

RESEARCH BRIEF

Dual Debt: Child Support and Criminal Legal Financial Obligations

PURPOSE OF THE STUDY

This study examines the demographics, experiences, perspectives, and behavioral strategies of people who carry both child support and criminal legal financial obligations, whom we refer to as people with dual debt.

BACKGROUND & PURPOSE

The child support and criminal legal systems each levy substantial costs on individuals, a plurality of whom lack sufficient resources to comply (Cammett, 2010; Mincy, Jethwani, & Klempin, 2015). Such state-imposed debts intensify economic insecurity (Harris, 2016; Pogrebin et al., 2014), generate social and emotional strain (Haney, 2018; Pleggenkuhle, 2018), and perpetuate criminal legal involvement (Olesen, 2016; Piquero & Jennings, 2017). Nearly all studies on this issue have examined *either* child support *or* criminal legal debt, but not both.

Child support involves a formal legal order requiring that noncustodial parents make continuous payments to Child Support Enforcement (CSE). CSE is an essential pillar of federal anti-poverty policy (Handler & Hasenfeld, 2006). Yet for all its benefits, CSE has serious shortcomings, particularly in dealing with parents who are unable, rather than unwilling, to meet their obligations (Sorensen & Zibman, 2001; Spencer-Suarez, 2021). It is the most disadvantaged obligors who end up carrying large encumbrances. Thus, the child support system fails to reduce aggregate economic disadvantage because it merely transfers financial burdens among impoverished populations.

Criminal legal debt, alternatively referred to as “monetary sanctions” or *criminal legal financial obligations* (CLFOs), consists of fines, fees, surcharges, restitution, and other monetary liabilities resulting from a violation or criminal conviction. Criminal legal financial obligations have proliferated across the United States and are now the most commonly imposed punishment in the country (Slavinski & Spencer-Suarez, 2021), even as rates of incarceration have slowly declined (Slavinski & Pettit, 2021).

We answered the following questions:

- 1. What are the demographic characteristics of people who carry both child support and criminal legal financial obligations, and people with dual debt in Minnesota?**
- 2. How do debt amounts vary across different demographic groups for child support debt, criminal legal debt, and dual debt?**



IT IS THE MOST DISADVANTAGED OBLIGORS WHO END UP CARRYING LARGE DEBTS. THUS, THE CHILD SUPPORT SYSTEM FAILS TO REDUCE AGGREGATE ECONOMIC DISADVANTAGE BECAUSE IT MERELY TRANSFERS FINANCIAL BURDENS AMONG IMPOVERISHED POPULATIONS.

METHODS

By linking individuals through administrative data from the Minnesota State courts and child support system, this study provides the first description and comparison of people who owe both child support and criminal-legal debt, or people with “dual debt.”

FINDINGS

Child support debt carries a far greater financial burden in the average month than criminal legal debt, but those who experience both forms of debt in the same month are particularly burdened and experience greater amounts of both forms of debt.

Through Minn-LInK, the present study linked data on individuals in Minnesota from two state administrative data systems — Minnesota’s child support and criminal legal systems. Specifically, we matched administrative data from the Minnesota State Court Administrator’s Office (SCAO) and the Minnesota Department of Human Services (DHS), which operates Minnesota’s child support system, from 2004-2016. We restricted our analyses to the years 2010-2015, as restitution is not available for the two largest MN counties, Hennepin and Ramsey, before 2010. Thus, we provide the first description and comparison of three populations: those with only criminal legal debt (n=13,272), those with only child support debt (n=50,288), and those with both types of debt (n=14,237). We used simple non-parametric statistical tests (Wilcoxon Rank Z, Kruskal-Wallis Chi-Squared) to test for debt differences across gender and race.

While not reported in this brief, we also conducted interviews with 30 participants in the Twin Cities area between 2018-2020 who owed both child support debt and criminal legal debt (Horowitz et al., 2022).

Child Support Debt Greater than Criminal Legal Debt

As shown in Table 1, our study revealed that criminal legal debt is eclipsed by child support debt. The median amount owed by persons with only criminal legal financial obligations (CLFOs) was \$570, relative to \$2,629 for those with only child support debt ($p < .001$).

Relative to those who only owe debt in one system, people with dual debt hold higher levels of total debt ($p < .001$), as well as higher levels of both child support and criminal legal debt, which suggests that the two forms of debt may be conditional on one another. This could be due to the concentration of dual debt status among those with less ability to pay, or because the imposition of one type of fine impedes payment of the other. People with dual debt owed \$5,138 in child support and \$1,137 in criminal justice debt, totaling \$7,570. In sum, the medians here indicate that child support debt carries a far greater financial burden in the average month than criminal legal debt, but that those who experience both forms of debt in the same month are particularly burdened and experience greater amounts of both forms of debt.

RELATIVE TO THOSE WHO ONLY OWE DEBT IN ONE SYSTEM, PEOPLE WITH DUAL DEBT HOLD HIGHER LEVELS OF TOTAL DEBT, AS WELL AS HIGHER LEVELS OF BOTH CHILD SUPPORT AND CRIMINAL LEGAL DEBT, WHICH SUGGESTS THAT THE TWO FORMS OF DEBT MAY BE CONDITIONAL ON ONE ANOTHER.

Table 1. Median Monthly Debt Amounts by Debt Type and Demographics, 2010-2015

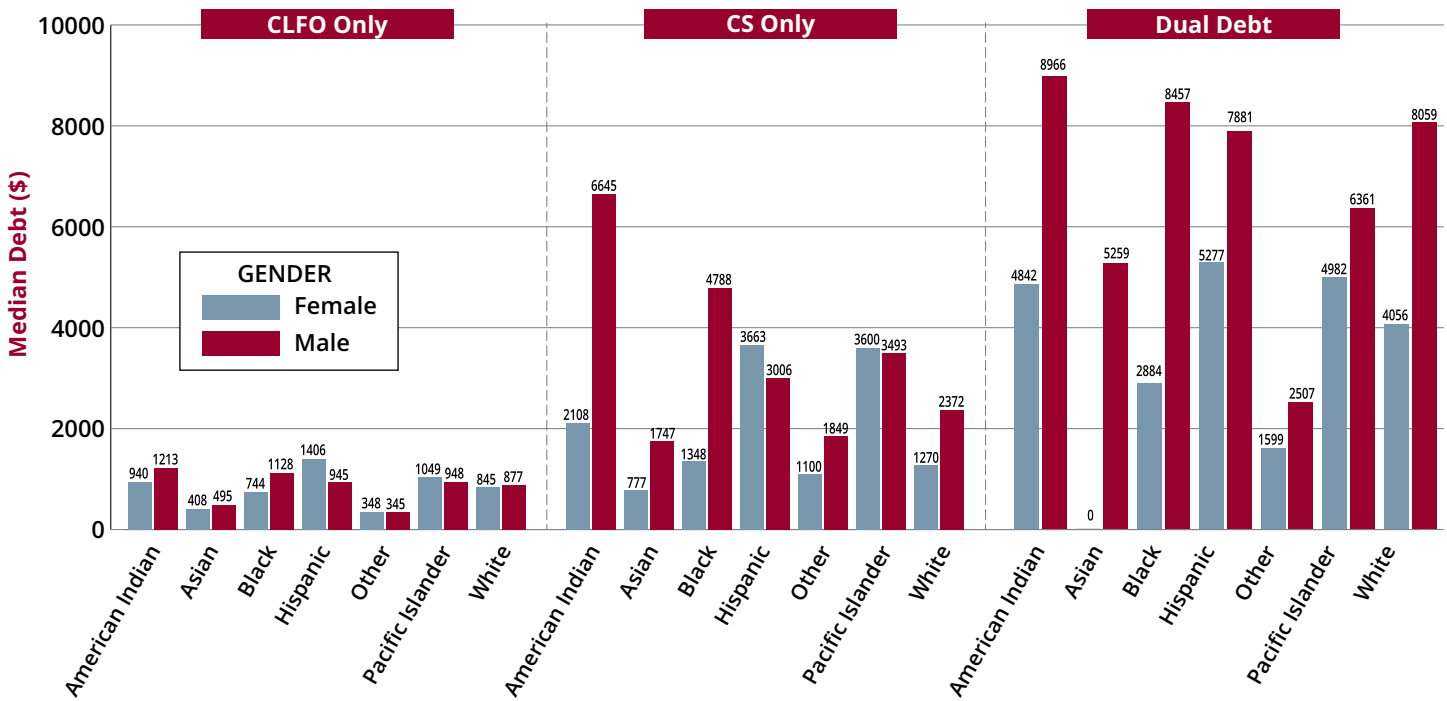
Debt Type	CLFO Median Debt	CS Median Debt	Total Median Debt	Person-Months	Unique Persons
CLFO only	\$570	\$0	\$570	1,263,302	13,272
CS only	\$0	\$2,629	\$2,629	2,056,238	50,288
Dual Debt	\$1,137	\$5,138	\$7,570	959,422	14,237
No Debt	\$0	\$0	\$0	979,752	39,540

Note. CLFO = Criminal Legal Financial Obligations; CS = Child Support; Dual Debt = CLFO and CS debts.

Debt Owed Varies Significantly Across Race and Gender

We also break down the debt series by race and gender, to examine the variation in debt burden among different demographic groups. Figure 1 presents median Criminal Legal Financial Obligations (CLFO), Child Support (CS), and Dual Debt (DD) debt amounts by each race-gender combination. Because we analyze population data rather than sample data, we

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focus on the broad pattern of results and the magnitude of differences, rather than the statistical significance of tests of these differences. As in Table 1, we see a similar pattern in these debt amounts, in which child support debt is greater within all groups as compared to criminal legal debt, but people with dual debt owed amounts that exceed the sum of the other two categories.

In terms of criminal legal debt, we find significant gender ($p < .001$) and racial ($p < .001$) variation in debt amounts owed. In general, we find that Native American, Hispanic, and Black men have higher debt loads as compared to Whites, whereas Asian, Other, and Black females have lower median criminal legal debts comparatively.

In terms of child support debt, there is significant gender ($p < .001$) and race ($p < .001$) variation, with males generally owing higher median child support debt amounts as compared to females. Additionally, the gender gaps in debt are larger among Native Americans and Black Minnesotans compared to the other groups. Finally, those who have monthly criminal legal and child support debt have significantly higher total debt amounts, as compared to other debt statuses ($p < .001$), and across all demographic groups. On average, a Native American male has a monthly debt balance of \$8,966, as compared, for example, to a Black male (\$8,457; $p < .001$), Hispanic male (\$7,861; $p < .001$) and White male (\$8,059, $p < .001$). In contrast to the other forms

EACH DEBT STATUS SHOWS SIGNIFICANT VARIATION BY RACE AND GENDER, WITH MALES AND BLACK AND AMERICAN INDIAN INDIVIDUALS CARRYING MORE DEBT ON AVERAGE. WE FIND THAT NATIVE AMERICAN, HISPANIC, AND BLACK MEN HAVE HIGHER DEBT LOADS AS COMPARED TO WHITES. FURTHER, MALES OWED MORE IN DEBT ACROSS ALL RACIAL GROUPS.

of debt, males owe more in debt as compared to females across all racial groups ($p < .001$), and the gender gaps are larger for Whites. In sum, each debt status shows significant variation by race and gender, with males and Black and American Indian individuals carrying more debt generally on average.

LIMITATIONS

These results are based on a single state, Minnesota, and may not be generalizable to states that use different approaches to imposing and monitoring criminal financial debt and child support debt. Future research will be needed to take such state policy differences into account.

Conclusion

This study is the first to empirically examine the population of individuals who owe both criminal legal debt and child support debt, or people with dual debt. These findings therefore link two important forms of legal debt to better understand their cumulative effects. First, child support debt imposes greater financial burdens than criminal legal financial obligation debt. Second, individuals experiencing both forms of debt concurrently carry significantly more debt than would be suggested by examining those with either child support or criminal legal debt alone. Third, each form of debt status showed both race and gender variation, with males generally having greater outstanding debts across all types and racial categories, and Native American and Black individuals holding the greatest amounts of debt.

Those with dual debt are carceral citizens (Miller & Stuart, 2017) being surveilled by at least two state institutions simultaneously. Our research illustrates how these debts, in combination, help to construct a precarious form of citizenship. We find that people struggle to pay these state-imposed legal debts, extending the duration and intensity of surveillance by both the child support and criminal legal systems. Thus, perhaps the most important implication of our study is the fundamental point that for people entangled in multiple systems of debt, these debts tend to “pile on” one another (Uggen & Stewart, 2014), and “pile on” to the surveillance and social life of legal exclusion to which carceral citizens are already subject (Miller & Stuart, 2017). Our findings identify several priorities for policy reform. First, states should either remove or dramatically limit the use of driver’s license suspensions as a punishment for nonpayment. Second, wage garnishment should be ceased or dramatically reduced for those with low incomes. These policies exacerbate inequalities while rendering it more difficult for people with debt to pay their fines. Third, given the compounding way that these debts work together, we recommend each system take the other system into account when determining amounts imposed. Finally, to make compliance with payment expectations more viable for poor defendants with limited employment opportunities, the amounts of debt ordered in each system should be reduced considerably.

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