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of Cleveland  
*Since 1905*

October 17, 2017

**David Dodson**  
Phone: 440-210-4526  
Fax: 440-210-4527  
ddodson@lasclev.org

Dear Members of the Ohio Senate Judiciary Committee,

## WHY CHILDREN SHOULD BE THE FOCUS OF CHILD SUPPORT LEGISLATION

The purpose of child support is to ensure that children receive basic necessities such as food, clothing, and medical care. Next to earnings, child support is the second largest income source for poor families. On average, child support provides close to 50% of income for these families. In 2016, collections rates have increased from 60% to about 65% since 2006. (CLASP.org/issues/child-support-and-fathers) The U.S. Census states that in 2016, 1 in 4 children or about 500,000 children live in poverty in Ohio up from 1 in 5 in 2008. In 2015, Ohio ranked 6<sup>th</sup> in the nation for food insecurity. Childhood poverty affects the physical, emotional, social and educational well-being of children.

Rather than decrease the amount of child support to children, a better approach would be to increase programs that promote the economic well-being of non custodial parents (NCP). For example, use federal funding to provide employment services and tax credits to employers who employ NC parents. Since the child support tables enacted in 1992 are based on the cost of living in 1985-89, the new tables for support should be increased to reflect the costs of raising children in Ohio in 2017. SB 125 is focused on the needs of the non custodial parent. But, SB 125 should focus on the needs of children as its primary objective. Any self-sufficiency reserve process should apply first to the children and then parents whether non custodial or custodial. All of the family members should have at least a subsistence level of support.

### Poverty affects every aspect of a child's development.

1. Poverty disturbs children's brain development and Academic Performance. (Kwon, Diana, Scientific American. 2015. and JAMA Pediatrics). 51% of students in U.S. public schools are from low-income families. (National Center for Education Statistics.) In one study in Wisconsin, researchers discovered that children who lived below the poverty level had gray matter volumes 8 to 10 percent below normal development in the temporal lobe, frontal lobes and hippocampus – brain area critical to cognitive processes. (Scientific American) There was no difference in gray matter development between children who lived in middle and high income families. These critical differences did not disappear as

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the child grew older. Statistics show that children in poverty are less likely to graduate from high school and more likely to face adult poverty.

2. Food insecurity is one of the significant risks for children without sufficient economic support from their parents. As of 2015, Ohio is ranked 6<sup>th</sup> in the nation for food insecurity. (feedingamerica.org) 30% of households headed by women with children have food insecurity. 22% of households headed by men have children have food insecurity. Hunger produces lower reading and math scores, physical and mental health problems, and higher incidence of emotional and behavioral problems.
3. Housing Insecurity and frequent moves. Female CP pays about 50% of their income on housing. Unfortunately, poor renting families are facing the worst affordable housing crisis in generations. (“Eviction’s fallout: Housing, Hardship, and Health”. (Mathew Desmond (Harvard University) and Rachel Kimbro, (Rice University), *Social Forces* 2015). The rise of the affordable housing crisis is related three factors: housing costs have increased, income of the poor have fallen or stayed the same, and federal assistance has not addressed the issue. (Id.) Eviction and homelessness is one of the most severe consequences to not receiving dependable child support. Once you’re evicted, you’re not eligible for government subsidized housing despite the fact that need is the greatest. Additionally, eviction interferes with the single parents’ ability to maintain employment because of decreased work performance and absenteeism. (Id.) When desperate to find housing, parents are forced to choose substandard housing. This increases the risk of environmental factors such as lead poisoning or neighborhoods that have a high crime rate.

#### Child Support strengthens families.

According to the National Conference of State Legislatures, child support strengthens families. Approximately one-half of all children spend time in a single parent family. NCP who pay child support are more likely to remain involved in their children’s lives. Studies show a positive correlation between the amounts of child support that NCP pays and children’s behavior and school achievement. Payment of Child Support also affected the non custodial parent’s participation in child rearing matters and frequency of visits. Also, the receipt of regular child support increase self sufficiency and less dependence on the state. 2012, Child support lifted nearly 1,000,000 people out of poverty.

**A SELF SUFFICIENCY RESERVE SHOULD BE CALCULATED FOR ALL PARTIES, INCLUDING EACH CHILD, CUSTODIAL PARENT (CP), AND NON CUSTODIAL PARENT (NCP).**

#### Melson Model.

In this model, a subsistence level of support is calculated for each child, as well as both the custodial parent and the non-custodial parent. This might be the most complicated model, but it does look at the best interest of all parties.

#### Income Shares Model

The income shares model is based on the ideal that the child should receive the same proportion of parental income that he or she would receive if the parents still lived together. The income of both parents are added together and spent for the benefit of all household members. This is the current Ohio model.

#### SB 125 Model

The proposed model uses a child support table with minimal increases since the table was established in 1992. The Obligor is “protected” by a self-sufficiency reserve. This reserve is intended to ensure that the Obligor has enough income to provide for his basic needs. However, the weakness of the model is that the same sorts of protections are not provided for the custodial parent and the children.

The proposed SSR is more extreme than the models in other states. In fact, the proposed model will also affect middle income families and lower the child support obligation for families up to at least \$100,000.00 in income.

The proposed model decreases support to the custodial parent in a time where there is a scarcity of affordable housing, scarcity of employment that pays a living wage, and very expensive child care costs.

The burden of enforcing the new provisions of SB 125 lies with the custodial parent.

- What if the NCP does not visit according to the standard order of visitation, but is still receiving the 10% decrease in child support.
- Will SB 125 result in more contested child custody and support hearings?
- What if the NCP fails to report his change of employer, change of address, or is hiding employment under the table?
- Enforcement of these provision will require time off work and endanger employment for CP.

#### Further Considerations.

Experienced family law practitioners understand that there are two types of obligors who do not pay their court ordered child support. The first type of obligor is that person who SB 125 is intended to protect. These individuals do not have employment despite efforts to obtain employment, are disabled or unable to work through no fault of their own. Some obligors have been incarcerated and need assistance toward reentry. The second type of obligor who does not pay may involve an even higher percentage of non paying NCPs. These parents work under the table; change jobs frequently, or misinforms the CP about their earnings. Distinctions between these obligors should merit different approaches to collection of support.

Thank you for the opportunity to submit testimony regarding this important issue.

Sincerely,

Davida Dodson  
The Legal Aid Society of Cleveland  
440-201-4526  
djdodson@lasclev.org