

The Big Picture - Children in Focus

Poverty and Maintenance

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Legal History of Child Support in California

Recovery of Maintenance in the
European Union and Worldwide
Heidelberg Conference 5 – 8 March 2013

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Beginnings

The origins of California's child support program go back to 1872 when California first adopted the Penal Code, which made failure to pay child support a misdemeanor, later increased to a felony in 1909. (Penal Code section 270.)

District Attorney's Role

From that beginning and through the early 1970's, California enacted a series of laws governing child support enforcement, and most counties established Family Support Divisions within their District Attorneys' office to enforce those support obligations.

Changing Laws

- 1907 – posting of an undertaking to secure support
- 1911 – diversion of fines to support the family
- 1965 – mandatory time frames for District Attorney upon receipt of application
- 1969 – use of civil enforcement tools of execution and wage assignment

- 1970 – Family Law Act of 1970 gave California District Attorneys authority to enforce child support civilly within the dissolution action itself
 - Wage assignments
- 1971 – California Welfare Reform Act required welfare departments to refer all absent parent cases to the District Attorney

International Reciprocity

1970's – California exchanged letters of reciprocity (parallel unilateral declarations) with several countries.

France and Germany were among the first.

Federal Intervention

- 1952 – beginnings of child support program
 - Welfare agencies required by federal law to notify law enforcement when absent parent was not paying support
 - In California, welfare agency first tried to secure voluntary support, then referred case to D.A.
- 1955 – California enacted first law creating a civil cause of action by counties to recoup public assistance

Federal Mandates

- In 1975, Congress enacted laws creating the Title IV-D child support program
 - Each state was required to establish a child support program to establish paternity and support and enforce support
 - All applicants for public assistance were required to assign support rights to the state and to cooperate in establishing paternity and securing support
 - Established incentives paid to states to comply with federal legislation

Mandates

- 1976 – state unemployment agencies required to provide absent parent's addresses to the child support agency
- 1978 – federal bankruptcy law amended to preclude discharge of child support arrears
- 1981 – IRS was authorized to withhold tax return

Mandates

- 1984 –
 - mandatory wage withholding
 - expedited processes for establishment and enforcement
 - property liens
 - equal services for public assistance and nonpublic assistance families

Federal Reciprocity

1996 – Federal law enacted (42 United States Code section 659a)

Secretary of State in concurrence with the Secretary of Health and Human Services may declare a foreign jurisdiction to be reciprocal. States retain authority to exchange parallel unilateral declarations.

These bilateral arrangements may continue under the new Hague Convention.

42 U.S.C. section 659a

Foreign jurisdiction must have procedures under which a U.S. resident can establish paternity, and establish and enforce child support orders in that country.

Jurisdiction must have a central authority.

No fees or costs for services.

California's Program

In response to the new federal laws in 1975, California established the Office of Child Support Enforcement within the Department of Social Services (DSS) as the single state agency responsible for administration of the state's child support program.

State and County Program

DSS did not operate the program alone, but contracted out the day-to-day operations of the program to the county District Attorneys' office. Gradually, the enforcement moved from criminal prosecution to civil remedies.

Evolution of the Program

In 1999, California created a centralized agency, the California Department of Child Support Services (DCSS), to manage all local child support agencies in California.

Move from District Attorneys

Over the next few years the responsibility for providing child support services transitioned from the District Attorney's Offices to separate county agencies whose sole purpose is to establish and enforce child support orders.

Continued Local Role

Under the new scheme, DCSS is required to develop and maintain uniform forms, policies and programs, and performance standards. If local child support agencies fail to meet required performance standards, DCSS is to assist in program operations and management.

Final Transition

The move from the local District Attorney's Offices with minimal oversight by the state to local child support agencies with greater state oversight finally transitioned child support enforcement from the early emphasis of purely criminal actions used to recoup government funds to civil actions used to collect support for the family.

Where do we go now?

- Focus shifting to providing more services through interagency cooperation to strengthen families financially and otherwise.
 - Employment and training opportunities
 - Services for overcoming addictions and other barriers to employment
 - Family counseling
 - Fatherhood initiatives

Other Possibilities

- Administrative process
- Early intervention to secure voluntary payments
- More automation, streamlining of application process
- Re-establish the close connection between welfare agencies and child support enforcement agencies

Conclusion

The timely receipt of child support is critical for millions of families and children, and promotes family self-sufficiency and child well-being.

Maja Groff

Global Poverty and Economic Rights: the potential of the 2007 Child Support Convention

Maja Groff

Senior Legal Officer, Permanent Bureau

Hague Conference on Private International Law

Outline

A) Intro: Hague 2007 Convention

B) International human rights law context

C) The economics of maintenance:

- Government perspectives
- Creditor perspectives
- Debtor perspectives
- International development perspectives

D) Maximizing the impact of the 2007 Convention

The Hague 2007 Child Support Convention

Recovery of Maintenance in the
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- The Hague *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance*, and the 2007 Protocol on applicable law, are the most recent Hague Conventions
- Convention seeks to ensure the effective international recovery of family maintenance by providing:
 - International co-operation between Central Authorities
 - International rules for the recognition and enforcement of maintenance decisions made in Contracting States
- Entered into force on 1 January 2013
- The 2007 Convention and Protocol will replace at least 5 existing multilateral treaties in force in this field

The Hague 2007 Child Support Convention

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- Sets out a broadly-based system for the recognition and enforcement of maintenance decisions made in Contracting States & expedited recognition / enforcement procedures
- Establishes a Central Authority cooperation system, where each Central Authority has a broad range of specified functions to assist in processing Convention applications
- Obligates free legal assistance for child support applications for children under the age of 21 (with minor exceptions)
- Specifies the protection of personal information
- A new global case management system, “iSupport,” is planned to leverage IT solutions to further support the swift and effective cross-border recovery of maintenance

Supported by international human rights framework

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Gives effect to Article 27(4) of the United Nations
1989 *Convention on the Rights of the Child* (UNCRC)
where States must:

“take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child [...]. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements [...].”

Supporting an international human rights framework

Reinforces obligations under the United Nations
*1966 International Covenant on Economic,
Social and Cultural Rights* :

Article 10(1): State obligations of protection and assistance to
the family “particularly while it is responsible for the care and
education of dependent children”

Article 11(1): the right of everyone (including children) “to an
adequate standard of living for himself and his family,
including adequate clothing and housing, and to the
continuous improvement of living conditions.”

Government perspectives: economics of maintenance

- 1) Canada (British Columbia): \$10.83 for every dollar invested (ratio of 11:1)
- 2) Norway: each 1 NOK collected costs .035 NOK (ratio of 35:1)
- 3) United States of America: (ratio of 5:1)
- 4) Australia: unknown ratio, but since Child Support Scheme started in 1988, \$38.47 billion transferred (96.9% of all liabilities)

Government perspectives: economics of maintenance

- “Administrative” systems (*e.g.* Norway, Australia, etc.) seem to get the most return on investment (public monies spent) versus court-based systems
- 2007 Convention invites domestic reform in the recovery of maintenance, based on obligation to provide free legal assistance (if needed) and “effective access” to procedures

Creditor perspectives: economics

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- 1) Effective access to procedures and Central Authority aspects of the Convention “level the playing field” for cross-border recovery of child support for creditors of varied means
- 2) Child support and poverty alleviation: Convention may be especially helpful with respect to parents who live or have migrated abroad for work opportunities (“North-South” dynamic)

Debtor perspectives

- 1) Protection of debtor rights important:
Convention allows for debtor applications
- 2) If maintenance amounts reasonable:
 - Contributing to the upbringing of one's child should be a positive experience
 - Inculcates sense of responsibility, involvement in child's life
 - Will see results of support: *e.g.* health, success at school, after school activities, etc.

General International Development perspectives

- 1) A number of countries on the “ODA” list are “early signers” of the Convention (*E.g.*, Albania, Burkina Faso, Bosnia and Herzegovina, Ukraine)
- 2) Cross-border maintenance can be a type of international remittance
- 3) Supplementation rather than replacement of traditional remittances (i.e. maintenance payments are backed by coercive powers of the State)
- 4) iSupport will expedite international transfers

General International Development perspectives

Re: gendered aspect of (international)
maintenance recovery:

- “Economies rebound faster from crisis when responses focus on women’s needs” (UNWomen)
- Differential spending patterns of women (on children) and benefit of children from women’s approach to “household accounting” (Save the Children / WISE)

The potential of the 2007 Convention

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- 1) Promotion
- 2) Implementation support (Technical Assistance, other tools)
- 3) National reforms
- 4) National awareness-raising / outreach to creditors
- 5) Professional user guides: Case Worker Handbook and Judges' Guide
- 6) Electronic (IT) tools: Country Profile and iSupport
- 7) Sharing of best practices (*e.g.* this conference)

Thank you.

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Ann Estin

CHILD SUPPORT AND (GLOBAL) POVERTY

Professor Ann Laquer Estin

Aliber Family Chair in Law, University of Iowa

6 March 2013



Child's Right to Support

- “States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.” – CRC art. 27(1)
- “The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development.” -- CRC art. 27(2)
- “States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having responsibility for the child, both within the State Party and abroad.” – CRC art. 27(4)

Public and Private Family Support

- High Income
- Working Poor
- Middle Classes
- Deeply Poor

Child Support in the US

- In the US, more than 25% of children live with a custodial parent (while the other parent lives somewhere else).
- For custodial-parent households, poverty rate was over 28% (about twice the rate in the general population).
- Just over 50% of all custodial parents had a child support order or agreement in place.
- Of those with a child support order or agreement:
 - 70% received full or partial payment
 - 30% received no payment.

-- Grall, *Custodial Mothers and Fathers and Their Child Support: 2009*
(US Census Bureau Dec. 2011)

U.S. Child Support Enforcement –FY 2011

- 15.8 million cases in IV-D program (17.3 million children)
- Total collections of: \$ 31.2 billion (9.0 million cases)
- Distributions to families of: \$ 27.3 billion
- Administrative expenditure of: \$5.7 billion
((\$3.5 billion federal funds; \$2.2 billion state funds)

-- US Office of Child Support Enforcement, *FY 2011 Preliminary Report*
(Oct. 2012)

FY 2011	Cases	Collections	Distributions
Current Public Assistance Cases	2.0 million	0.7 million	\$ 1.0 billion
Former Public Assistance Cases	6.8 million	3.9 million	\$ 9.0 billion
Never on Public Assistance	7.0 million	4.4 million	\$ 11.8 billion + 5.5 billion *
TOTAL	15.8 million	9.0 million	\$ 27.3 billion

Does Child Support Reduce Poverty?

For all poor custodial families in the US, average of 10% of annual income came from child support in FY 2008

→ 40% for poor custodial families receiving support

Among all deeply poor families, average of 15% of annual income came from child support in FY 2008

→ 63% for deeply poor custodial families receiving support

Without child support in 2008, additional 625,000 children (and 413,000 adults) would have been poor

→ 4.4 % increase in child poverty rate

-- Elaine Sorenson, Urban Institute, *Child Support Plays an Increasingly Important Role for Poor Custodial Families* (Dec. 2010)

Transnational Families

- Jet Set
- Globalized Middle Class
- Migrant/Working Poor

Remittances and Financial Transfers

- Remittances are the portion of income that flows back to a migrant's country of origin in the form of funds or goods, primarily to support family members.
- Remittance flows generally run in opposite direction of migration.
- Significant contribution to GNP in many countries
- Voluntary: embedded in social and family context; often a joint household decision

- World Bank estimates that remittances and financial transfers worldwide were \$440 billion in 2010, with \$325 billion of this sent to developing countries
- Significant increase since 1995: \$56 billion → \$334 billion
- Remittance flows in 2010 were three times the amount of official foreign aid
- Remittance levels have generally remained strong since the 2008 global financial crisis, even as current migration levels have declined
- More resilient than flows of foreign direct investment and private debt/equity: counter-cyclical effect

Types of Financial Transfers (2008)

INFLOWS	To High Income Countries	To Low and Middle-Income Countries
Personal Transfers	\$ 18.8 billion (19%)	\$ 249.9 billion (81%)
Employee Compensation	\$ 63.8 billion (65%)	\$ 53.1 billion (17%)
Migrants' Capital Transfers	<u>\$ 15.7 billion (16%)</u>	<u>\$ 5.3 billion (2%)</u>
TOTAL	\$ 98.3 billion	\$ 308.3 billion

-- US Congressional Budget Office, *Migrants' Remittances and Related Economic Flows* (February 2011)

Migration Patterns

More than 215 million people – 3% of world population – live outside the country of their birth.

United States	42.8 million immigrants
Russian Federation	12.3
Germany	10.8
Saudi Arabia	7.3
Canada	7.2
United Kingdom	7.0
Spain	6.9
France	6.7
Australia	5.5
India	5.4

--World Bank, *Migration and Remittances Factbook 2011* (2d ed. 2011)

Migrant Population in US

In 2010, almost 13% of the US population in was foreign-born (excluding US citizens born abroad)

Migrants to US came from:

- Latin America and Caribbean: 53%
- Asia: 28%
- Europe: 12%
- Africa: 4%
- Canada and Oceania: 3%

Largest share of state population in California (27%), New York (22%) and New Jersey (21%)

Top Migration Corridors

Mexico – US	11.6 million	China - US	1.7 million
Russia - Ukraine	3.7	Philippines - US	1.7
Ukraine - Russia	3.6	India - US	1.7
Bangladesh - India	3.3	Puerto Rico - US	1.7
Turkey - Germany	2.7	West Bank/Gaza -Syria	1.5
Russia -Kazakhstan	2.2	India – Saudi Arabia	1.5
China – Hong Kong	2.2	Indonesia - Malaysia	1.4
India – UAE	2.2	Burkina Faso – Côte d'Ivoire	1.3

Migration → Remittance

Migration Destination Countries

United States	42.8 million
Russia	12.3
Germany	10.8
Saudi Arabia	7.3
Canada	7.2
United Kingdom	7.0
Spain	6.9
France	6.7
Australia	5.5
India	5.4

Remittances Sent (2009)

United States	\$ 48.0 billion USD
Saudi Arabia	\$ 26.0
Switzerland	\$ 19.6
Russia	\$ 18.6
Germany	\$ 15.9
Italy	\$ 13.0
Spain	\$ 12.6
Luxembourg	\$ 10.6
Kuwait	\$ 9.9
Netherlands	\$ 8.1

Emigrant Countries

Mexico	11.9 million
India	11.4
Russia	11.1
China	8.3
Ukraine	6.6
Bangladesh	5.4
Pakistan	4.7
United Kingdom	4.7
Philippines	4.3
Turkey	4.3

Remittance Receipts (2009)

India	\$ 55.0 billion USD
China	\$ 51.0
Mexico	\$ 22.6
Philippines	\$ 21.3
France	\$ 15.9
Germany	\$ 11.6
Bangladesh	\$ 11.1
Belgium	\$ 10.4
Spain	\$ 10.2
Nigeria	\$ 10.0

- India

11.4 M emigrants

5.4 M immigrants

6.0 M net emigration

- Russia

12.3 M immigrants

11.1 M emigrants

1.2 M net immigration

- United Kingdom

7.0 M immigrants

4.7 M emigrants

2.3 M net immigration

- Germany

\$ 15.9 B remittances sent

\$ 11.6 B remittances received

\$ 4.3 B net sent

- Spain

\$ 12.6 B remittances sent

\$ 10.2 B remittances received

\$ 2.4 B net sent

- France

\$ 15.9 B remittances received

\$ 5.2 B remittances sent

\$ 10.7 B net received

Who sends and receives remittances?

US Census Bureau (Current Population Survey) interviewed 50,000 households regarding international financial transfers

- Of households with a foreign-born adult member:
 - 27% sent money abroad
 - 4% received funds from abroad
- Of the total sample:
 - 5% sent money abroad to friends and relatives;
 - 1% received funds from abroad
- Survey produced estimates of \$10-\$12 billion sent (90% by foreign-born households) and \$5.5 billion received (82%)

-- Elizabeth M. Grieco et al, US Census Bureau Population Division,
Working Paper No. 87

Economic Impact of Remittances

Tajikistan	35% GDP	Kyrgyz Republic	15% GDP
Tonga	28%	Haiti	15%
Lesotho	25%	Jamaica	14%
Moldova	23%	Bosnia-Herzgovnia	13%
Nepal	23%	Serbia	13%
Lebanon	22%	Bangladesh	12%
Samoa	22%	Philippines	12%
Honduras	19%	Albania	11%
Guyana	17%	Togo	10%
El Salvador	16%	Nicaragua	10%
Jordan	16%	Guatemala	10%

Questions and Challenges

Can the Maintenance Convention help secure additional financial support for children in poor families and less stable economies?

- Can cross-border child support transfers bolster other types of family remittance payments?
- What strategies could build cooperation along the existing migration and remittance pathways?
- What kinds of assistance would help nations without administrative child support enforcement systems implement the Convention?

Rachel Coomer



Making the difference:

The rocky road to child support

A presentation by the Legal Assistance Centre, Namibia



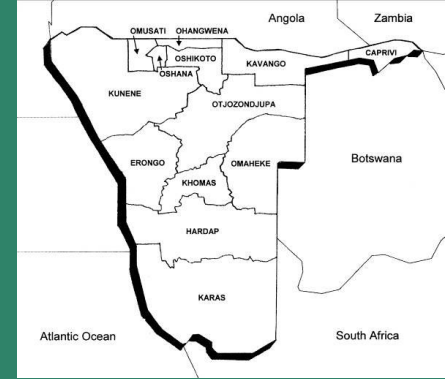
Presentation overview

1. Maintenance: The **social context**
2. The **amount of maintenance requested compared to the amount ordered**
3. **Challenges accessing maintenance payments**
4. **Key recommendations** for the improvement of the Namibian Maintenance Act



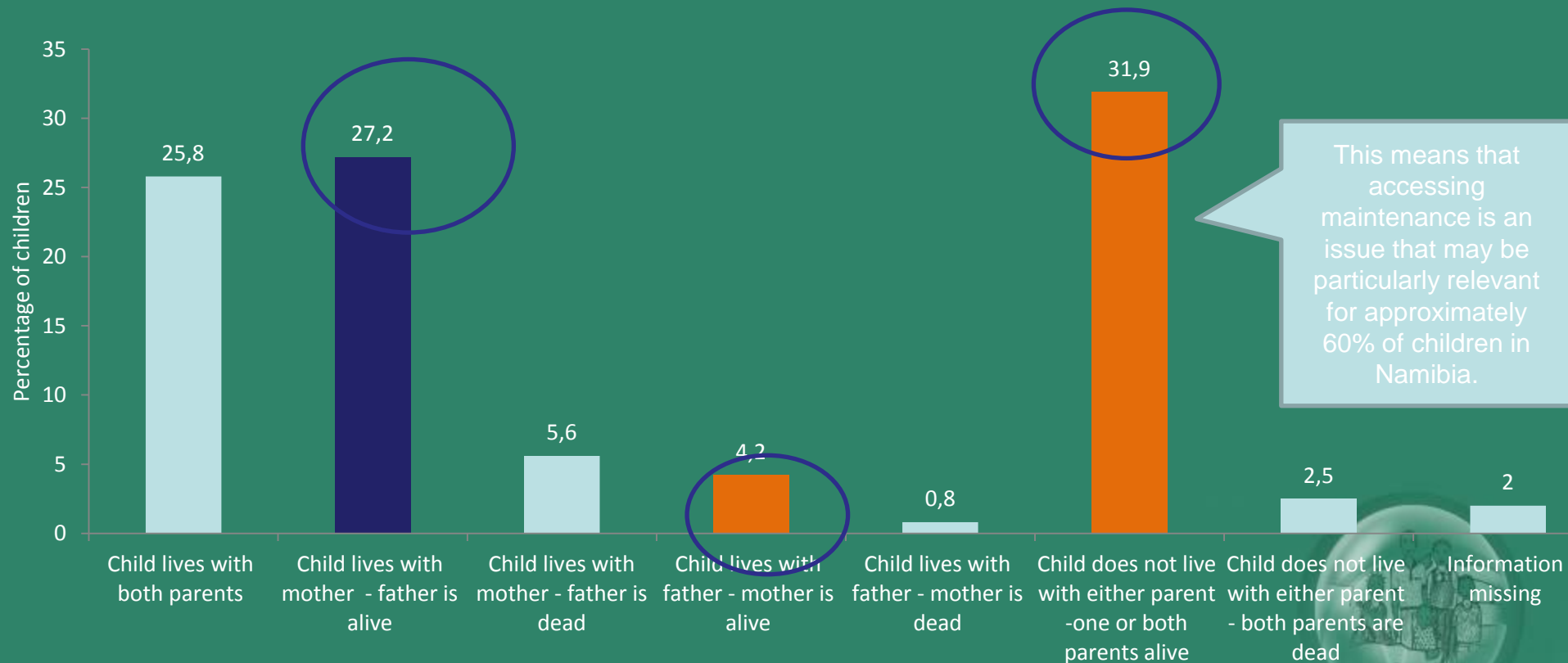
Namibia

- Population: 2.1 million
-
- 2.1 people/km²
- Upper middle income country
- 40-50% of people unemployed
- One of the highest gini-coefficients in the world



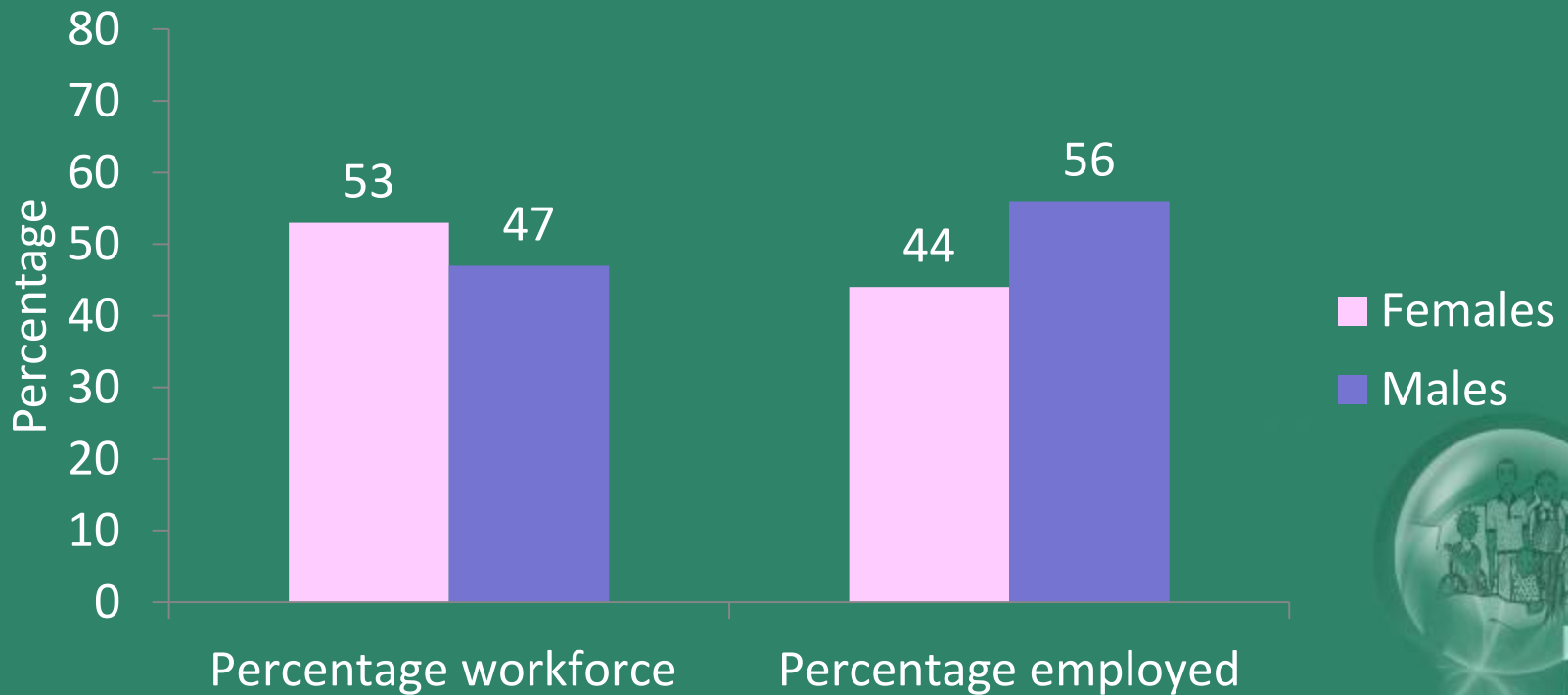
Children's living arrangements

- Maintenance most often needed when the parents of a child live separately and one parent fails to provide for the needs of the child



Employment in Namibia

- Children most often live with a female caregiver
- Women are more disadvantaged in the workforce than men
- High level of unemployment shows why women need maintenance but also why men may struggle to pay maintenance



- FHHs have lower income but a smaller difference between income and expenditure

Measure	Average income (N\$)	Average consumption (N\$)	Difference (N\$)
All households	68 878	65 348	3 530
Female-headed households	48 663	46 474	189
Male-headed households	84 141	79 586	4 555



Poverty

- More FHHs than MHHs are living in poverty
- The payment of maintenance may be critical in helping a family out of poverty

Measure	Percentage total households	Percentage female-headed households	Percentage male-headed households
Households living in poverty	28.7	40.4	36.4



Poverty gap

- Poverty gap is just 8.8%
 - or an additional consumption of less than US\$4 (N\$33.26) per month



Child poverty

- One in three children in Namibia grow up in households that are poor.
- Children are more likely to live in poverty than adults.
 - While 15.3% of the population is in severe poverty, 18.3% of children are in severe poverty
 - While 28.7% of the entire population finds itself below upper poverty line. This is true for 34% of children



Other indicators

- People living in approximately one third of households have to travel up to 30 minutes to collect water (28.9%) and people living in approximately one fifth of households have to travel for further than 30 minutes (18.5%)
- Only 32.9% of households in Namibia have improved sanitation facilities
- Only 50% of children between 5 and 17 have a pair of shoes, two sets of clothes and a blanket



Wider implications

- High incidence of baby dumping in Namibia
- Nearly 40% of children aged 6-17 engaged in some form of child labour



The benefits of financial support

- A trial for a basic income grant showed a huge reduction in child malnutrition and an increase in school attendance rates
- The results illustrate the significant benefits to children that financial support can provide



Government grants

- No universal child grant
- Grants available for
 - foster child
 - families where the breadwinner is in prison, receiving a disability allowance or pension or has died
 - children with disabilities
- Grant is only N\$200 per child
- Law reform in progress to expand coverage but change has been long in coming



Summary

- Many families in Namibia need financial support
- Government does not provide sufficient support
- The provision of maintenance can help families move out of poverty

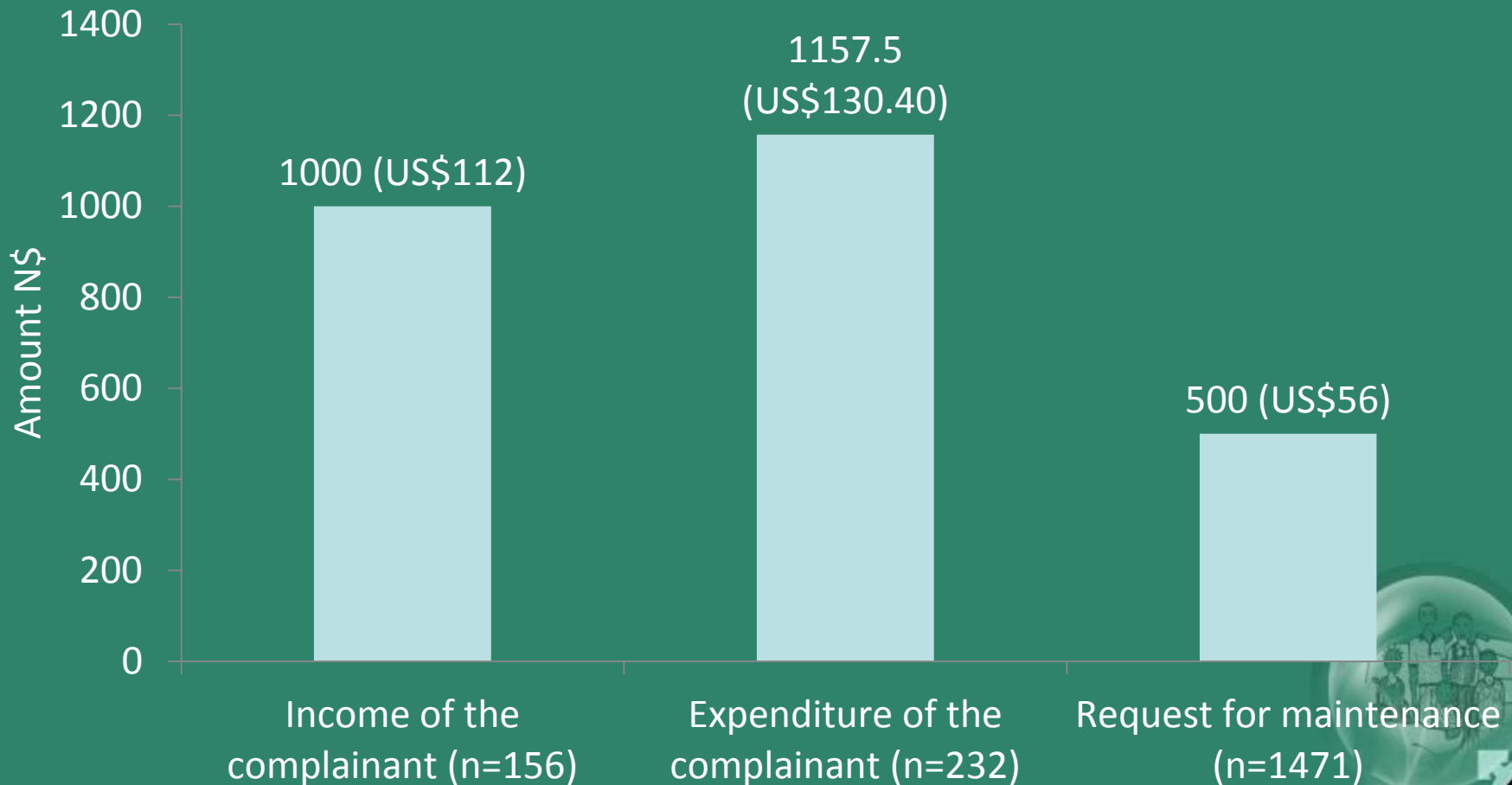


Maintenance Matters: An assessment of the operation of the Maintenance Act 9 of 2003 Study

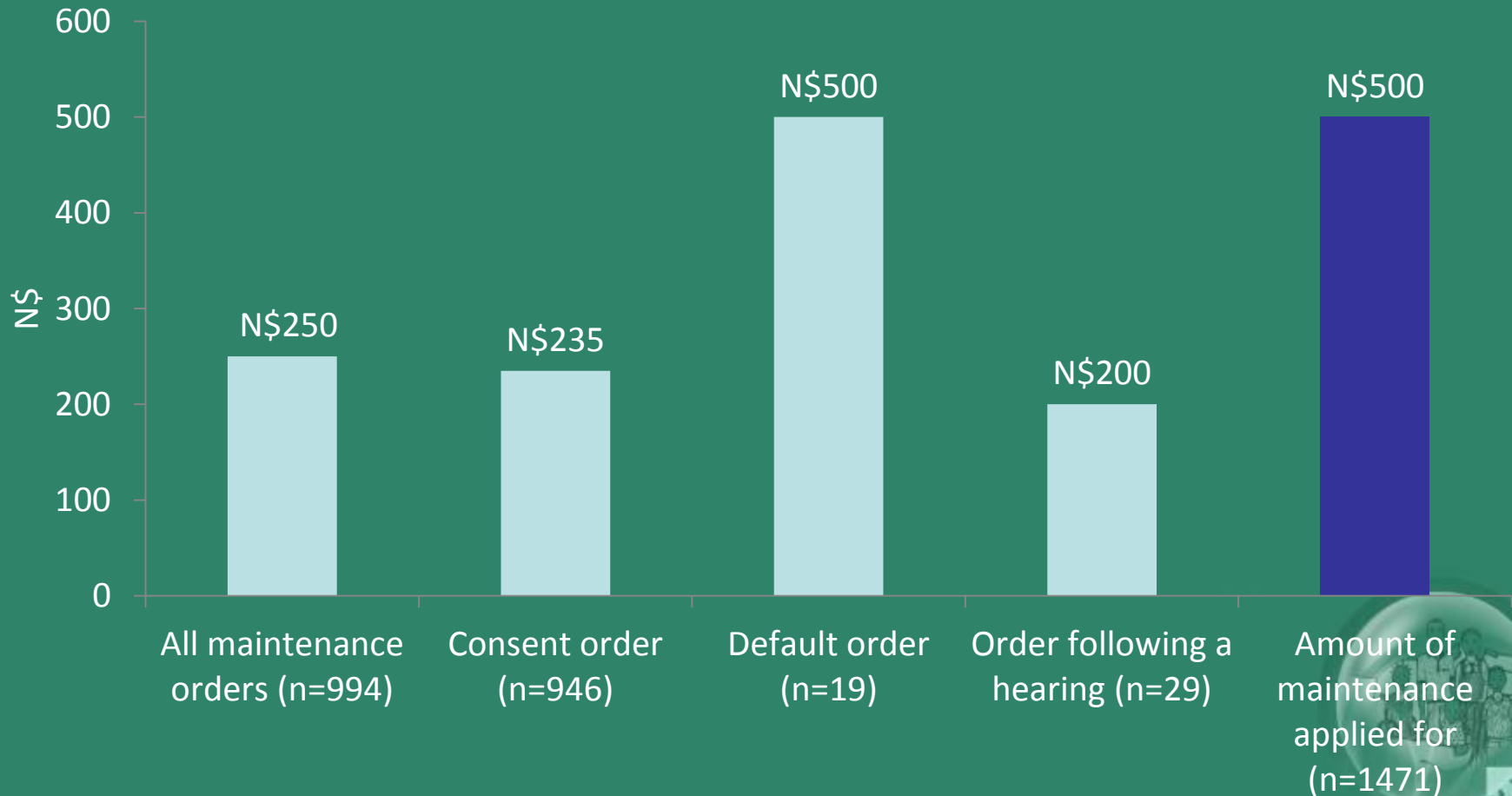
- 1687 court files
- 19 of the 31 magistrates' courts
- 12 of Namibia's 13 regions
- 34 interviews with magistrates, maintenance officers and clerks from 11 regions
- 6 focus group discussions with a total of 62 people
- an examination of reported and unreported cases that cite the Maintenance Act
- relevant statistics, judicial developments and examples



Median income and expenditure of the complainant and amount of maintenance requested



Median amount of maintenance ordered



Is the amount of maintenance requested realistic?

Is often justified [but the] means of the father [are] not sufficient usually

Women more often don't really know how much they need: N\$200 seems like a lot in a lump but isn't really sufficient to feed a child for a month

One clerk explained the concept of a reasonable amount as one where the defendant will sign a consent maintenance order rather than ask for a hearing

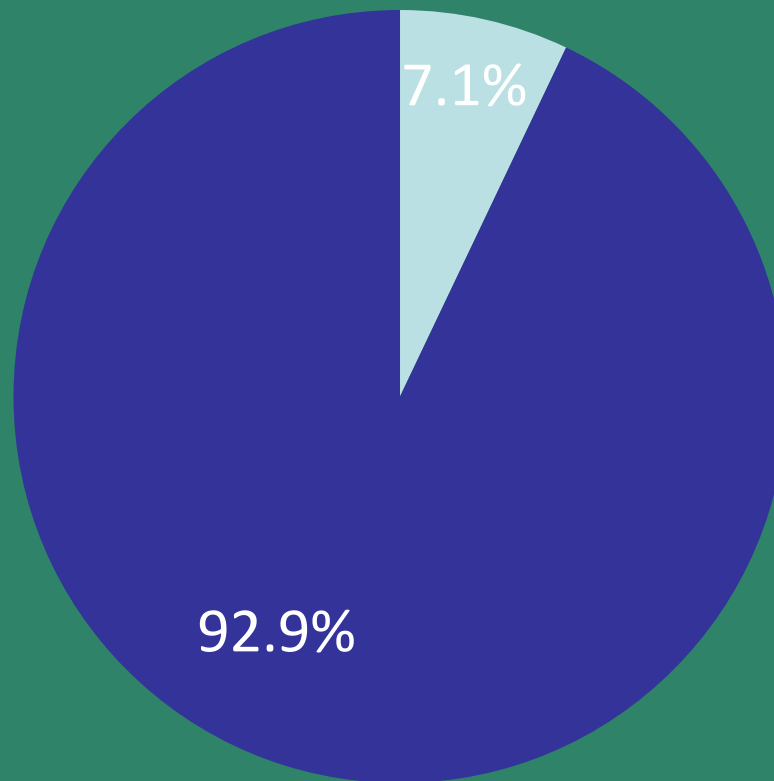


Average maintenance for all beneficiaries by year 2005-2008

Year	Valid N	Mean (N\$)	Percentage change	Inflation	Median (N\$)	Minimum (N\$)	Maximum (N\$)
2005	334	622	--	2.2	500	150	4 000
2006	375	608	-2.3	5.1	500	150	7 500
2007	383	641	5.4	6.7	500	50	10 000
2008	379	657	2.5	10.3	500	100	6 500
Total	1 471	632	--	--	500	50	10 000



Other forms of maintenance requested?



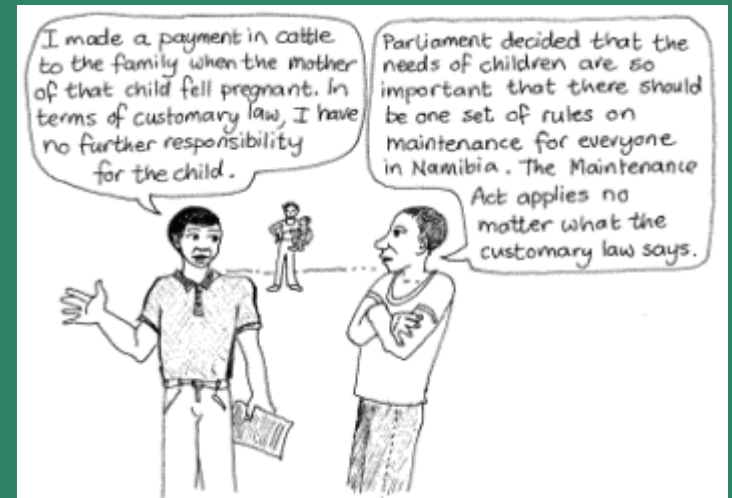
- Yes - other forms of contribution requested
- No - other forms of contribution not requested

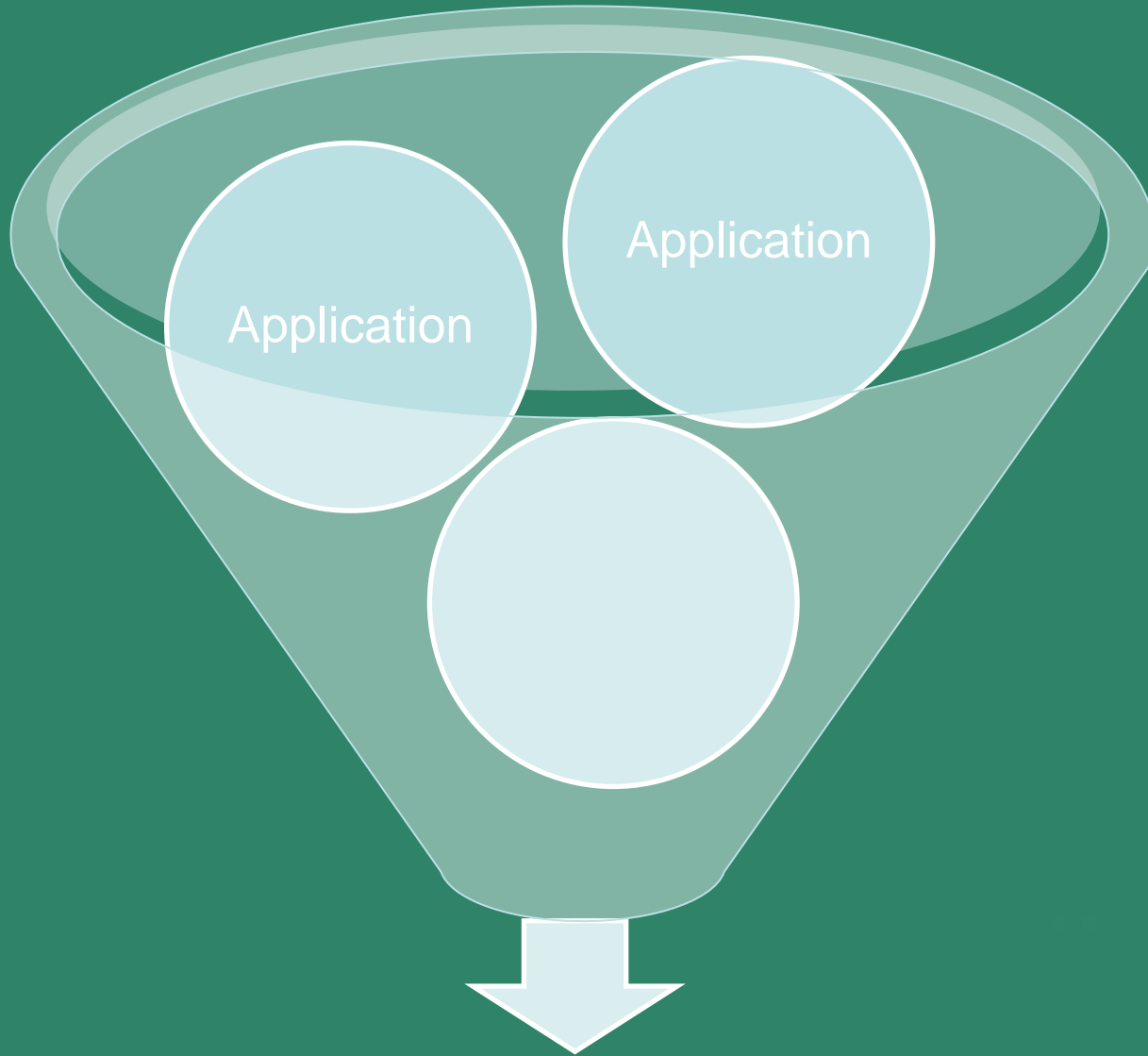
(n=1711)



Challenges claiming maintenance

- Disputes between the parents
- Defendant does not attend court
- Defendant cannot be located
- People in rural areas not accessing the courts

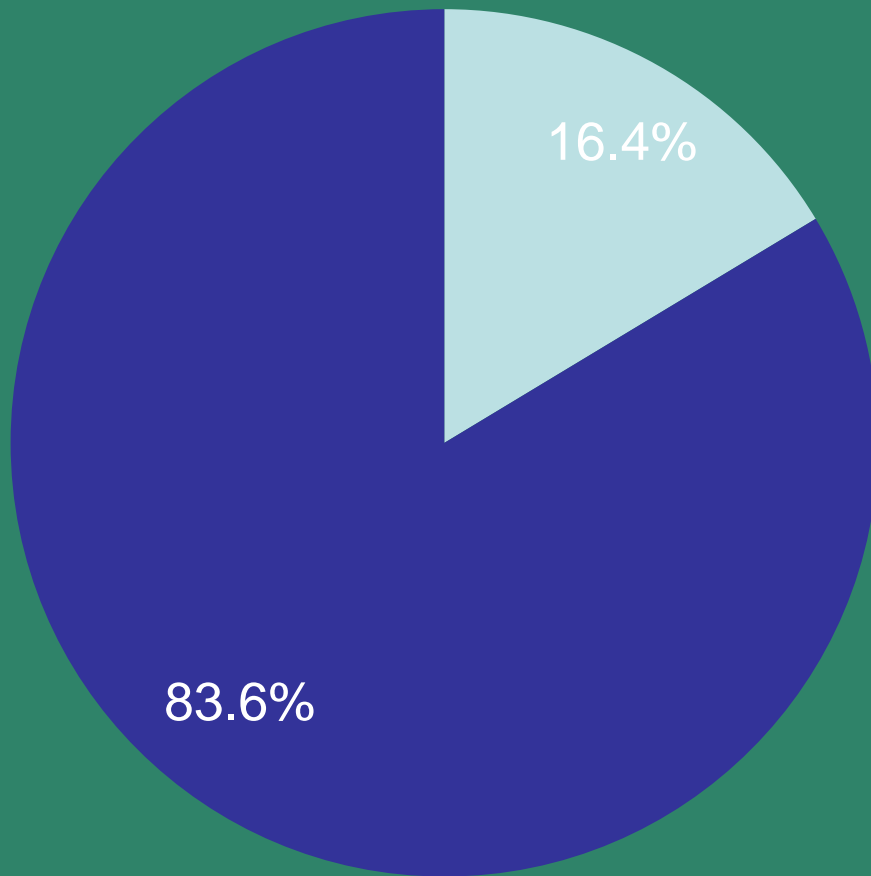




Only half of the files
sampled contained an order



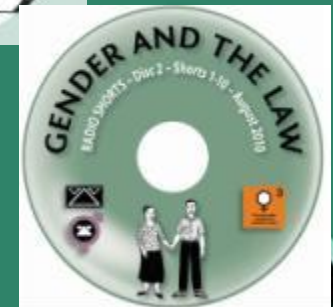
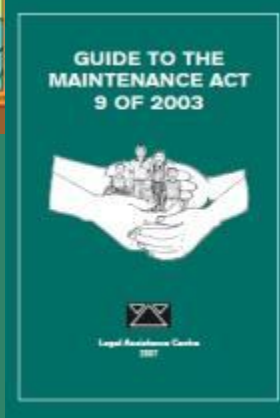
One in six orders are breached



- Yes file contains a reported breach in the maintenance order
- No file does not contain a reported breach



Outreach to create awareness about the importance of maintenance



Recommendations

1. The Government should provide a universal grant for children
2. People need to better understand that all children have a right to maintenance
3. People should have better access to the courts to be able to apply for maintenance
4. Courts need better resources to investigate applications for maintenance
5. Courts need better resources to enforce maintenance orders



Hannah

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FAMILY MAINTENANCE

The Path Ahead

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A few trends that matter



- People on the move
 - Migration
 - Immigration
- Families in the real world
 - Blended Families
 - Adult children
 - Aging parents

Transient families

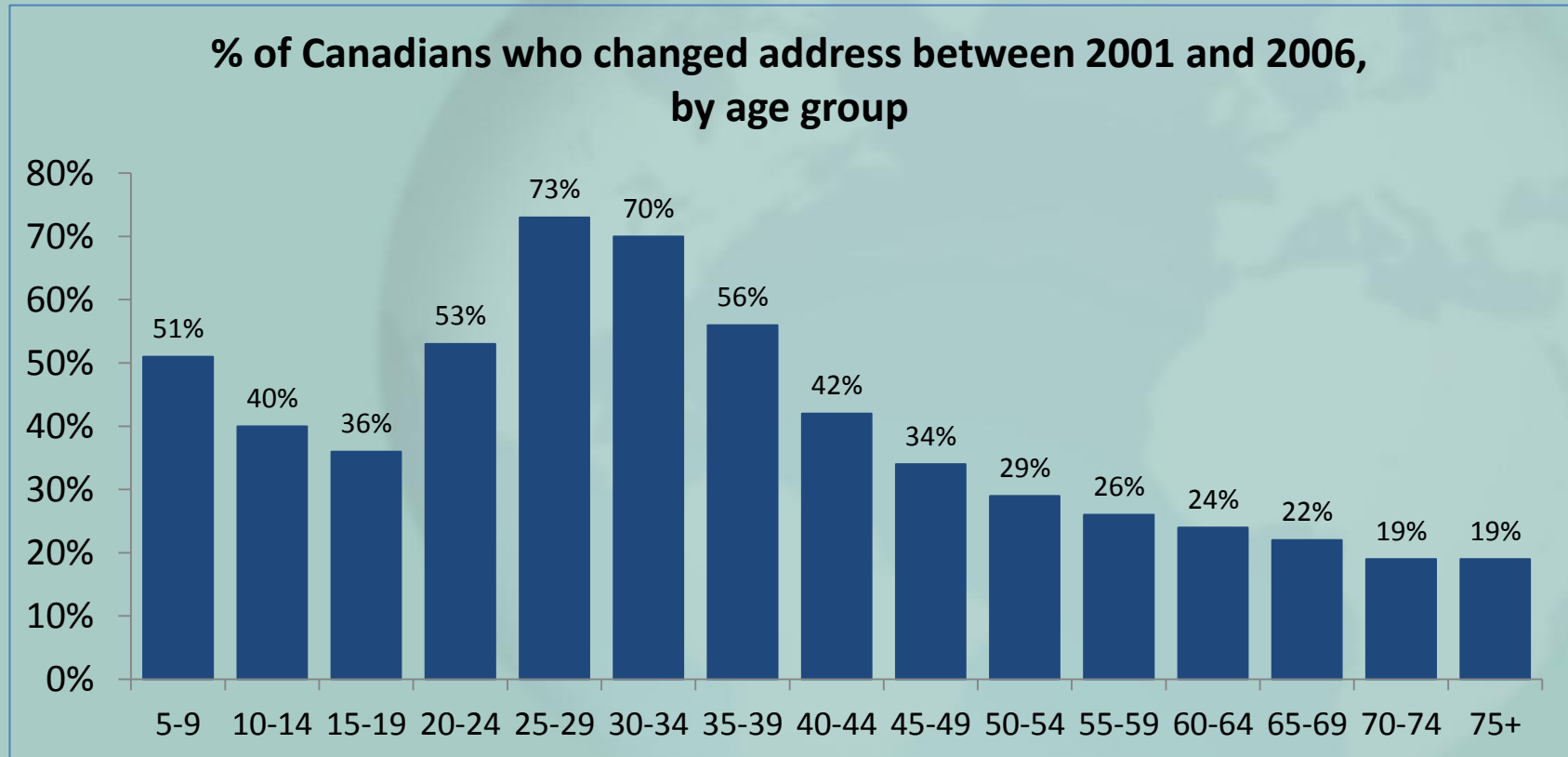


Families on the Move

Between 2001 – 2006 In Canada	Number	As Percent of Total Population
TOTAL MOVERS	12,087,315	41%
Moved within the same municipality	6,507,900	22%
Moved to another municipality in the same province/territory	3,566,790	12%
Moved to a different province or territory	852,580	3%
Moved to Canada from another country	1,160,035	4 %

Happiness is having a large, loving, caring, close-knit family in another city.” (George Burns)

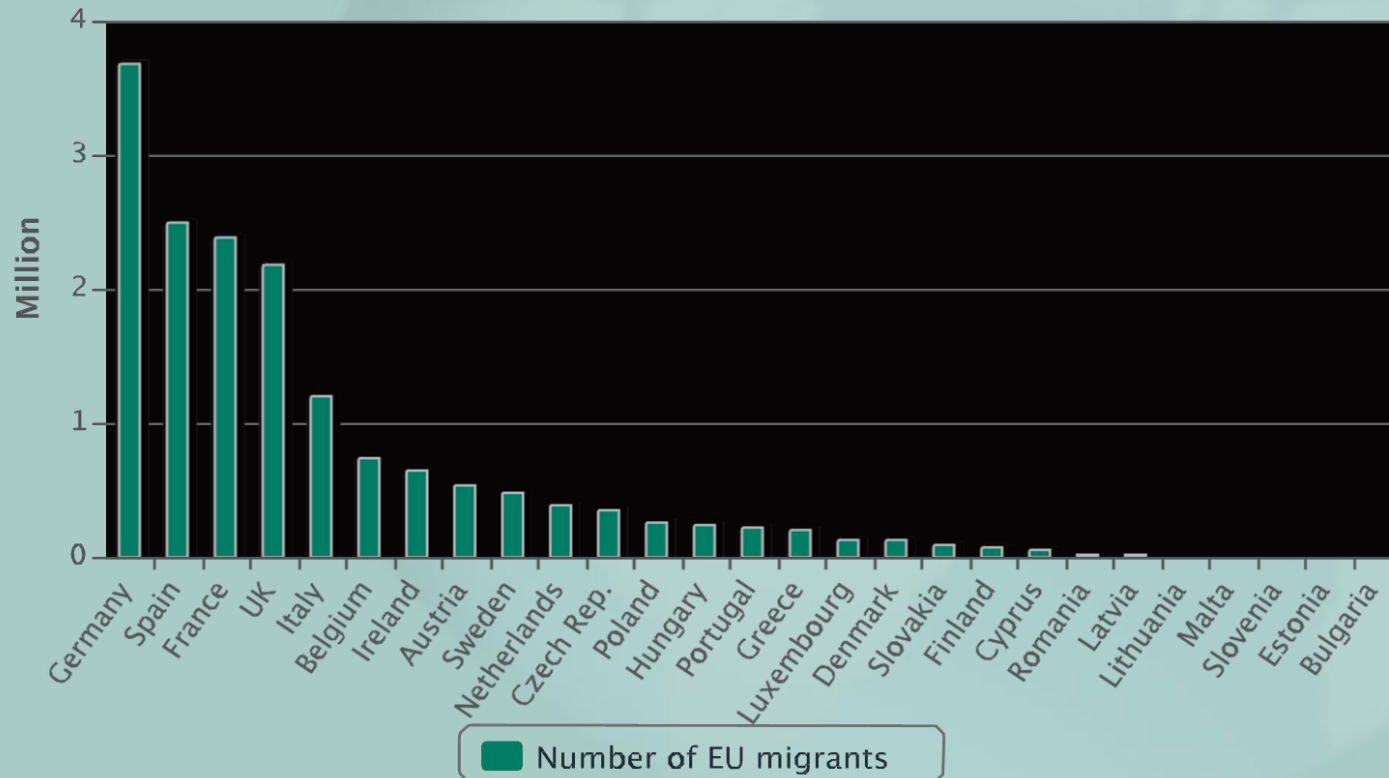
Locate Services?



Source: Statistics Canada 2006 Census of Population, cat. no. 97-556-XCB-2006006

Transient families

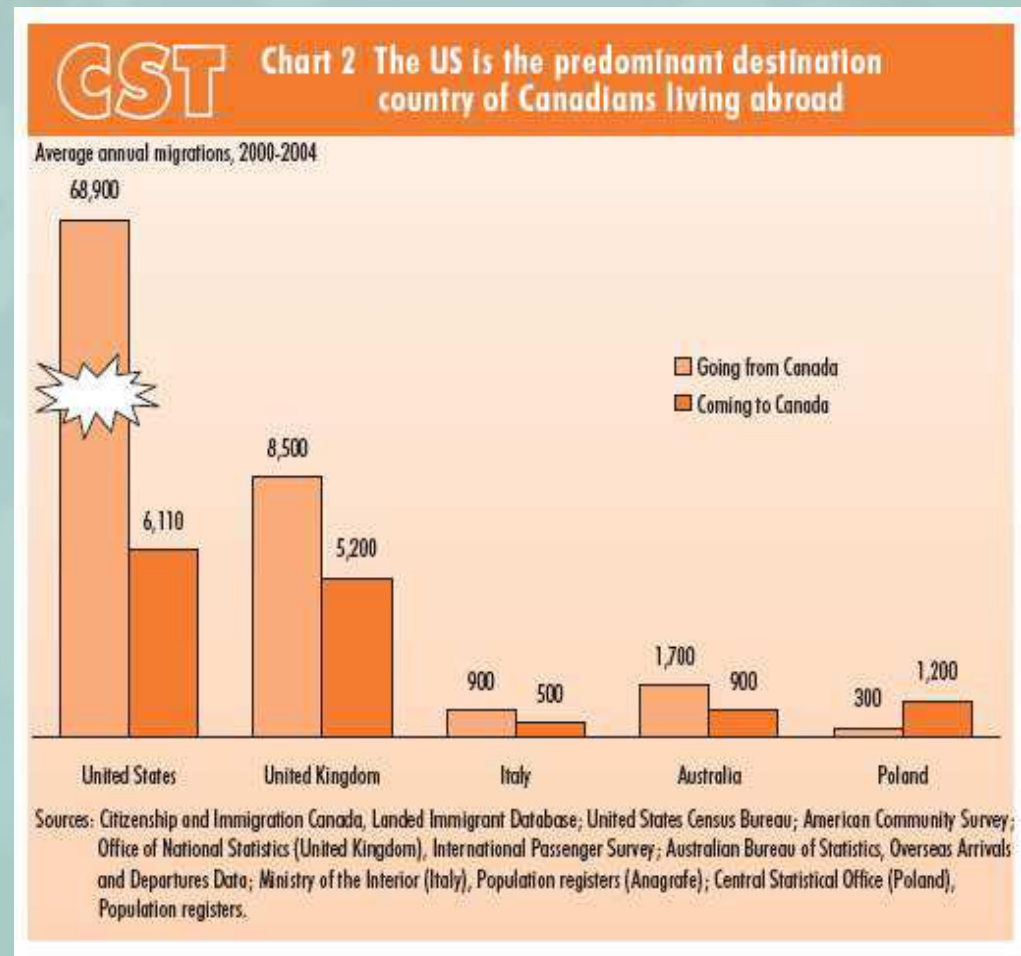
EU migrants in each EU country, 2010
Chart provided by www.migrationobservatory.ox.ac.uk



Source is World Bank. Values for some countries are too small to show in the figure.

Migration is not just one direction

- 24,000 New Zealanders go to Australia each year
- 7500 New Zealanders return home each year
- 32% of the people who moved to the US from Canada in 2003 had been born in the US.
- Another 25% were secondary migrants, that is, people born in neither Canada nor the US but who subsequently emigrated from Canada.

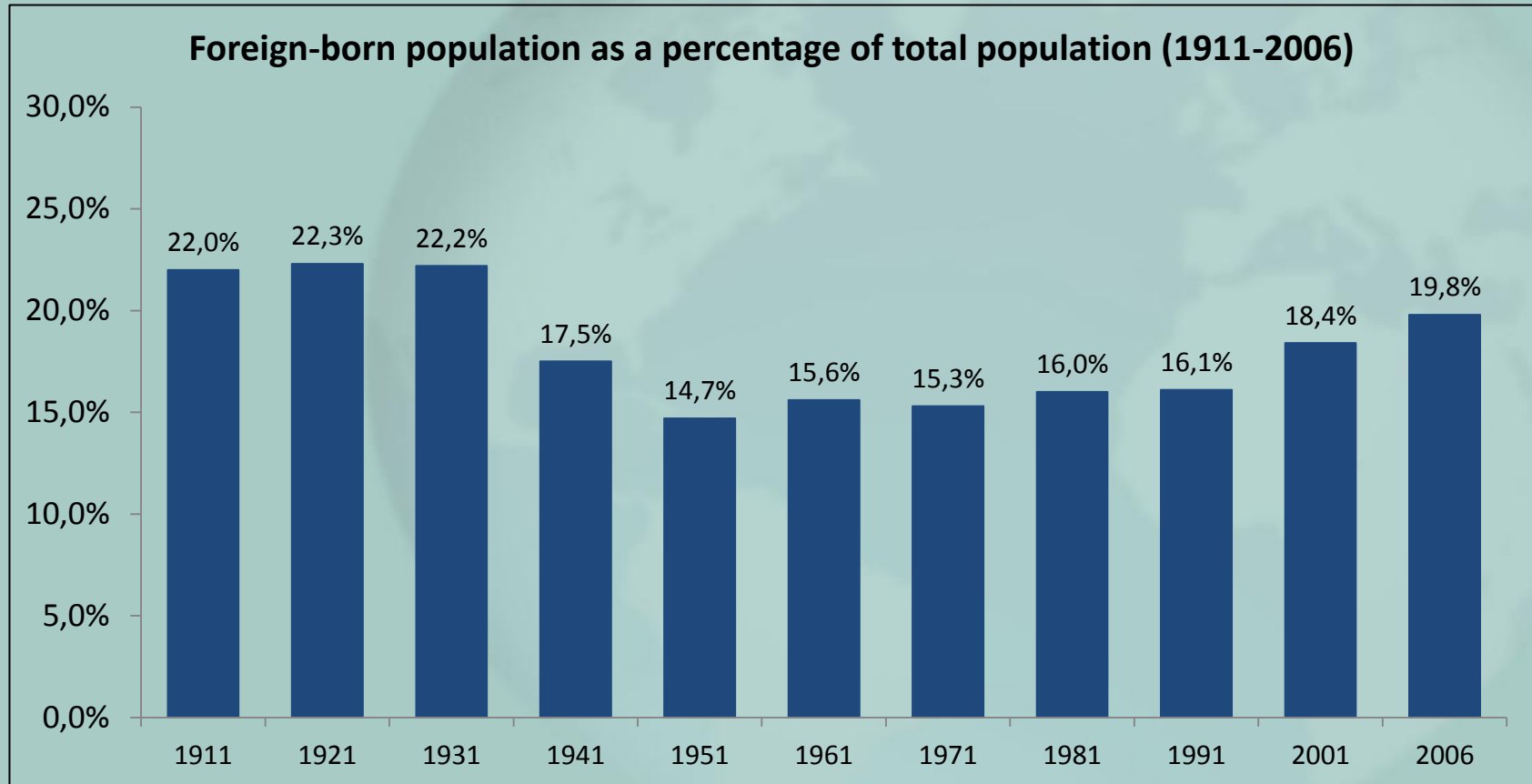


So what?

- Increasing challenges in finding clients
- More international cases
- Multiple families across multiple States
- Challenges in managing multiple cases across borders
- The old model of one sending and one receiving State is evolving - now we have:
 - Two States enforcing same case
 - Third State enforcing the case
- Challenges to our data sharing agreements and protection of privacy
 - Sharing information at the speed of our clients
- How do we harmonize social policy and legislation across borders?

Immigration

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Source: Statistics Canada 2006 Census of Population, cat. no. 97-557-XCB-2006006

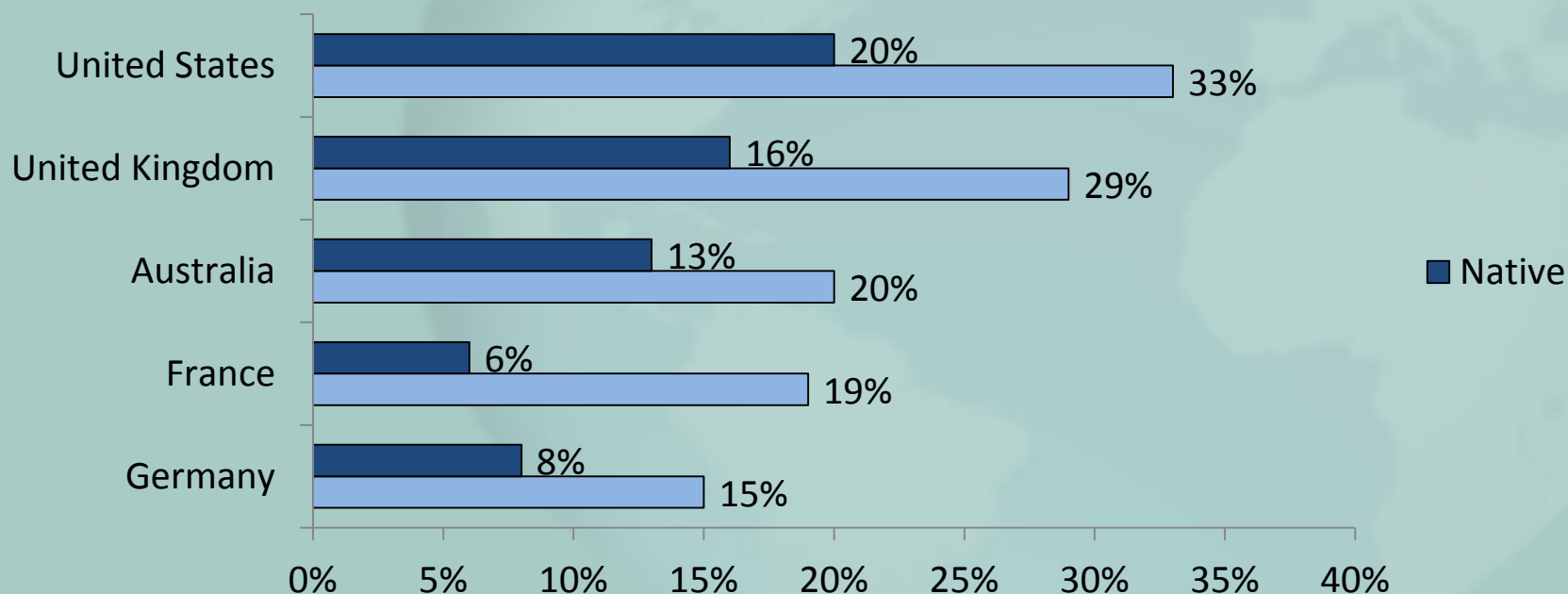
Immigrant Families

- In 2006 - 1 in 5 Canadian residents were born in another country
- Between 2001 – 2006 -foreign born population increased by 23.6 % (four times higher than growth in Canadian born population)
- Parents in immigrant families are more likely to be supporting two households (country of origin + current country)
- Immigrant parents are more likely to encounter barriers in finding and maintaining employment

Immigrant Poverty

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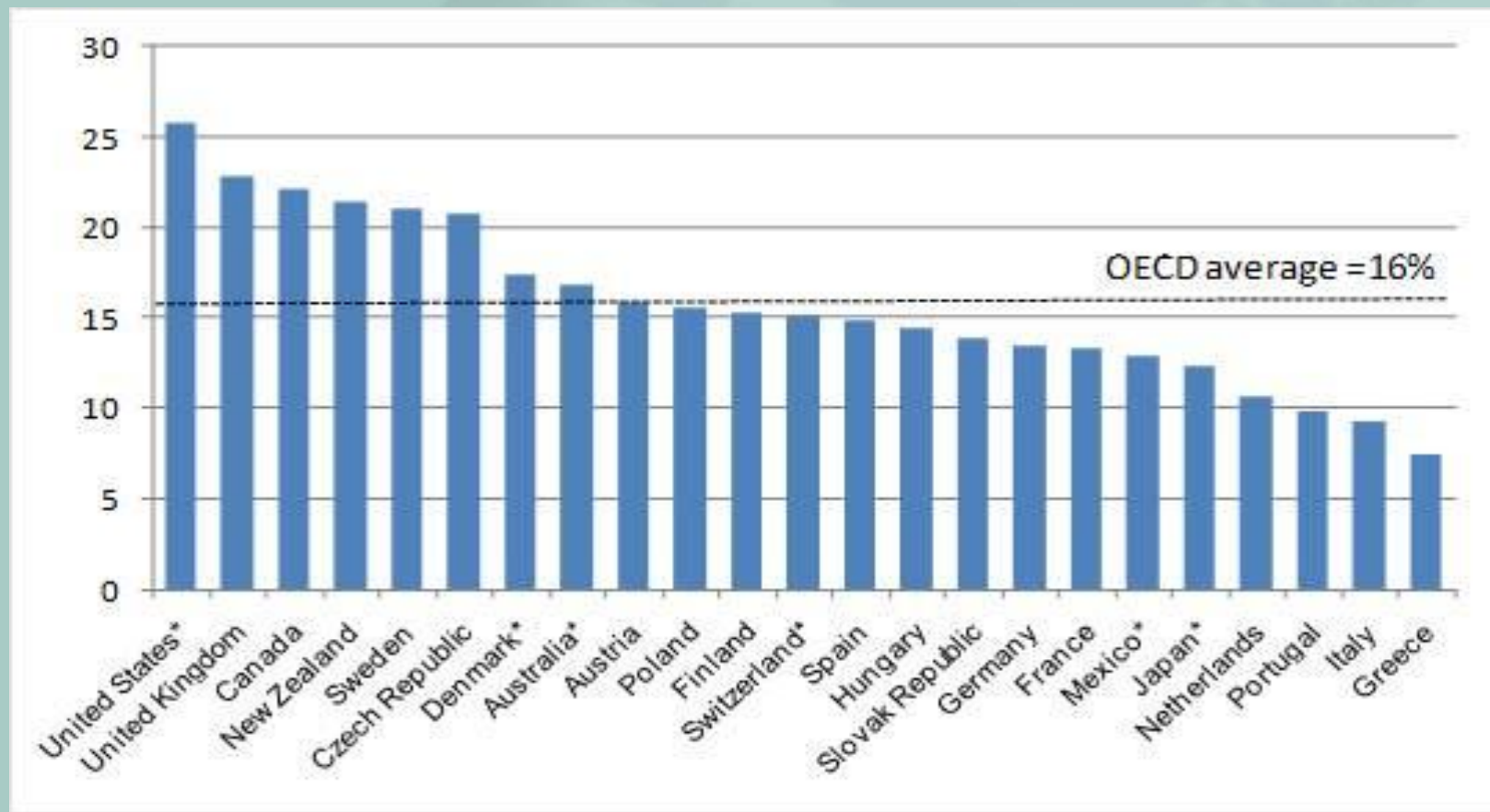
Figure 11.3 - Child poverty rate based on market income and including the effect of social transfers, five affluent countries



Source : UNICEF "Children in immigrant families In eight affluent countries. Their family, national and International context" August 2009

Single parent families below the poverty line

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Low Income Immigrant Families

Distribution (in %) of all low-income (LI) persons (18-64) in Canada,
by family characteristics and recent immigrant status, 2004

	Recent Immigrants with LI	Other Canadians with LI
Type of family		
Unattached individual	19.0	52.2
Childless couple	19.2	12.9
Two-parent family	36.3	16.7
Lone-parent family	12.3	10.6
Other family type	13.1	7.7

Children from immigrant families are more likely to live in two-parent households – but over 10 % are lone-parent families

So What?

Poverty

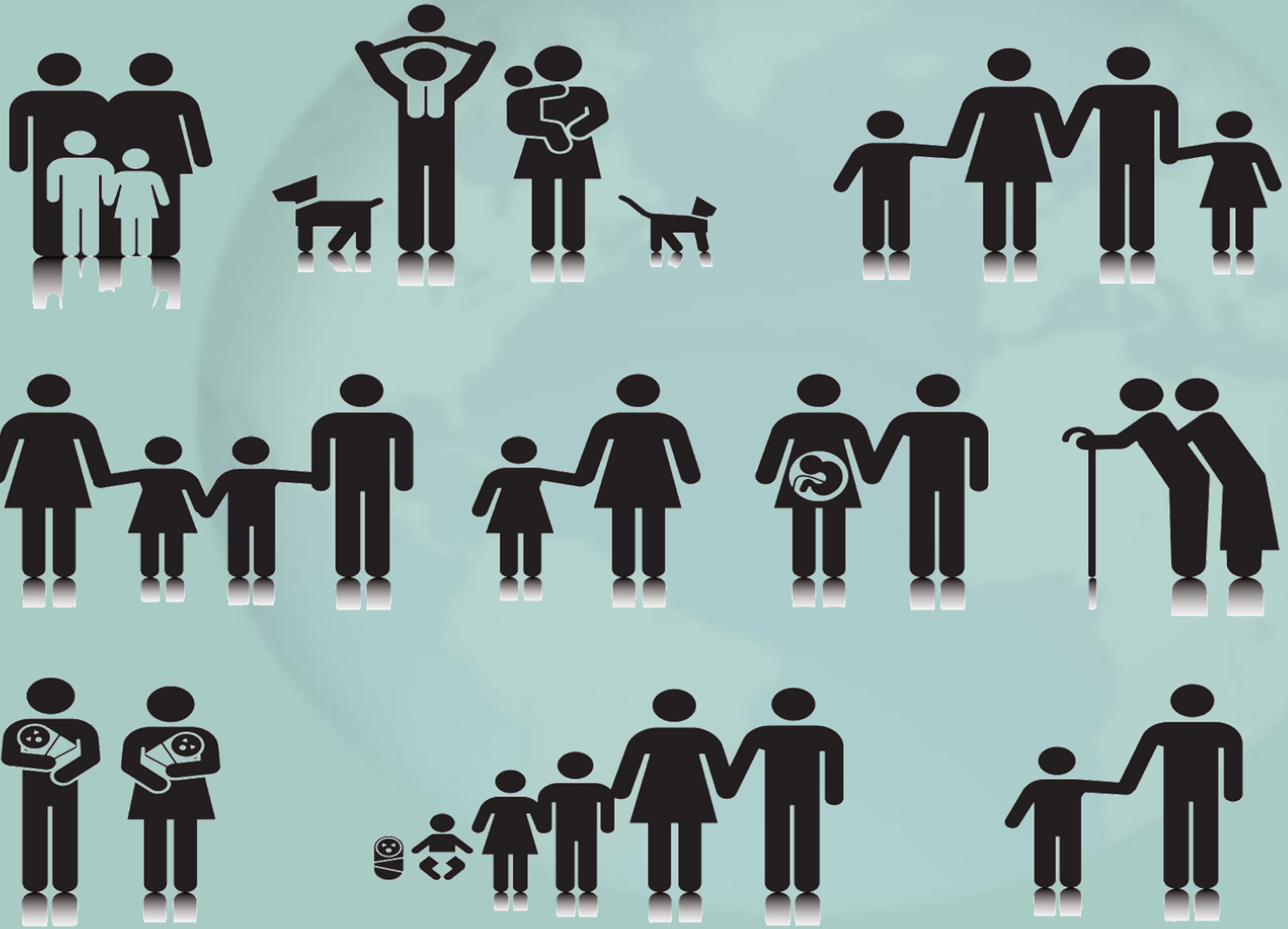
- Rate of lone parent families is almost same as non-immigrant families
- Immigrant children are living in poverty
- Large percentage of immigrants are working poor
- Challenges in reaching this segment of population to provide assistance

Values

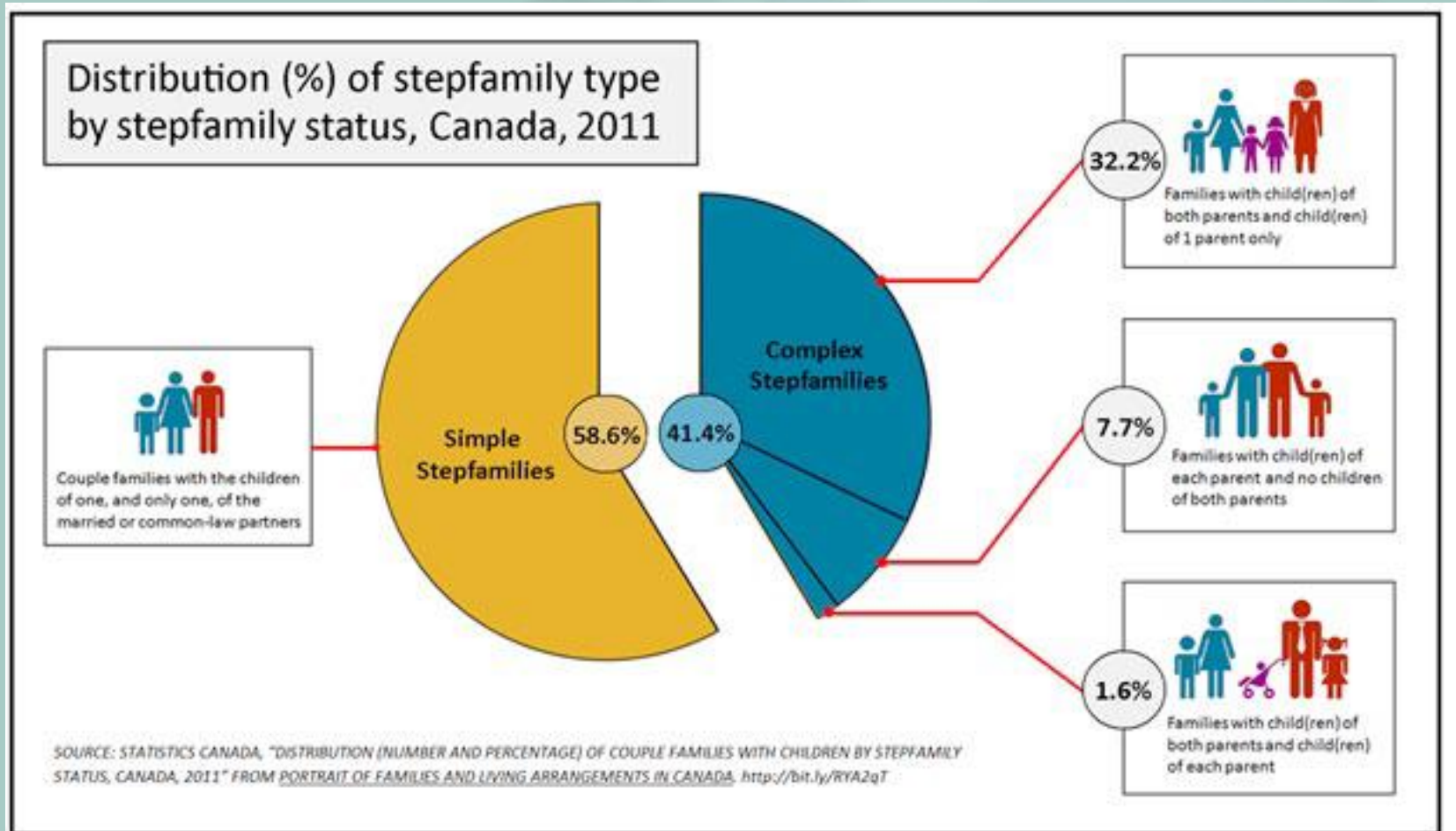
- Immigrants bring new values and new approaches to family
- Multi-generational families; different patterns of dependency

New Forms of Families

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Blended Families



One in ten Canadian children live in a blended family

Transitions

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Family transitions among children aged 6-13 (1996-97)

	Transitions for children born in a family in which parents were living together at the time of birth (legally married or common-law)	Transitions for children born in a family in which parents were living apart at the time of birth (single-parent, divorced, separated or widowed and not living common-law)
% of children who have experienced no family transitions	77.8%	16.2%
% of children who have experienced one family transition	8.0	44.7
% of children who have experienced two family transitions	7.8	18.0
% of children who have experienced three family transitions	4.9	16.9
% of children who have experienced four or more family transitions	1.5	4.2

Re-partnering

Cumulative Percentage of Repartnering after Marital Disruption



Year	Women			Men		
	Remarried	Cohabited	Total	Remarried	Cohabited	Total
1	0.7%	9.5%	10.2%	0.6%	14.9%	15.5%
2	2.7%	17.3%	20.0%	2.7%	23.5%	26.3%
3	4.2%	22.1%	26.3%	6.3%	31.0%	37.3%
4	5.6%	25.9%	31.4%	10.1%	35.8%	45.9%
5	7.2%	28.8%	36.0%	11.8%	38.6%	50.5%
10	13.5%	39.1%	52.5%	20.4%	49.2%	69.6%
15	16.4%	45.4%	61.8%	23.4%	54.3%	77.7%
20	19.2%	49.4%	68.6%	26.6%	55.5%	82.1%

Source: Zheng Wu and Christoph Schimmele (2009), "Divorce and Repartnering," Families: Changing

Trends in Canada, Maureen Baker (ed.) Toronto: McGraw-Hill Ryerson, p. 173.

So what?

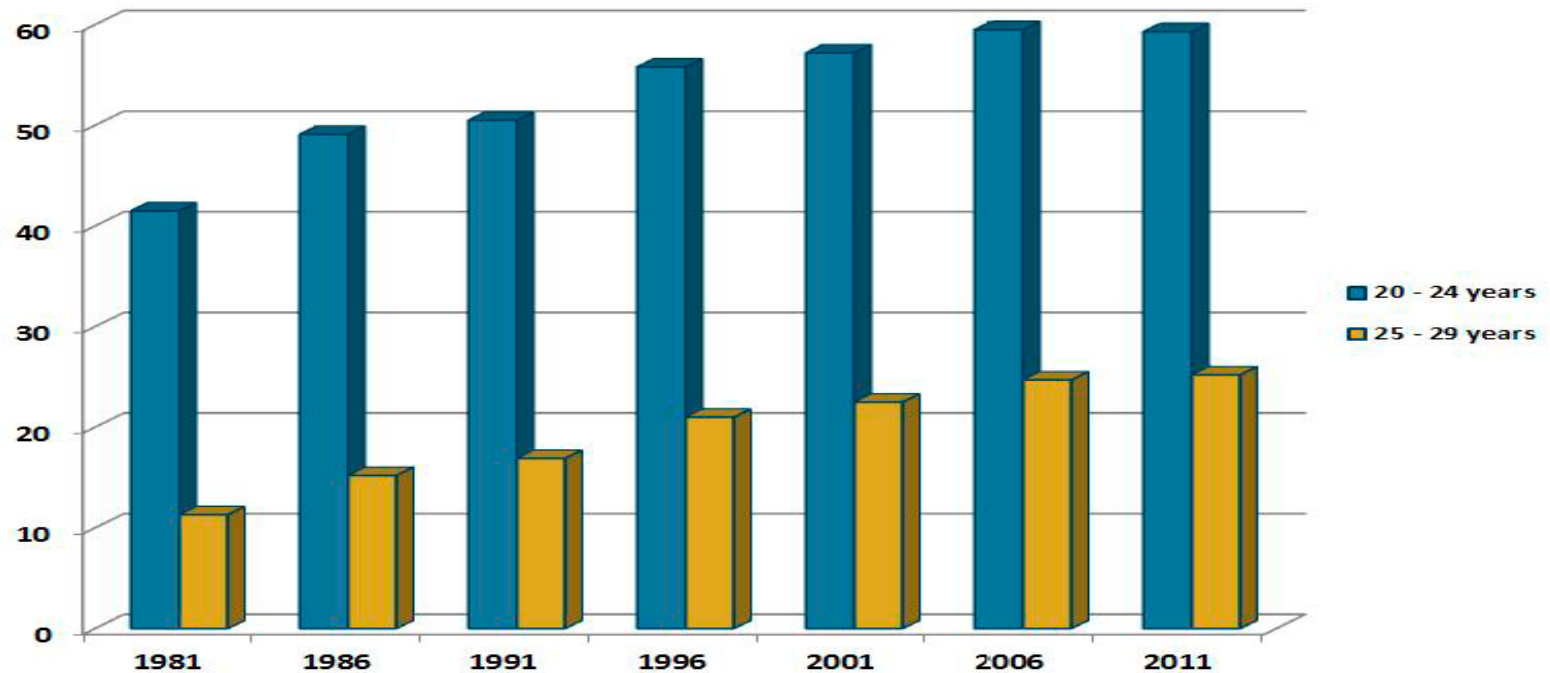
- Family Structures are not static
- Over their childhood children experience many “family pathways” as their parents re-partner and the children acquire step-siblings
- Simple child support guidelines do not work for these families
- Child support amounts can exceed a parent’s realistic ability to pay when there are multiple families
- Broader social policy issues concerning the competing priorities of children in different households are not well defined
- Our legal systems are not well designed to accommodate the fluid nature of family formation/re-formation
- By the time many child support decisions are being enforced – the parents have re-partnered

Adult children



By the Numbers

Percentage of young adults aged 20-29 living in the parental home, Canada, 1981 to 2011

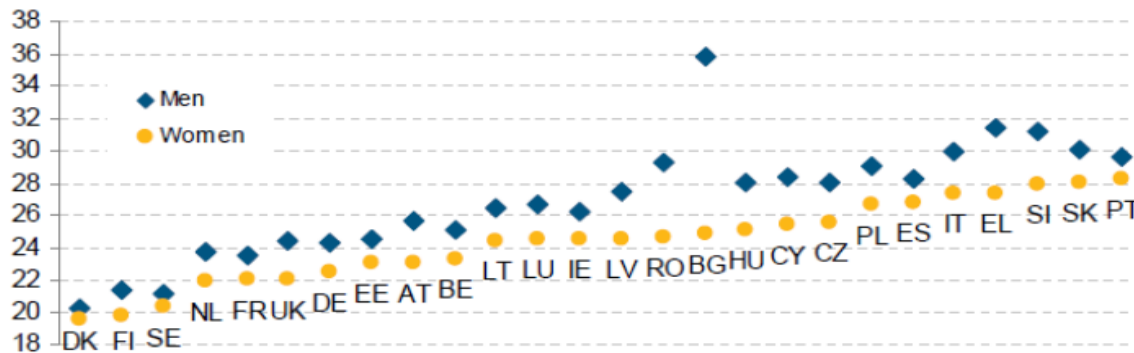


Sources: Statistics Canada, Censuses of Population 1981 to 2011

“Yuckies” Young, Unwitting, Costly, Kids.

Will they ever move out?

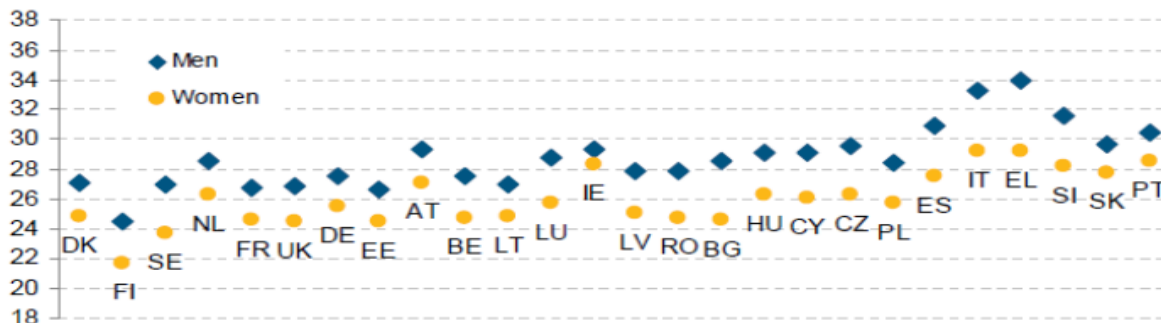
Figure 4: Age by which half of all individuals are living away from the parental home, 2008



Note: 2008 data for all countries except France (2007)
Source: EU-SILC Users' database.

* In some countries the leaving home age is higher than the age at which child is living with a partner!

Figure 5: Age by which half are living with a partner, 2008



Note: 2008 data for all countries except France (2007)
Source: EU-SILC Users' database.

So what?

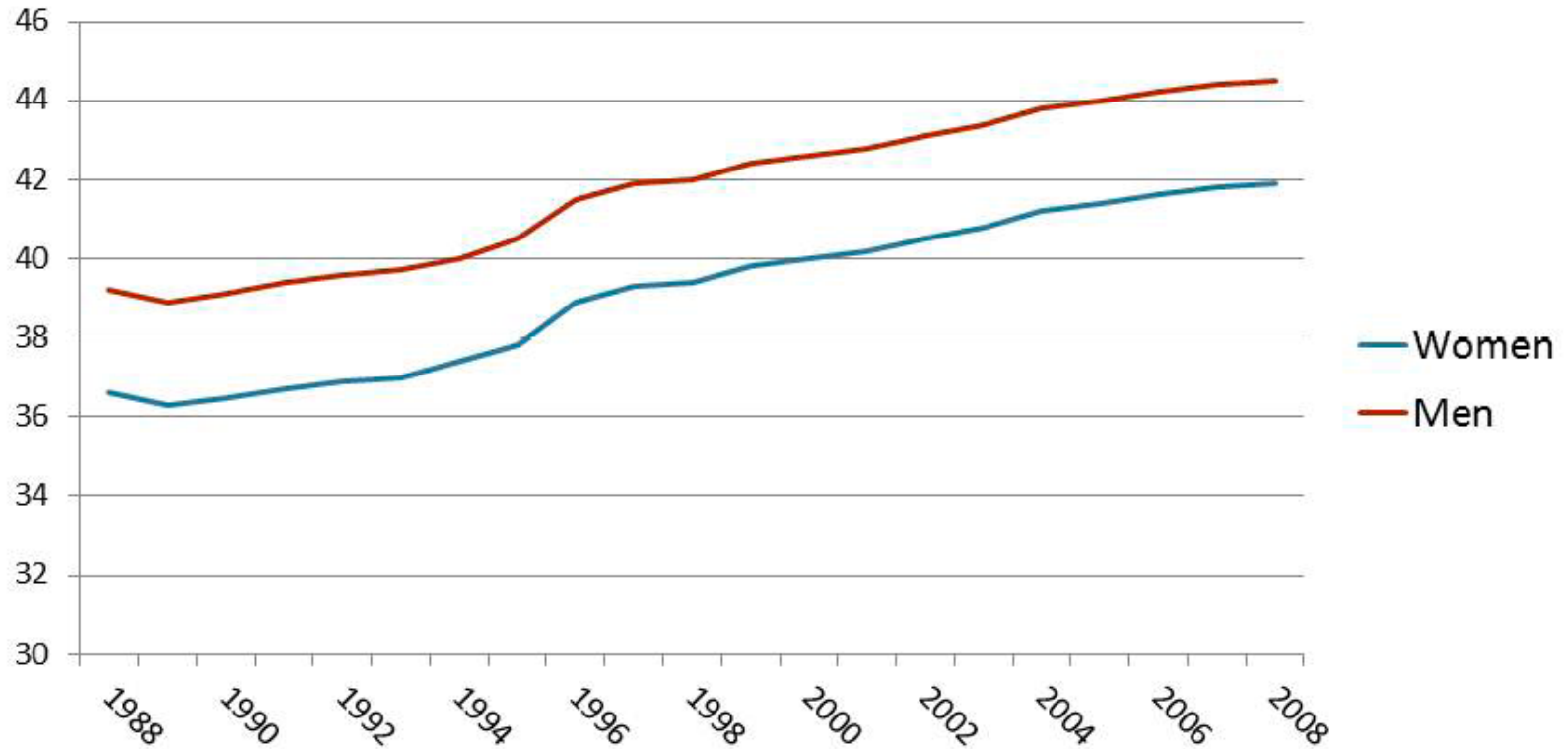
- Our child support programs were designed to deal with younger children
- Child support is one of the few programs to support adult children and their continuing education
- Now - one in four children in our programs are over age of majority
- These children experience multiple transitions between 18 – 23 years – with no easy mechanism to adjust their child support
- Higher ages of children in international cases
- Policies for support of adult children differ significantly in different countries
- Large numbers of children are affected by these policy differences
- Social policy and Convention – should we treat international cases differently than domestic cases?

AGING POPULATION



Silver Separations

Average age at divorce in Canada, 1988-2008 (years)



Source : Grey Divorce(Silver Separations), Fascinating families, Vanier Institute of the Family , December 19 2012

The senior boomerangs?

- In 2000, 4.1% (2.3 million) elderly parents were living with family
- By 2007, the number had jumped to 6.5% (3.6 million)
- In Canada – in 2011 – 11 percent of seniors (over age of 65) were living with relatives
*although not necessarily with their children

So what?

- Impact on poverty :
 - Cost of separation is particularly acute for women as they age
 - among those aged 78 to 80, divorce or separation results in an average 17% drop in family income compared to what they had when they were 54-56 years of age.
- Spousal Support may become increasingly important for these women
- Few international spousal support cases currently
- Who will be the caregivers and support for separated parents?
- Competing social policy – support your grandma or support your children?
- Multi-generational households don't fit neatly into our family definitions or guidelines

Are we going out of business ?

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- Number of families grew by **80 %** between 1971 and 2006
- This rate of growth is slowing dramatically
- Over next two decades – number of families in Canada will only grow by **15 %**
- Families will continue to be a shrinking percentage of households
- Expect only 62 percent of households will be families in 2026



But the need is still there

- Since the mid-1990's average after tax income of lone parent families (especially female lone parent families) has increased
 - Growth largely due to increased labour force participation , increased hours of work, higher levels of education
 - Female lone-parents are older and better educated today
 - Has resulted in a decline in poverty rates
- But... can financial situation improve much beyond today?
 - Labour force participation is already very high
 - Barriers are largely affordable child care and accessible education
- Child support is even more important going forward as means of lifting families out of poverty

Where do we go from here?



Families are changing

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- Pace of change in family structure is unprecedented
- Capacity to change legislation to keep up with the new families and their needs is limited
- What worked for families in the 1980s and 1990s does not necessarily fit now
- The simple guidelines used in many jurisdictions don't fit the new reality
 - Multiple families,
 - blended stepfamilies,
 - children over age of majority,
 - multi-generational households
- And international families add another dimension



The path forward?

- Encourage broad social policy discussions
- ***Evidence based social policy and legislation*** is critical
- Is it time to evaluate whether our legislation and policies are still working for today's families?
- Flexibility is critical if the system is to work for the modern family (which will continue to evolve)
- Solutions need to address the families beyond our borders



Some thoughts.....



- “Not Made Here” bias is alive and well - yet our families are more alike than we generally realize:
 - Adult children, immigrants , migration of families, aging of population, poverty affect families around the world
- Sharing information and sharing best practices is a key starting point
- There is no single right way to manage these changes
- Child support professionals are interacting with today’s families and understand the changes that families are going through
- Their voices need to be heard – Convention good example of the value of bringing practitioners into discussion
- Families are worth it.....

Next Steps....



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Thank You!