

# The Gentrification of Child Support Enforcement Services, 1950–1984

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The American child support enforcement program exemplifies the gentrification of a traditional public welfare initiative that was initially designed for the poor. This analysis tracks the divergent approaches to enforcing support for women who received welfare and women who did not, through the mid-1980s. It then describes the movement for clientele unification. This unification movement was driven from the bottom up, with middle-class, grassroots organizations demanding change. They found a particularly receptive audience of women politicians and a Reagan administration seeking a second term in office. The clientele merger altered the fundamental character of the child support enforcement program.

The child support enforcement program is one of the most popular social policy initiatives in the United States. The general public views this federal-state partnership, which helps establish paternity, initiate orders, and enforce these orders, as an essential means of holding fathers accountable for their offspring. Policy analysts have championed the program's administrative efficiency in moving billions of dollars from support obligors to their obligees (Crowley 2000). Elected officials laud the program as a vital means to keep welfare costs down (Garfinkel, Meyer, and McLanahan 1998; Crowley 2000). Reflecting the need for these services, approximately 17.1 million families were enrolled in the child support program by the end of fiscal year 2001, up from 4.1 million in fiscal year 1978 (Office of Child Support Enforcement [OCSE] 1982, 2001).

Behind these aggregate numbers, however, lies a very important silent

transformation, a massive change in the composition of the families accessing these services. This transformation had its origins in the period between 1950 and 1984 (Crowley 2000). During this time, public officials first became concerned about support for single-parent families. They primarily focused their attention on families receiving public assistance (Cassetty 1978; Garfinkel et al. 1998). Legislators directed state welfare departments to initiate a series of policies, such as expeditious paternity reviews, that targeted never-married, poor mothers and would help link fathers to their families. If these efforts were successful, the states could recoup from the men welfare expenditures already laid out on behalf of these families.<sup>1</sup> Nonwelfare families faced an entirely different policy regime. These mothers had to hire private attorneys and fight their child support battles through the state court system. There simply was no central bureaucratic agency to assist them.

The Child Support Enforcement Amendments of 1984 (U.S. Public Law 98-378) changed this dual system of enforcing support. This legislation created an entirely new system that merged the two very different types of clientele described above: families receiving welfare and families not receiving welfare. Both clientele groups were suddenly subject to the same intake, implementation, and enforcement procedures. Most important, legislators chose state welfare agencies as the primary arbiters of institutional power in processing cases.<sup>2</sup> This meant that middle- and upper-class families who wanted public help in enforcing support were rolled into the enforcement web of the same state agencies, albeit newly empowered, that had been providing child support services for welfare families from the 1960s through the early 1980s. The transformation in the caseload took place relatively quickly. By fiscal year 1985, 6.3 million welfare cases and 2.1 million nonwelfare cases were already enrolled in the now-unified system of support delivery (OCSE 1989). By fiscal year 1997, the reversal in caseload composition was complete; welfare cases no longer dominated the program, totaling 9.1 million families as compared with 9.9 million nonwelfare cases (OCSE 1998).

The monumental shift in clientele raises an important series of research questions regarding the mutability of social programs in the United States. In the past, scholars have drawn a sharp distinction between social policies considered to be universalistic and those described as targeted in nature (Blank 1997; Kamerman and Kahn 2001). Universalistic policies are those that most Americans enjoy as a matter of entitlement, while targeted programs typically focus on more disadvantaged populations and are often characterized by a means test, which limits eligibility according to income. There are additional clientele distinctions between universalistic and targeted programs. For example, recipients of the former have legal and fiscal rights to benefits, while recipients of the latter are subject to ever-changing rules and budget cuts. Most important for the analysis presented here is the perception

of a sharp moral divide that separates clients of universalistic services from those of targeted programs. Predominantly middle-class partakers of universalistic services often feel disdain or contempt for those who use targeted programs. As a result, the conventional wisdom has suggested that clientele mixing is not a common middle-class goal.

Recent scholarship, however, contests the claim that middle-class citizens tend to reject association with and participation in targeted programs. Scholars point to what they perceive as the gentrification of many public welfare services, in which middle-class clients believe that the institutions designed to help them are failing and decide to take over traditional services designed primarily for the poor (Gilbert 1982, 1983; Bradbury 1986; Jones 1987; Dattalo 1992). Much of this work focuses on the actions of elites, such as party leaders and certain key politicians, to alter a program's composition in favor of their middle-class constituents (Grogan and Patashnik 2003). Yet the activities of elites represent only half of the story. Elites usually do not act on their own, unprompted by outside forces; instead, they respond to very real pressures from below. In other words, grassroots activism dominated by members of the middle class with available time and resources plays the other pivotal role in moving targeted programs to more universalistic audiences. This article directly addresses how the process of "trickle up" (Jones 1987, p. 187) occurred in the specific case of child support enforcement services during the period from 1950 to 1984.

## The Dual System of Child Support Enforcement

### *Child Support Enforcement for Welfare Families*

Child support enforcement for women receiving Aid to Families with Dependent Children, or AFDC, was a national issue as early as the mid-twentieth century. Congress first passed the Social Security Amendments of 1950 (U.S. Public Law 81-734) as an addition to the Social Security Act of 1935 (U.S. Public Law 74-271). This legislation required state welfare agencies to notify appropriate law enforcement officials upon disbursing AFDC payments if the child in question had been either abandoned or deserted (OCSE 1976). Amendments added in 1965 (U.S. Public Law 89-97) provided the state welfare agencies with the authority to obtain addresses from the Department of Health, Education, and Welfare (HEW) for the purpose of locating absent parents. The Social Security Amendments of 1967 (U.S. Public Law 90-248) went even further by enabling states to gain access to highly sensitive Internal Revenue Service (IRS) location information. At this time, legislators also required that the states each create a single organizational unit in charge of establishing paternity. In addition, states were compelled to enter into cooperative agreements with other states on behalf of all families re-

ceiving welfare benefits in order to improve interstate compliance. Non-AFDC families were not even mentioned in these early phases of legislative development.

By the early 1970s the political climate had changed. Liberalizing trends in social service eligibility rules brought about an unanticipated jump in the welfare caseload. In 1960, there were approximately 803,000 families receiving AFDC, for a total cost of approximately \$1 billion (U.S. House of Representatives 1998, p. 402). By 1970, these numbers skyrocketed to 1.9 million families and approximately \$4 billion, respectively (U.S. House of Representatives 1998, p. 402). Considering these troubling trends, members of Congress proposed H.R. 3153 in 1973 with the aim of recouping some of these welfare expenditures through the collection of private support for these families. Under this bill, ultimately guided through Congress by Senator Russell Long (D-La.), the overarching responsibility for the new child support enforcement program would fall to the Department of Health, Education, and Welfare (Mincy and Pouncy 1997). The conference committee later incorporated H.R. 3153 into a larger bill, and Congress passed it on January 4, 1975 (U.S. Public Law 93-647). President Ford signed the bill on the same day, officially creating the 1975 Child Support Enforcement Program under Title IV of the Social Security Act, also known as the Social Security Amendments of 1975. In the end, the federal government granted the states significant autonomy to design and implement their own strategies for collecting support for AFDC families. Most states established child support programs in the departments of public welfare and required women applying for assistance to help identify the fathers of their children. The states then used voluntary agreements as the primary tool for collecting money on behalf of these families.

Typically, after the mother provided the department of public welfare with detailed information concerning her former partner's whereabouts, a caseworker would call the father and ask him to sign a voluntary agreement to pay child support. The amount sought would be based upon a standard percentage-of-income formula used by all family service workers in the state. Under these constraints, the child support caseworker had very little flexibility in calculating support obligations (Weisman 1983). The end goal in each case was the same. Because recouping welfare costs was a priority, all support payments went directly into the state's coffers.

While these voluntary agreements enabled the state to offset a percentage of its AFDC expenditures, this policy did not help the majority of families to reduce their dependence on welfare as their sole means of support. There are three primary reasons for this outcome. First, law enforcement employees could not uphold voluntary agreements as easily as traditional court orders (Laramore 1985). Social workers encouraged their use simply because such agreements helped expedite the support

process and were a standard operating procedure endorsed by the federal government. For example, a policy document widely disseminated by the U.S. Department of Health, Education, and Welfare praised the state of Massachusetts as exhibiting a “best state practice” by completely avoiding a legal contract of support. The document noted, “When there has been no previous court action, the Child Support Enforcement Unit seeks to avoid court action if possible for the benefit of the children as well as the mother and to make court proceedings unnecessary. The Agency, therefore, prefers the conclusion of voluntary agreements with the absent parent for the support of the children to court action. The Agency has developed a Weekly Minimum Support Payments Guide as a basis for such agreements” (U.S. Department of Health, Education, and Welfare [HEW] 1974, pp. 11–12). This insistence on voluntary agreements emerged in the description of collection procedures from the state of Washington, as well. “Emphasis is placed on settling cases by offering the absent parent the opportunity to sign a wage assignment for the support obligation plus a reasonable monthly payment for arrears, if appropriate. . . . Where there is no court order . . . Washington Law specifically provides for a scale of suggested minimum contributions” (HEW 1974, pp. 52, 56).

Because these agreements did not have the force of law, defendants could easily argue that they were not legally bound to their former partners. Frustrated by this likely outcome, probation officers in charge of overseeing these voluntary agreements would often place them at the bottom of their stack of weekly investigative work (Laramore 1985). Rarely would they initiate action on them.

Second, voluntary agreements were problematic as families moved from welfare to independence. These agreements often provided a family with levels of support lower than that which could have been secured if the family went to court. This practice did not overtly harm families while they were on welfare because child support payments went directly to the state. However, when a family finally did leave welfare, the state department of public welfare often neglected to inform mothers of their right to seek an upward adjustment in monthly benefits via the court system. Compounding the problem, many fathers mistakenly believed that their support responsibilities ceased when their families left welfare and concluded that all outstanding voluntary agreements were no longer applicable. With this in mind, many fathers stopped making payments, placing their families at grave risk of becoming welfare dependent once again.

Third, the needs of the family and the state did not coincide with respect to any arrearages accrued from voluntary agreements, thereby resulting in less than optimal enforcement outcomes. In many cases, absent fathers had to be located before support could be sought. For the already overwhelmed welfare departments during this period, the

process of searching for fathers often took months or even years. If the state finally succeeded in locating the delinquent father, it sought reimbursements for AFDC funds used to support the family. Faced with the choice between imprisonment for failing to reimburse the state and paying current support for the family, fathers often chose to reimburse the state. The result was that even when absentee fathers could be located, they were often unwilling or unable to provide current support, and those families that had only recently left welfare often found that their newfound independence was threatened once again.

*Child Support Enforcement for Nonwelfare Families*

Nationally, the non-AFDC population faced the state court system, an entirely different institutional environment than its AFDC counterpart with respect to the child support problem. In the state courts, nonwelfare families had access to a unique set of policy tools designed to meet their unique needs. Nonetheless, the enforcement mechanisms implemented by the courts were not sufficient for their assigned task.

Historically and in contrast to the treatment of AFDC cases, Congress paid little attention to the child support needs of non-AFDC families. In fact, when the concept of a child support program was first debated in Congress during the mid-1970s, Senator Russell Long (D-La.), then chairman of the Senate Committee on Finance, argued that the non-AFDC caseload could, in effect, police itself through individual goodwill, and only if necessary through the traditional court system.

I know what happens in the upper income families. It [child support] is just no problem because when the father leaves, he knows that he is going to be sued and the mother has enough money to hire lawyers and pay them, and so he is going to be pursued and made to pay, and so he does the decent thing, just like in wartime. A lot of people have been known to volunteer because they are going to be drafted anyway. So, a man might prefer to have a record showing he volunteered rather than he was drafted into the service. But, in the upper income families, the father knows that he cannot get away without supporting his children and abandoning the children, so he makes arrangements to take care of the mother, and that is all there is to it. It would seem to me that all we need to do with regard to those situations where the father is well able to pay, is to make it clear to them that they cannot escape their obligation, wherever they go. (U.S. Senate 1973, p. 126)

In practice, this meant that the state courts regulated the caseload, controlling in effect both orders and enforcement.

When fathers actually appeared before the bench due to an infraction, judges would often issue a stern warning to pay support. Whether or not this order was successful depended on the father's relative willingness to change his behavior. If the father persisted in noncompliance regardless of the order, non-AFDC mothers had at their disposal a series

of enforcement tools that were quite different, both in form and in practice, from those offered to mothers receiving AFDC. These tools included contempt-of-court citations, income assignments, and tax intercepts. Yet they, too, fell far short of solving the child support delinquency problem (Cassetty 1978).

*Contempt of court.*—Most state laws recognized two types of contempt with respect to child support enforcement: criminal and civil. Because criminal contempt was extremely hard to prove (a showing of willful nonpayment was necessary), most complainants pursued civil contempt. Although viable on paper, contempt procedures were not without their own shortcomings. First, there was variability in terms of punishment. Some judges argued that jail space should be reserved for hardened criminals; in this perspective, child support offenders were simply not at the top of society's most-wanted lists.

Second, the nature of the court proceedings minimized enforcement. If a defendant failed to bring adequate documentation concerning changes in income status, or if the defendant promised with sufficient credibility to begin paying on time, judges frequently postponed the contempt complaint until a later date. Finally, there was the problem of adequate legal representation. The cost of hiring legal counsel proved prohibitive to filing a contempt complaint for many women.

*Income assignments.*—States also could resort to income assignment laws, or automatic child support withholding, before 1984. However, there were numerous problems with the actual implementation of this collection tool. First, income assignments relied on the cooperation of a stable employer to issue two sets of checks for each pay period: one to the father and one to the mother (or court). The system was simply not designed to adequately track fathers who moved from job to job (Smith n.d.). Second, assignment again varied with the individual judge's beliefs regarding the policy's burden on the father. In a series of personal interviews conducted with Massachusetts judges during the early 1980s, Laramore (1985) reported that those on the bench viewed income assignment as simply too radical a remedy to be used in practice. Many judges ignored the law's directives. Third, the constitutions of some states, such as Texas, actually prohibited the garnishment of wages (Cassetty 1978).

*Tax intercepts.*—The tax intercept program, a partnership between the federal and state governments for the collection of arrearages, was a final and less-utilized option. Although seemingly promising, like the other measures discussed above, tax interception was not without problems. To access this enforcement mechanism, states often had to overcome two difficult obstacles. First, they had to corroborate with multiple sources the existence of the arrearage and to provide reasonable documentation that it had not been paid. Second, in order to initiate collections through the Internal Revenue Service, states had to show that

all other possible techniques for enforcement had been thoroughly exhausted. For many state attorneys working under financial constraints, these conditions were too demanding.

### The Transition

The dual nature of this country's child support policies was clearly established by the middle of the 1980s. For the AFDC population, most states maintained child support organizational units within their welfare departments. The sole purpose of such units was the collection of support money from fathers. For the non-AFDC population, resolution had to be achieved through court-supervised enforcement vehicles. Women were not getting the money that they were due in either system.

Eventually, middle-class women organized around the country to lobby for change. They wanted more than access to the enforcement system available to AFDC women. This system, as we have seen, had many problems. Instead, they hoped to revitalize and strengthen these bureaucracies, which were viewed as much more attractive than the decentralized, arbitrary nature of the state court system. The concerns of non-AFDC parents were taken seriously by female politicians of both political parties who were just becoming influential political players in the national arena. This interplay between grassroots organizations and elite female politicians took place during a special window of opportunity: the emergence of gender-gap politics. These events prompted President Reagan into action as he campaigned for reelection in 1984.

#### *The Role of Grassroots Organizations*

As a result of the social movements of the 1960s, new opportunities were created for previously disadvantaged groups to demand access to governmental power. Women were particularly attuned to the political vehicles increasingly at their disposal. One issue for mobilizing middle-class women was child support enforcement.

For many women, political lobbying was an entirely new form of action. Most did not need the aid of the government to make ends meet for the majority of their lives. They were happily married, middle-class mothers of school-aged children. They paid their taxes on time. Yet they were in an entirely new situation when their husbands left them. For the first time, they were extremely vulnerable economically. They fell behind on their bills and were often forced into destitution. The option to organize became more and more attractive as increasing numbers of them, because of the rising divorce rate, became desperate.

The experiences of these women and their organizational efforts are typified in the story of Patricia Kelly, president and cofounder of Kids in Need Deserve Equal Rights (KINDER), located in Flint, Michigan.

Kelly became involved in organizing on behalf of mothers without child support because of her own personal experiences. Her former partner, who was working for General Motors, simply refused to pay child support after their separation. She had no choice but to go on welfare. She recovered from poverty and escaped dependence only after her remarriage several years later. Not satisfied with this outcome, Kelly founded KINDER in 1982 and began hearing from women all over the country who needed similar help in enforcing support. Some women had tried to contact their senators for assistance and were told that “the Senators get lots of letters from women who can’t get their husbands to pay support, and that all they could tell them to do was to keep going through the legal system or just to go on welfare and let the state take care of it” (U.S. Senate 1984, p. 144). Other women who contacted her were shocked at the commonplace attitude of local officials who maintained, “If you are getting anything, feel lucky” (U.S. Senate 1984, p. 144). In her 1984 testimony before the Senate Committee on Finance, Kelly summed up her frustration. “The major problem that we have found is that the system bases its whole intent on collecting child support for AFDC-related cases. You know, [non-AFDC] cases don’t get any help” (U.S. Senate 1984, p. 145).

Other organizations began with very similar tales of personal suffering. In 1981, Bettianne Welch was living with three small children in the state of Virginia when her husband left and moved to New York. As interstate enforcement efforts and capabilities were largely nonexistent at the time, Welch and her friends took to the streets in protest over being told to go on welfare. With outrage as her driving force, she collected over 5,000 signatures in a few short months from citizens shocked that their tax dollars were being used to support children whose fathers could more than adequately provide for their needs (U.S. Senate 1984, p. 154). She quickly formed a pathbreaking lobbying group, For Our Children’s Unpaid Support (FOCUS). With the help of the media and several supportive legislators, FOCUS succeeded in moving an automatic wage assignment bill (which deducted support directly from a father’s paycheck) through the Virginia state legislature and into law by the end of July 1982. The group also advocated mandatory credit reporting for fathers who fall into arrearages, the use of liens in case of delinquencies, and the establishment of a monthly minimum child support award. However, the overarching goal of the organization was to equalize services between AFDC and non-AFDC families because “a system that discourages a custodial parent from becoming self-supporting is economically, morally, and socially unacceptable” (U.S. Senate 1984, p. 153).

In New York State in 1972, Fran Mattera began another key organization, also with the acronym of FOCUS. For Our Children and Us (FOCUS) started with Mattera leading a group of attorneys, social work-

ers, and community leaders who were committed to enforcing the support ordered through New York's family court system. After incorporating as a nonprofit agency in 1978, Mattera's organization quickly added paralegals to its staff as a way to help women navigate through the complex procedures of the courts. These paralegals engaged in a host of activities designed to help women, including advising women of their rights regarding financial support, offering referrals to attorneys and other appropriate law enforcement officials to move their cases forward, accompanying women to court, and securing orders of support through wage assignments and other tactics (U.S. House of Representatives 1983, pp. 293–301). From their offices in Nassau, Queens, and Suffolk counties, FOCUS also held regular workshops on the topics of divorce and financial support, published a newsletter, and provided informational services. Although the organization received a boost of financial support from the state in the late 1970s, it relied heavily on the work of motivated middle-class volunteers.

Elaine M. Fromm, president of the Organization for the Enforcement of Child Support (OECS), described the similar frustrations that prompted her to begin her grassroots group. Fromm's husband abandoned her in the state of Maryland in 1961. She was 8 months pregnant and already caring for three children between the ages of one and three. When she could not collect child support from her husband, she began talking about the problem with other afflicted women. When she testified before Congress in 1983, nonpayment of child support was simply a way of life for many affluent fathers.

It is in other non-AFDC cases, where the court orders direct payment from the obligor to the obligee, that the greatest problem arises. These families are the hardest hit because most of the programs financially disqualify them from enforcement services. . . . It has long been common knowledge that a parent who does not wish to pay support does not have to. . . . Some of the more affluent obligors will hire high-priced lawyers to avoid paying child support, and ironically will sometimes pay fees in excess of the arrearages. Many non-custodians keep moving one step ahead of the law or flee to more liberal states and continue their luxurious lifestyles while their children exist in poverty. In this country it is very easy to transfer one's responsibilities to the taxpayers. (U.S. House of Representatives 1983, p. 111)

As with the efforts of many of the other organizations formed during this time period, the activities of OECS were multifaceted. The organization primarily worked to teach women how to represent themselves in court because, for many, the cost of hiring a private attorney was simply overwhelming. Through Fromm's efforts and those of her colleagues, OECS also served to educate Maryland's lawmakers concerning

the importance of child support compliance and organized in other states to establish similar groups.

Across the country, the stories of nonsupport and the subsequent patterns of middle-class organization repeated themselves. After a 1977 divorce, Geraldine Jensen moved to Toledo, Ohio, with her two sons, Matthew and Jake. When her husband abruptly stopped paying child support, Jensen tried to reestablish herself by attending nursing school. However, when Jensen began suffering from ill health in 1983, she finally sought the county prosecutor's help in enforcing previously unpaid child support. When the prosecutor told her that he could not do much to resolve her case (by now more than \$12,000 was overdue) she placed a small advertisement in the local newspaper asking if other women were having the same problem with child support enforcement. She heard from women across Ohio. Within 2 weeks she formed the Association for Children for Enforcement of Support (ACES) with 50 members. By the end of 2 months, ACES boasted over 200 members. Like the other organizations that came before it, ACES lobbied on state and national fronts to promote equal services for AFDC and non-AFDC women. Today, ACES is the largest child support advocacy group in the country, with over 45,000 members in over 400 chapters in 48 states (Association for Children for Enforcement of Support 2003).

By the early 1980s, a new type of political activism was emerging. Across the country, grassroots groups were founded by and made up of middle-class women who advocated for changes in child support laws. Their efforts were significant in three primary ways. First, such groups transformed the face of American politics by organizing and by asserting that they had a right to governmental attention in the area of social policy. Second, they influenced broad-based feminist organizations to take a position on the issue of child support enforcement. In the mid-1970s, the National Organization for Women (NOW) stood almost alone in testifying on behalf of child support reform. By the mid-1980s, 29 organizations formulated a common policy position that they ultimately presented before Congress. These groups included NOW, the American Association of University Women, the Displaced Homemakers Network, the Mexican-American Women's National Association, the National Council of Jewish Women, the National Urban League, the National Council of Negro Women, and many others. In advocating on behalf of change, their statement was uniformly clear, arguing that "[the scope of the problem necessitates that] state child support enforcement offices handle cases of all families—not just those receiving public assistance" (U.S. House of Representatives 1983, p. 130). Third, and perhaps most important, these grassroots groups soon attracted the attention of a specific set of elite female legislators who were particularly receptive to their cause.

*The Role of Elite Female Politicians*

Female politicians at the national level were not known as long-standing advocates of efforts to universalize child support services. At first, their efforts were limited by their numbers. In 1950, there were only eight female representatives in the House, and one female senator.

Few studies prior to the 1980s systematically explored the effects of congressional women on the creation of public policy. The research that did emerge revealed that female legislators had more liberal policy preferences than their male counterparts and tended to more actively support issues such as busing to achieve racial integration and bans on mandatory retirements because of age (Frankovic 1977; Johnson and Carroll 1978). These gender differences emerged even after controlling for age, party affiliation, ideology, education, and size of district. However, it was difficult for the few women to implement the ideas in which they believed.<sup>3</sup>

By the early 1980s, however, the nature of women's political power began to change. The main reason was an increase in numbers. At the beginning of the decade, there were 16 female members in the House, although still only one member in the Senate. By 1984 there were 22 female members in the House and two members in the Senate. The transformation of power was also reflected in the formation of the Congressional Women's Caucus in 1977. The caucus functioned to more effectively organize and channel influence across a wide range of issues. Its subsequent metamorphosis into the Congressional Caucus for Women's Issues, made to include male members in 1982, further augmented its power (Gertzog 1984). With additional members, greater experience, and a new organizational infrastructure came the realization that they could make a policy difference as female elected leaders.<sup>4</sup>

Female politicians began to play a pivotal role in effecting change in the area of child support politics. Three key leaders were Barbara Kennelly (D-Conn.), Patricia Schroeder (D-Colo.), and Marge Roukema (R-N.J.). After she was elected in 1981, Kennelly, previously a Hartford City Council member and Connecticut Secretary of State, was quick to impress then-speaker Tip O'Neill with her strong work ethic and command of the issues. He rewarded her with a seat on the coveted House Committee on Ways and Means. Almost immediately, Kennelly became the primary sponsor of legislation that sought to overhaul the child support system. She maintained that her central impetus for action was the outpouring of citizen complaints and the grassroots lobbying she received when she took office (Mann 1984). From these complaints, she concluded that non-AFDC families needed the immediate attention of lawmakers. According to Kennelly, she had a special role to fill on the committee. "If women don't do it [push for woman-friendly legislation],

who is going to do it? I used to fight that, but now I accept it. You fight for your own" (Roberts 1983, p. B8).

Patricia Schroeder was also a strong policy entrepreneur in this area. Through her roles as cochair of the Congressional Caucus for Women's Issues and chair of the Economic Security Task Force of the Select Committee on Children, Youth, and Families, Schroeder noted the convergence of multiple injustices facing women, including their need for equal credit, equal pay, and pension sharing. In her mind, child support for non-AFDC families was simply one more issue that needed to be addressed. "I became interested because I met so many women struggling to provide for their family because of deadbeat dads. If you buy a car and move to another state, the law doesn't let you avoid payment, so why should it allow you to escape family responsibility?" (Schroeder, personal correspondence, July 18, 2001). Acknowledging critics, she stated, "I did not feel extending enforcement to nonwelfare families was extreme. Most women were one paycheck away from welfare, and collection of child support is a great welfare prevention program." Noting the special role of grassroots lobbying as a vehicle for reform, Schroeder also pointed out that "many constituents talked to me about their problems and this motivated me to act."

Marge Roukema, although initially a much more reluctant political activist, was nonetheless an extremely effective legislator on this issue. Roukema's political life began in 1970 when she served on the Ridgewood, New Jersey, Board of Education. She later turned to higher office and won a seat in Congress in 1980. Like many other female elected officials at the time, she did not come to Congress as an advocate for women's rights. However, she quickly changed her mind and "came to the conclusion that if people like me didn't take up the agenda for families, no one would. I decided to no longer be self conscious about being a woman dealing with women's issues" (Cohen 1991). Roukema was particularly motivated by the sad accounts she heard from grandparents in her district who were using up all of their life's savings to support their now-fatherless grandchildren. Once she decided to enter the political arena on this issue, she did so with utmost enthusiasm and media savvy. She became known for issuing a Father's Day press release in 1983, decrying what she argued was many fathers' complete financial neglect of their children (Yoder 1984). Along with Kennelly and Schroeder, she determined that non-AFDC cases needed serious attention. The three leaders only had to wait for the right political opportunity.

#### *The Gender Gap and the Role of Presidential Electoral Politics*

The months leading up to the 1984 presidential election were critical for the passage of child support legislation. Only 4 years earlier, researchers documented the fact that women were voting differently than

their male counterparts for the first time since the passage of the Nineteenth Amendment. In the contest between Jimmy Carter and Ronald Reagan, a poll by CBS and the *New York Times* reported that women were 8 percentage points behind men in voting for Reagan. This phenomenon became known as the gender gap (Mueller 1991). Moreover, although voters' participation in American politics had been declining for decades, the drop-off was less significant for women than for men. For the first time in history, women were outvoting their male counterparts (Jones 1985).

Although Reagan won in 1980, it was not clear that he would be able to repeat his performance in 1984, especially given the changing dynamics of the female vote. Women reported being disillusioned with the president in survey after survey during the 1980s. While increasing defense spending, Reagan advocated the downsizing of many social programs that most women supported, such as aid to the poor. Because the distinct gender-based voting patterns first began to emerge in the early 1980s, no one could predict whether the gender gap would become wider or smaller in the upcoming election.

Capitalizing on this uncertainty, women's groups organized around two key strategies. The first was to call attention to the gender gap. Publicizing these voting differentials proved immediately successful. Prominent newspapers, such as the *Miami Herald*, the *Wall Street Journal*, and the *Atlanta Constitution*, devoted articles to the claims of groups such as NOW. By May of 1982, NOW was releasing monthly updates on issues related to the gender gap. These releases were designed to raise awareness among NOW's membership and the general public concerning Reagan's declining popularity with women at the polls (Bonk 1988). In the view of these activists, the president needed to act on their key issues as soon as possible in order to prevent the gap from widening.

A second critical strategy was the Women's Vote Project. Initially composed of 38 core women's groups, such as NOW, the American Association of University Women, and the Coalition of Labor Union Women, the project began with the goal of registering 1.5 million new female voters. The project sought to mobilize women to go to the polls because "women are thinking and voting differently from men on issues including national security, the economy, economic equity and fairness, the environment, education, as well as women's equity issues" (Mendelson 1988, p. 65). Working in local communities through day-care centers, job sites, and social service agencies, the project was able to exceed its target goal of registration by 300,000 new voters (Crowley 2003). Among the project's many demands was that state welfare agencies be reorganized to serve middle-class needs and insure the timely transfer of payments from fathers to mothers.

President Reagan faced a dilemma. He was philosophically opposed to the expansion of governmental services, yet gender-gap politics re-

mained an unknown that might threaten his reelection efforts. He also recognized that whatever position he took, he had to sustain the confidence of the Religious Right, one of his strongest groups of supporters. The Religious Right was made up of groups such as the Moral Majority, the Christian Coalition, and the Eagle Forum. These groups tended to support policy initiatives that fell within their understanding of “family values,” a shorthand phrase to describe their general belief in, among other ideas, traditional roles for men and women in modern society. Through careful crafting of his position, the president discovered that he could sell enhanced child support services for middle-class women to the Right. Reagan could argue that a newly expanded child support enforcement program would buttress the nuclear family in two ways. First, fathers, and not the government, would be responsible for their children if the newly expanded program were passed. Men would be forced to assume greater responsibility for their children than ever before. Second, the newly enlarged program would discourage promiscuous sexual behavior. The broadening reach of the program to a new clientele group would signal that casual sexual activity could have serious financial consequences.

Republican strategists located Reagan’s central audience by using census-level reports to profile the types of women that Republicans had to satisfy if the president were to have any chance at reelection. Supplementing these analyses with a survey of 40,000 women, Republican pollster Richard Wirthlin decided to divide female voters into clear voting blocs (Mueller 1988). Categorizing the surveyed women by age, marital status, and employment, Wirthlin argued that there were basically 64 types of women, each with its own propensity to vote for Reagan. In his view, party officials should focus their message on those women most likely to be swayed by the president’s new commitment to issues that affected their daily lives (Mueller 1988). From that point onward, fact sheets from the Republican National Committee targeting middle-class swing voters highlighted issues such as increased child-care tax credits, the abolition of the widow’s tax on estates, and most important for this analysis, access to universal child support enforcement services. Reagan also emphasized his efforts toward an expanded child support program on numerous campaign stops, including presentations before the Women Business Owners of New York in April 1984, and Republican elected officials in June of the same year (Crowley 2003). In addition, he attempted to woo voters from the Democratic Party and other independents who were attracted to a stronger child support enforcement system.

In mid-1984, Reagan ultimately helped push a bill through Congress that he could sign. Reagan courted the middle-class vote via the newly unified program, which would be run predominantly by the state welfare agencies. His efforts were apparent in his remarks upon signing the

1984 Child Support Enforcement Amendments (U.S. Public Law 98-378) into law.

It's an unfortunate fact of our times that one in four American children live in single-parent homes, and millions of these children endure needless deprivation and hardship due to lack of support by their absent parent. The failure of some parents to support their children is a blemish on America. As a decent and caring people, it behooves us to come to grips with the devil-may-care attitude of some of our citizens that has left too many children in dire straits. . . . Last year, I proposed that we bolster our Federal-State child support system by mandating effective and proven collection practices. I believe that we should emphasize service to all children, welfare and nonwelfare alike, and improve incentives for State government to get the job done. The Child Support Enforcement Amendments bill contains all these features. (Reagan 1986, p. 1136)

Reagan promised to punish all deadbeat dads, who were instrumental in creating a "blemish" on America by their behavior (Reagan 1986, p. 1136). Reagan's comments represented a major break with commonly held beliefs concerning the importance of child support in the United States. In this new view, middle-class families deserved the power of reinvented state bureaucracies fighting on their behalf in the area of child support.

Many of the provisions of the new law were now equally applicable to both client groups. According to the 1984 amendments, there would be new levels of accountability associated with state-level performance. The Department of Health and Human Services would establish standards for state programs in the following areas: establishing paternity, collecting support, locating parents, and obtaining support orders (U.S. Public Law 98-378). The secretary would have the power to review state plans for the collection of support, audit state units, and help the states gain access to information that might lead to the location of an absent parent (e.g., through the Internal Revenue Service). Demonstration projects that aimed to improve support outcomes would be funded.

Also passed as part of the 1984 amendments were a series of proposals that, on the surface, applied to both clientele groups, but in practice were more likely to help non-AFDC women secure support. Part of this new approach involved the introduction of a variety of innovative, mandatory enforcement techniques. These initiatives had a middle-class bent because they assumed a stable yet untapped male earnings source, or set of investment holdings. Such a situation is more likely to occur in middle-class families than in poorer families. First, judges no longer had complete control over establishing the level of child support awards; states had to establish across-the-board guidelines for all families (although the law did not require that they use them). Second, the states had to implement mandatory income-withholding procedures if fathers

were delinquent in their support payments by over 1 month. Third, liens also became automatic in cases of delinquency, as did the withholding of both state and federal tax refunds. Fourth, all delinquencies were to be reported to credit agencies, and fathers who had been delinquent in the past were required to post a bond or other type of security to insure timely payment for their families. This was clearly a stricter child support enforcement regime than had ever been in place before. Middle-class women were not only incorporated into the system, they also stood to gain disproportionately from these new programmatic rules.

### Conclusions

Child support enforcement in the United States changed fundamentally in the years between 1950 and 1984. Prior to 1984, women receiving welfare faced a unique policy regime with respect to child support. Required by state welfare departments to cooperate in naming their children's fathers, these mothers had to comply or face welfare sanctions. In the case of non-AFDC families, however, state court judges, rather than state agencies, made case-by-case decisions on issues of support, deciding when and whether support should be awarded. In addition to these two distinct systems for setting awards, the two clienteles also faced separate sets of enforcement mechanisms that were triggered in cases of a delinquency.

However, many of these primary enforcement policies proved ineffective. Voluntary agreements for AFDC families did not have legal authority; contempt of court proceedings for non-AFDC families were expensive, complex, and time consuming. Income withholding and tax intercepts were rarely applied. Dissatisfaction with these policies produced the massive revolution in child support law of the mid-1980s. Middle-class women in grassroots organizations across the country demanded improved child support services and argued that the child support divisions within the state public welfare agencies, already in place for families receiving welfare, could be used to help them. In applying this political pressure for access, advocates also demanded that the program be completely overhauled and strengthened. These activists found a receptive audience for their claims in female legislators who were beginning to find their political voice during the 1980s. They were also aided by the emergence of the gender gap, which compelled the Reagan administration to become more responsive to domestic policy issues that directly affected middle-class women, a key segment of likely voters in Reagan's bid for reelection. The Child Support Enforcement Amendments of 1984 (U.S. Public Law 98-378) were the final result. These amendments combined the two types of cases (AFDC and non-AFDC) into one large state-run program.

This case provides additional evidence that the line between traditionally targeted programs and more universalistic ones is becoming increasingly blurred. In the past, scholars have argued that because of the stigma associated with targeted programs, members of the middle class will do all that they can to avoid them. The case of child support enforcement directly refutes this claim. If one sector of government is not performing adequately to solve a specific public policy problem, affected members of the middle class will look for an alternative. If that alternative is already up and running for the poor, the affected segment of the middle class will seek to use that alternative, as well. Performance matters more than potential stigma.

In addition, it should be noted that as the middle class expands the eligibility pool of traditionally targeted programs, they also rewrite the rules of programmatic execution. Because individuals with a higher socioeconomic status are more likely to be voters, politicians might be more sensitive to their needs and demands regarding long-term modifications of the program. The end result could be programs that seem to serve all Americans, but in reality are primarily geared to help those with more substantial resources. This is evident in the child support program, as many of the new enforcement mechanisms passed in the 1984 amendments had a significant middle-class bent. Future research should focus on analyzing the evolution and consequences of benefits from programs that have become recently populated by the middle class in order to assess whether middle-class clienteles are favored over poorer groups in achieving specific programmatic goals. Rules that seem evenhanded on the surface might have differential effects. In an era of limited resources, the political process will then have to determine whether the provision of programmatic services for all populations, regardless of resource status, represents sound public policy.

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## Notes

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1. Throughout this article, custodial parents are assumed to be mothers and noncustodial parents are assumed to be fathers. The statistics support these generalizations. In 1998, 85.1 percent of all custodial parents were women (Grall 2000, p. 1).

2. Only a handful of states have opted to place their child support enforcement programs in other agencies, such as offices of the attorney general and departments of revenue.

3. In contrast to the paucity of work on the policy impact of congressional women, there was a significant amount of scholarship devoted to the effects of women in state legislatures. Here, scholars reported the same trends; while women often had more liberal leanings than their male colleagues on many issues prior to the 1980s, they failed to assume a leadership role in a particular policy area (see Gluck-Mezey 1978; Johnson and Carroll 1978; Thomas 1994).

4. Again, the literature on women's behavior in state legislatures confirms this claim that women influenced policy in new directions beginning in the 1980s (see Saint-Germain 1989; Thomas 1994).

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