

**MYTH: Non-custodial parents who are incarcerated cannot have their child support orders reduced.**

**FACT: Half of all states have formalized processes for reducing child support orders during incarceration. Three-quarters of all states have laws that permit incarcerated parents to obtain a reduced or suspended support order.**

Paying child support is an important responsibility for parents and orders usually reflect a support amount based on state guidelines that take into account parents' ability to pay. Debt accumulation is often associated with incarceration because parents have little or no ability to earn income while they are incarcerated. For non-custodial parents leaving prison, studies report child support arrearages in the range of \$15,000 to \$30,000.

Three-quarters of the States have the ability to suspend orders during periods of incarceration and 25 States have implemented formalized initiatives or processes to reduce orders during incarceration. However, the process is not automatic. In most states, incarcerated non-custodial parents have to initiate a request for a review of their order before any adjustment or modification can be made.

Examples of state processes to modify orders for incarcerated parents include:

- Orders set based on actual, not imputed, income during incarceration. (CT)
- If the child support agency is notified that a non-custodial parent is incarcerated, it must review the order to determine whether it is appropriate under the guidelines and may request a modification if warranted. (DC)
- Child support staff meet with inmates at intake, file a modification request, and suspend enforcement. After release, a court hearing reviews order. (MA)
- Order can be reduced to zero if the parent requests modification and is expected to be in prison for at least six more months and earns less than \$200/month. (OR)

#### For More Information:

##### Repaying Debts

[http://reentrypolicy.org/ic\\_publications/repaying\\_debts\\_full\\_report](http://reentrypolicy.org/ic_publications/repaying_debts_full_report)

##### Staying In Jobs and Out of the Underground

<http://www.clasp.org/admin/site/publications/files/0349.pdf>

##### Working with Incarcerated and Released Parents

[http://www.acf.hhs.gov/programs/cse/pubs/2006/guides/working\\_wit\\_h\\_incarcerated\\_resource\\_guide.pdf](http://www.acf.hhs.gov/programs/cse/pubs/2006/guides/working_wit_h_incarcerated_resource_guide.pdf)

#### What is a REENTRY MYTH BUSTER?

This Myth Buster is one in a series of fact sheets intended to clarify existing federal policies that affect formerly incarcerated individuals and their families. Each year, more than 700,000 individuals are released from state and federal prisons. Another 9 million cycle through local jails. When reentry fails, the social and economic costs are high -- more crime, more victims, more family distress, and more pressure on already-strained state and municipal budgets.

Because reentry intersects with health and housing, education and employment, family, faith, and community well-being, many federal agencies are focusing on initiatives for the reentry population. Under the auspices of the Cabinet-level interagency Reentry Council, federal agencies are working together to enhance community safety and well-being, assist those returning from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.

For more information about the Reentry Council, go to: [www.nationalreentryresourcecenter.org/reentry-council](http://www.nationalreentryresourcecenter.org/reentry-council)