerated and when they return home. This fact sheet highlights child support collaborations that provide outreach and assistance to parents incarcerated in federal facilities so that they can meet their obligations to their children.*



### Federal Prisoners Owe Significant Past-Due Support

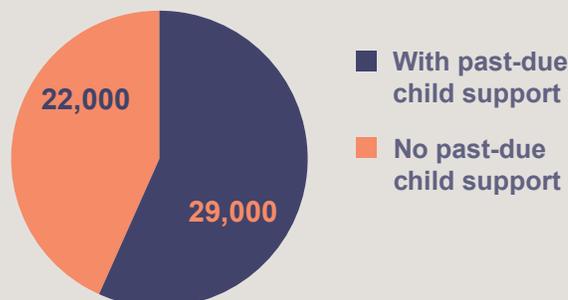
To learn more about noncustodial parents in the child support caseload who are incarcerated, the Department of Health and Human Services and the Social Security Administration conducted a data match in December 2010 to determine how many state and federal prisoners were in the caseload and their case characteristics.<sup>8</sup> This data match indicated that of the 51,000 federal prisoners in the child support system,<sup>9</sup> almost 29,000 were liable for past-due child support. This past-due child support could have resulted from nonpayment of child support while someone was incarcerated, or because of nonpayment prior to incarceration, or both.

The Federal Bureau of Prisons (BOP) is responsible for the custody and care of federal offenders, the vast majority of whom are confined in BOP-operated facilities.<sup>1</sup> While the number of individuals in state prisons has begun to decrease, the number of incarcerated individuals in federal prisons has continued to increase.<sup>2</sup> Of the approximately 218,000 federal inmates in 2012,<sup>3</sup> the majority (about 60 percent) are estimated to be parents of children under the age of 21, according to the most recent BOP data.<sup>4</sup>

### Modifying Child Support Orders to Reflect Actual Income

Whenever a parent is incarcerated, it is a challenge for them to meet their responsibilities as parents and provide for their children. For parents with child support orders, it is important that their child support obligations be realistic throughout their incarceration so that upon release they can successfully reenter the community and provide reliable support for their children.<sup>5</sup> If unmanageable child support debt accrues, it can hinder their ability to maintain regular employment and increase the pressure to reenter the underground economy.<sup>6</sup> Therefore, many child support programs provide tools for parents to communicate with the child support program during incarceration, help children maintain contact with their parent, prevent the accrual of unmanageable debt, address child support debt after prison, and provide targeted post-prison child support services. Child support programs often provide outreach to incarcerated parents to assure that their orders are modified to reflect their real ability to pay, since orders do not automatically stop upon incarceration.<sup>7</sup>

Federal Prisoners in Child Support System  
December 2010



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At the time of the match, the total amount of child support owed by these parents was \$681 million. The average amount of arrears owed by each parent was almost \$24,000. This average amount varied significantly by state with a range from \$10,000 to \$40,000.

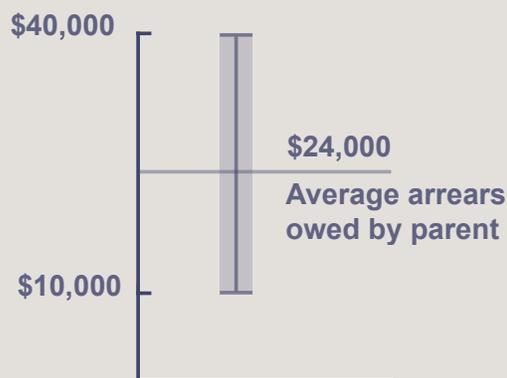
The December 2010 data match also showed that of noncustodial parents in a federal correctional facility slightly less than one-third were living in the same state where their child support case was located. In only four states was the majority of federal prisoner child support cases located in the same state as the incarcerated noncustodial parents. Those states were Florida (58 percent), Hawaii (72 percent), New Jersey (69 percent) and Texas (63 percent). The match identified sixteen states and territories that have no federal prisoner with a child support case living within their state's jurisdiction.<sup>10</sup> This could be because there are no federal prisons in those states or because there may be a need to house prisoners in out-of-state locations based on available programs, classification requirements, security concerns, population pressures and other issues.

### Innovative Child Support and Federal Criminal Justice Agency Collaborations

Many states have innovative collaborations between the state child support agencies and the state prisons, including those with extensive data sharing to identify incarcerated parents, but fewer programs exist linking federal prisoners with state child support programs. While parents in federal facilities are often eligible to use the child support processes available to state prisoners, including simplified modification processes, only a limited number of programs identify or provide outreach directly to federal prisoners with child support needs. Additionally, federal prisoners' child support cases often involve complex interstate issues, particularly where federal prisoners may not be housed in the state where their child support order was issued or enforced. Parenting time and visitation are also more complicated when incarcerated parents are separated from their children by long distances.

Moreover, while opportunities to work with federal prisoners prior to release may be limited or resource intensive because of the geographic dispersion, most federal prisoners spend some time in a residential reentry center (RRC) before release, and these RRCs or halfway houses are typically located in the state where the individual was arrested, convicted and sentenced.<sup>11</sup>

### Range of State Arrears Averages for Federal Prisoners



This placement increases the likelihood that the reentering federal offender will be back in the state where his or her child support case was located prior to release.

Several states employ low-cost or time-effective projects that can be of value to parents incarcerated in federal facilities. For example, **West Virginia's** child support agency attends quarterly meetings sponsored by federal prisons in West Virginia and mock job fairs at those institutions. **Texas's** child support agency has a partnership with BOP and has done occasional presentations at federal prisons in the state. **Massachusetts** conducts presentations for reentry programs that serve federal prisoners, provides child support case information to U.S. Probation upon request and has participated in the federal reentry court in Boston. The **Tennessee** child support agency collaborates with the Federal Probation Office to work with noncustodial parents at several federal halfway houses. In **Washington, DC**, through the work of the Fathering Court, modification information is provided to federal prisoners housed in Rivers Correctional Institution in North Carolina.

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### Child Support Program Outreach and Assistance to Federal Prisoners

A number of states have programs that provide even more extensive outreach to, and identification of, federal prisoners.

**Pennsylvania** has two federal partnerships, focused primarily in Philadelphia and Allegheny Counties. The Allegheny County Court Family Division began a collaboration with Federal Probation in 2009. The Court works with Federal Probation to suspend support orders of individuals incarcerated in federal prison so that prisoners do not have insurmountable arrears when released. The Family Court also works with the Federal Reintegration Program as it assists supervised releases in job training and employment searches. In Philadelphia County, the federal child support office in the region conducts presentations as part of the Offender Employment Specialist training at the Federal Detention Center in Philadelphia and presents at mock job and resource fairs for federal prisoners. The Pennsylvania Bureau of Child Support Enforcement also participates in the resource and job fairs at the Federal Detention Center, Philadelphia. At these fairs, the Bureau distributes child support information to incarcerated parents, including the Pennsylvania Child Support Handbook, a handout entitled “Support Order Modification-Why Should I Ask to Modify My Support Order?” and the Petition for Modification of an Existing Support Order.

**Puerto Rico** is the first jurisdiction to establish and implement a Memorandum of Understanding between the state child support agency and BOP. It is designed to provide child support information to new inmates during the intake process (and to those already incarcerated), provide guidance to BOP caseworkers on the importance of addressing child support issues during the period of incarceration and the reentry process, and establish a process to exchange documentation between inmates and the child support agency to initiate and process order modifications. BOP also provides information on how to contact the Virgin Islands child support agency for modification purposes, since all federal prisoners arrested in the Virgin Islands are processed in Puerto Rico. Additionally, federal child support staff in the region and child support agency staff participate in training events at the federal detention facility. Once a request is received by the child support agency, the appropriate documentation is mailed back to the inmate to seek a modification.

The child support agency has received more than 30 requests for modifications and several orders have been modified. The program has been in effect since March 2011, and is noteworthy because child support is addressed at inmate intake and modifications are processed by the child support agency. Additional reviews are being implemented by the partners to enhance the effectiveness of this program.

**Rhode Island’s** Office of Child Support Services provides outreach and assistance to federal prisoners housed in Rhode Island and to federal prisoners housed out-of-state. The Rhode Island child support agency has a relationship with the Wyatt Detention Facility, which is privately operated and houses U.S. Marshals Service prisoners, known as detainees. At the detention facility, once incarcerated noncustodial parents are identified (typically by a custodial parent, family member, child support representative, or letter by the incarcerated noncustodial parent), the child support agency reaches out to the detainees. The child support agency sends a Motion for Relief with a return envelope and a cover letter instructing the noncustodial parent to sign the motion and mail it back to the child support office. For federal prisoners located outside Rhode Island but with Rhode Island child support cases, once a noncustodial parent is identified, a telephonic hearing packet is sent to the inmate. When the motion is received by the child support agency, a court date is assigned, the case is added to the video conferencing calendar, and both parents receive notice of the hearing. The child support agency processes about a dozen requests yearly from detainees confined at the Wyatt Detention Facility and double that amount from federal inmates out-of-state. Additionally, if the court finds that the inmate will be incarcerated during the entire minority of the child, the child support agency may close the case.

The above examples indicate ways in which some states are addressing the child support issues of parents who are currently incarcerated in federal facilities. Although the circumstances of some federal prisoners may be unique, there are many similarities to the collaborations underway between child support agencies and state departments of corrections. More information on promising modification practices for incarcerated parents is available in several OCSE PAID fact sheets.<sup>12</sup>

## Child Support Collaboration with Federal Criminal Justice Agencies

To improve child support payment reliability, child support policies should facilitate successful transition back to society for all ex-offenders including efforts to identify and work with federal inmates who are parents. Recently-released parents who effectively enter the workforce and establish a relationship with their children are likely to pay more support over time and less likely to recidivate. Realistic support orders for incarcerated, reentering, and unemployed parents can make child support a reliable source of income for children.<sup>13</sup>



## References

1. [www.bop.gov/about/index.jsp](http://www.bop.gov/about/index.jsp)
2. *Source Book of Criminal Justice Statistics*, Bureau of Justice Statistics, U.S. Department of Justice, hosted on website at the State University of New York/Albany, available at [www.albany.edu/sourcebook/](http://www.albany.edu/sourcebook/).
3. Weekly Population Report, available at [www.bop.gov/news/weekly\\_report.jsp](http://www.bop.gov/news/weekly_report.jsp).
4. Data derived from the Bureau of Prisons' internal case management system entitled *Inmate Skills Development System*, reported August 1, 2012.
5. Alicia Bannon, Mitali Nagrecha and Rebekah Diller, *Criminal Justice Debt a Barrier to Reentry*, Brennan Center for Justice, 2010; *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community*, Council of State Governments, 2005; Esther Griswold and Jessica Pearson, *Twelve Reasons for Collaboration between Departments of Correction and Child Support Enforcement Agencies*, *Corrections Today*, June 2003.
6. Vicki Turetsky, *Staying in Jobs and Out of the Underground: Child Support Policies that Encourage Legitimate Work*, CLASP Policy Brief, March 2007; Rachel McLean and Michael Thompson, *Repaying Debts*, Bureau of Justice Assistance and Justice Center, the Council of State Governments, 2007.
7. U.S. Dept. of Health and Human Services, Office of Child Support Enforcement, *Incarceration, Reentry and Child Support Issues: National and State Research Overview*, 2006, available at [www.acf.hhs.gov/programs/css/resource/reports-on-services-for-incarcerated-released-noncustodial-parents](http://www.acf.hhs.gov/programs/css/resource/reports-on-services-for-incarcerated-released-noncustodial-parents).
8. The data match was conducted between the OCSE Federal Case Registry, the OCSE Debtors file and the Social Security State Verification and Exchange System (SVES). Because Social Security and Supplemental Security Insurance (SSI) benefits are not payable if someone is incarcerated for more than 30 days, the Social Security Administration maintains a master file of individuals who are currently incarcerated. This data is obtained directly from local, state and federal facilities.
9. An individual could be in the child support system because he or she: had an order to pay child support; had a child support order, but no payment was due; was being sought to establish a child support order; or had been named as a putative father in a paternity proceeding.
10. These states are Alaska, Delaware, Idaho, Iowa, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, Vermont, Wyoming, Guam and the Virgin Islands.
11. For a fuller description of the residential reentry centers, see [www.bop.gov/locations/cc/index.jsp](http://www.bop.gov/locations/cc/index.jsp).
12. OCSE PAID fact sheet *Realistic Child Support Orders for Incarcerated Parents* and related chart "Voluntary Unemployment," *Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents*, available at [www.acf.hhs.gov/programs/css/resource/realistic-child-support-orders-for-incarcerated-parents](http://www.acf.hhs.gov/programs/css/resource/realistic-child-support-orders-for-incarcerated-parents).
13. U.S. Dept. of Health and Human Services, Office of Child Support Enforcement, *The Story Behind the Numbers: Understanding and Managing Child Support Debt*, 2008, available at [www.acf.hhs.gov/programs/css/resource/story-behind-the-numbers-understanding-managing-child-support-debt](http://www.acf.hhs.gov/programs/css/resource/story-behind-the-numbers-understanding-managing-child-support-debt).

