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Commodified Inequality: Racialized Harm to Children and Families in the Injustice Enterprise

by Daniel L. Hatcher*

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This article addresses the systemic racialized harm of a vast injustice enterprise, with a focus on the symbiotic operations of agencies and justice systems monetizing vulnerable children and families, including the impact of contractual revenue schemes uncovered in my new book, *Injustice, Inc.* Our foundational justice systems are permeated by a history of racial injustice, and that history reverberates into factory-like operations that churn children and the poor into revenue. The revenue-generating mechanisms used by juvenile and family courts, prosecutors, probation departments, police, sheriffs, and detention facilities all draw the concerning historical connection—interlinked with the practices of child and family agencies—as the institutions abdicate their ethical and constitutional requirements in order to commodify inequality.

Introduction

America’s foundational justice systems are monetizing children and the poor.¹ Juvenile and family courts, prosecutors, probation departments, police, sheriffs, and detention and treatment facilities are all operating like divisions of a factory business, contractually collaborating with child and family welfare agencies. These institutions of justice and welfare are trading away their missions through unconstitutional and unethical operations—using vulnerable populations in a vast and harmfully interlinked revenue-generating enterprise.²

I’ve been an advocate for children and adults struggling with poverty for over twenty-five years, initially serving as a legal aid lawyer in 1997 for children in the Baltimore foster care system, also representing legal aid adult clients, and then continuing as a clinical law professor since 2004. The entangled hardships of injustice and poverty that my clients face are endless. I continue to find inspiration in their perseverance, and the honor of serving these determined individuals inspires my scholarship. Although I sometimes use the term “vulnerable,” I do not imply weakness,

because vulnerability requires strength. Ultimately, we are all vulnerable, and we are all interdependent, with each other and with the justice systems and agencies intended to serve us. Thus, as my research has uncovered operations in which the ideals of our justice and welfare institutions have been compromised, I feel driven to provide accurate analysis to expose the structural failings so they can hopefully be redressed.

My first book, *The Poverty Industry*, reveals numerous revenue mechanisms employed by child, family and healthcare agencies, subverting their intended missions and partnering with private companies to use vulnerable populations to generate revenue and profit.³ My new book, *Injustice, Inc.*, exposes yet greater concerns in how our foundational justice systems have joined and expanded the factory-like revenue operations, turning justice into a business that uses vulnerable children and families as the commodities.⁴

Racial injustice is deeply intertwined in this harmful enterprise, as America's history of inequality continues to reverberate into the moneyed pursuit. Although vulnerable populations of every demographic are impacted, the operations have a starkly disproportionate racial impact. Therefore, after summarizing the revenue-generating mechanics, this article reflects on how racialized harm fuels the factory.

As explained in *Injustice, Inc.*, it is not my goal to demonize individual judges or other justice officials, and I recognize many are determined and tireless in their pursuit of equal justice. However, all of us in the justice systems are accountable for structural failings, including myself, as attorneys are considered officers of the court. When we encounter systemic threats to the ideals of equal justice in the institutions in which we work, we are not absolved by simply trying to ensure our individual actions are pure—when the system around us is not.⁵

Symbiotic Injustice Factory

As my research has taken me down endless matrixes of revenue mechanisms buried in budget reports from agencies and justice institutions, attachments to minutes and agendas from city and county council meetings, legislative materials, contract documents, annual reports, audits, and countless other public records, clarity begins to materialize from the chaos. The massive scope and complexities of the revenue schemes, initially seeming haphazard, reveal themselves as synched. Our foundational justice institutions—courts, prosecutors, probation departments, police and sheriff’s offices, and detention and treatment facilities—are contractually collaborating with each other and with public welfare agencies, to generate revenue from vulnerable children and families. The revenue operations all adhere to variations of similar unethical and unconstitutional mechanics, churning in symbiotic relationships that simultaneously power and are powered by each other: “In a vicious, racialized, industrialized, and monetized cycle, harm fuels and feeds from harm.”⁶

Details are uncovered in my longer writings. But the following outlines some of the intuitions’ contractual practices.

Foundational Courts

America’s juvenile, family, and other foundational courts—that exist to serve us in our times of greatest vulnerability—have unfortunately joined the poverty industry operations. For example, juvenile courts in multiple states have alarmingly entered contracts with human service agencies to generate revenue when ordering the removal of children from their homes, and also by labeling and processing children as “foster care candidates.”⁷ Long hidden from public awareness, Ohio’s juvenile courts began the contractual process in 1996,⁸ signing “subgrant agreements” for the courts to act as the local foster care agencies in delinquency proceedings.⁹ After adjudicating

children as delinquent or “unruly,” the courts act as the foster care placing agency, and then use their judicial role to review their own agency actions to maximize IV-E foster care revenue for themselves.¹⁰ The revenue strategy has grown and continues to generate millions from children, with one of the county juvenile court judges blatantly explaining: “the more kids that are placed out of their homes, the more money the court gets, which might lead some people to question the court’s motivation: helping the youngsters or getting the money?”¹¹ The financially incentivized contracts destroy constitutionally required impartiality and separation of powers, and violate judicial ethics.¹² And documents reveal similar court IV-E revenue strategies in Louisiana, Missouri, Iowa, Arizona, Illinois, Texas, and possibly more states.¹³

Broader in scope than the courts’ foster care contracts, juvenile and family court systems across the country have entered similar interagency contracts to make millions more from vulnerable families in IV-D child support proceedings.¹⁴ Although federal IV-D funds are intended for child support agencies, courts have again developed interagency contracts to claim the funds for themselves, again violating ethical and constitutional requirements. The contractual structures vary, such as in states like Ohio and Maryland where the child support agencies enter contracts to essentially hire and pay for the judicial officials who the agencies appear before, with the courts simultaneously contractually agreeing to submit to the state agencies’ oversight. And in states like Pennsylvania and Michigan, the courts have contracted to take over the entire local child support agency function.

As just one example, Pennsylvania family courts (Domestic Relations Sections) contract with the state human service agency for the courts to act as local child support agency offices.¹⁵ As a result, the courts carry out the agency prosecutorial/enforcement functions of investigations, preparing child support complaints and motions, and punitive enforcement requests—with the

courts then reviewing their own actions and filings.¹⁶ The courts even contractually agree to petition themselves for contempt sanctions and then rule on their own petitions, turning the separation of powers doctrine on its head.¹⁷ And more enforcement actions and favorable rulings leads to more money, virtually ridiculing the US Supreme Court’s impartiality directive that “no man can be a judge in his own case, and no man is permitted to try cases where he has an interest in the outcome.”¹⁸ Further adding to the constitutional violations, the contracts also provide the courts with financial incentives to issue more child support orders when the payments are owed to the government rather than to children (in welfare cash assistance and foster care cases), and include an actual contingency fee arrangement—the opposite of impartiality—where the courts can obtain 15 percent of the collections when they enter and enforce orders requiring impoverished parents to pay back the state cost of Medicaid.¹⁹ Through these incentivized contracts, courts are financially encouraged to inflict harmful decisions upon vulnerable litigants.

Also, intertwined with the foster care and child support contractual operations, our foundational courts are using multiple other revenue strategies, all aimed at running more like businesses than institutions of justice.²⁰ Courts act as the control center for collaborations generating billions in revenue from fines and fees that are devastatingly harmful to impoverished individuals. Courts are directly incentivized to issue more orders and to partner with enforcement agencies while profiting from the resulting harm. For example, the “Justice Court” in Clackamas County, Oregon reports in a 2020-2021 budget presentation that it lost revenue during COVID-19 “due to a reduction in the number of violations filed” and “a further reduction in civil case revenue due to a moratorium on evictions.”²¹ But even in the face of reduced revenue from COVID-19, the court still projected its fines and fees operations would generate almost twice as much revenue as the court’s total operating costs.²² Stating that again, by focusing on issuing

and enforcing fines and fees against the poor, the court is generating almost twice as much revenue as its operating costs. Is this “Justice Court” maximizing justice or profit margin? Also, in collections dockets across the country, courts are collaborating with the massive debt-buying industry and other debt collectors by using variations of “rocket dockets” and sometimes even judgeless courts to maximize efficient collections and fees rather than ensuring justice for vulnerable litigants.

Further, interlinked with the focus on revenue and efficiency, court systems are continuously seeking out new methods of privatization and automation of judicial functions. One of the juvenile courts in Ohio partnered with IBM Watson,²³ and courts across the country are increasingly using artificial intelligence to make case decisions despite mounting concern with such automated decision making.²⁴ One of the companies now selling online dispute resolution (ODR) services to courts was founded by the developers of the dispute resolution process for eBay and PayPal: “Modria’s founders created the ODR systems at eBay and PayPal that process 60 million cases per year, 90 percent resolved through automation.”²⁵ The Modria brochure suggests that courts use the ODR technology to quickly resolve cases “including landlord and tenant, family and custody, debt collection, limited and unlimited civil,” because “[r]esolving cases through Modria frees up more time for judges and court staff to redeploy their valuable time and attention to more complex, high value cases”—also described as cases that “merit human attention.”²⁶

Prosecutors and Attorneys General

Following a similar monetized path, prosecutors and attorneys general, who are intended to carry out the crucial role of “ministers of justice” as attorneys for the people, instead are now often using the people—especially the most vulnerable—to make money.²⁷ Like the courts’ interagency revenue contracts, prosecutors’ offices across the country are entering contractual

deals to generate revenue from children and families pulled into child welfare, juvenile justice, and child support proceedings. For example, IV-E foster care contracts in Michigan reveal a revenue formula through which prosecutors can obtain more money if more poor children are removed from their homes.²⁸ Through the contractual formula, the prosecutors' monthly payments increase if the county reimbursement rate ("penetration rate") increases, which is based on the percentage of impoverished (IV-E eligible) children in out-of-home care. Therefore, when the prosecutors' legal efforts result in more poor children removed from their homes, the reimbursement rate increases, and the prosecutors generate more revenue.²⁹ Further, documents from Wisconsin uncover how district attorneys' offices are financially incentivized to seek terminations of parental rights (TPR), through contracts that provide greater reimbursement rates to the prosecutors for TPR proceedings compared to court proceedings that might lead to reunification.³⁰

And often in cooperation with the courts, city and county prosecutors' offices are similarly contractually incentivized to prosecute child support obligations and seek punitive enforcement mechanisms against impoverished parents, even if they are harmful. In Texas, the Attorney General's Office (AG) took charge of the entire IV-D revenue operations. The AG first took on the role of the state IV-D agency, then contractually hired all the "child support courts"—before which the AG appears in child support proceedings— including directly paying the salaries, benefits, and perks of the judges and court staff. The AG also gained contractual authority to review and control the courts' performance.³¹ The contract is worth up to \$37 million to the courts, with the AG even paying the judge's retirement and health insurance benefits and bar dues.³² So, the Texas executive branch took control of the judicial branch, in collaboration with the legislative branch with the goal of making money from vulnerable families: The contract incorporates

language from a statute that explicitly states: “The presiding judges and the Title IV-D agency [AG’s Office] shall act and are authorized to take any action necessary to maximize the amount of federal funds available under the Title IV-D program.”³³ Impartiality, the separation of powers, and ethics are all destroyed in the process.

Unfortunately, again like the courts, the prosecutorial revenue strategies expand beyond foster care and child support proceedings. Prosecutors have joined the pursuit of fines and fees in collaboration with the courts, and with probation and policing departments, creating massive unconstitutional operations that profit from harm. Illustrating the scope, the district attorneys’ offices in Alabama generate up to 70 percent of their total office budgets from enforcing and collecting fines and fees.³⁴ A local news investigation explains how the revenue strategy falls “heaviest on African-American communities” and describes a 2018 survey by Alabama Appleseed of residents burdened by the debt: “[N]early 83% said they had given up food, rent, car payments or child support to pay debts,” “[n]early half said they had been jailed to pay court debt,” and “44% said they used payday loans to address it.”³⁵ As another example, in addition to Ohio’s juvenile courts and prosecutors’ offices generating revenue from vulnerable children and families in foster care and child support proceedings, the Ohio Attorney General’s Office became the statewide debt collector—pursuing court fines and fees, medical bills, and virtually unending state debts against the poor, for which the AG’s Office claims a 10 percent commission on all the collections.³⁶

Probation Departments

Collaborating with our foundational courts and prosecutors, probation departments have also joined the contractual processing of vulnerable populations in the pursuit of revenue.³⁷ Although often considered part of the solution in criminal justice reform, probation has too often become another part of a business that profits from injustice. Probation officers are often poorly

trained, poorly monitored, poorly paid, and overworked—but simultaneously possessing immense power—as they are used as another branch of the factory operations that commodify vulnerable children and families.³⁸

In numerous states, probation departments use similar interagency contracts to generate foster care and child support revenue. In California, juvenile probation departments sign “Interagency Operation Agreements” to claim IV-E funds,³⁹ and then the departments generate foster care revenue by using their power to recommend that children charged with delinquency should be removed from their homes or by labeling and processing children as foster care “candidates” at constant threat of removal: “Administrative costs are claimed for activities related to cases where a minor is considered a ‘reasonable candidate’ for foster care. To determine reasonable candidacy, Probation identifies the factors that will require removal of the minor from the home unless the concerns are satisfactorily resolved.”⁴⁰ The Orange County Probation Department obtained over \$5.7 million in IV-E revenue through just one year of such processing.⁴¹ Similarly, the Texas Juvenile Justice Department entered an interagency IV-E contract for its probation departments with a value of up to \$10.5 million,⁴² and Texas judges are interlinked because the county probation departments are run by juvenile boards comprised of judges. Multiple jurisdictions in California and Texas have contracted with a private revenue maximization contractor, Justice Benefits, Inc., to help increase the money.⁴³ The probation officers can inflict almost endless monitoring and punitive requirements upon youth and their families, they hold the power to threaten detention, and in some states juvenile probation officers can even initiate the termination of parental rights—all while maximizing IV-E funds.⁴⁴

In New Jersey, the probation departments work under the direction of the courts to generate IV-D child support revenue from impoverished families. The Administrative Office of the Courts

(AOC) contracts with the executive branch state child support agency, which requires the family courts to carry out the local child support enforcement function, which they do through their court-run probation departments.⁴⁵ The probation divisions are financially incentivized to initiate punitive enforcement actions even when harmful to the children and families, and the courts are incentivized in their review of their own probation divisions. And the probation offices also provide supervision to children pulled into the juvenile justice program,⁴⁶ so a probation officer may be supervising youth and making recommendations against their return home, while simultaneously generating revenue by pursuing child support against their parents—all under the direction of the revenue-generating court. As of 2020, the New Jersey judiciary was obtaining over \$120 million per year in IV-D revenue through contracts for probation and family court services.⁴⁷

And again, the mindset shift in probation departments towards using vulnerable populations in capitalistic pursuit—rather than serving them—does not stop with the child welfare and child support systems. The growing probation business is also using children and impoverished adults to generate revenue through unpaid work programs, by charging and enforcing endless fines and fees, and by turning operations over to for-profit companies.⁴⁸ Missouri’s Department of Corrections boasts that “Probation and Parole staff oversee the completion of more than 385,000 community service hours annually, which translates into nearly \$3 million in free labor and services.”⁴⁹ And many of the departments even charge the supervisees to work for free, such as the Westland, Michigan Probation Department—which is operated by the District Court—with a work program charging probationers \$30 per day to participate.⁵⁰ As an example of probation departments’ large role in the fines and fees business, the court probation departments in Pennsylvania have their own “collections enforcement units” that pursue court ordered fines, costs, and additional probation fees that grow on top of the court fees—against both

adults and juveniles.⁵¹ Georgia even created a “pay-only-probation” structure in which “a defendant has been placed under probation supervision solely because such defendant is unable to pay the court imposed fines and statutory surcharges when such defendant's sentence is imposed.”⁵² And Georgia has also led the way in employing for-profit companies to run probation, using an “offender-funded” model in which the counties pay nothing but rather the impoverished individuals are charged several fees for the probation services in addition to the fines and fees collected for the courts.⁵³

Policing Agencies

Contractually partnering with our other foundational justice institutions, police, sheriffs, city marshals and constables act as the armed revenue enforcers, including the monetization of harm from foster care and child support contracts.⁵⁴ In Michigan, the policing departments partner with the courts to split the money from child support arrests.⁵⁵ In Pennsylvania, where the family courts contracted to make millions by acting as the local child support enforcement agencies, those courts in turn entered deals with sheriff’s departments to further increase the IV-D revenue by executing arrest warrants and other enforcement actions—with some of the contracts generating so much revenue that the courts even give their own cars to the sheriffs to carry out the arrests.⁵⁶ The more punitive child support enforcement actions, and the more arrest warrants, the more money for the departments and the courts. The sheriff’s department in Prince George’s County, Maryland received over \$2 million in child support revenue in one year.⁵⁷

Child welfare surveillance has also been monetized. For example, in Florida, multiple sheriff’s departments contracted to obtain IV-E foster care revenue by carrying out child protective services investigations. The more CPS investigations, the more money.⁵⁸

And the policing agencies go even further than their justice institution business partners in their moneyed pursuits from children and the poor. Countless sheriff's departments across the country claim contingency fees for enforcing court-ordered collections.⁵⁹ In Texas, constables and sheriffs claim "commissions" of up to 10 percent of their enforced collections.⁶⁰ In New York City, in addition to the sheriff's money chase, "city marshals" generate millions by carrying out evictions, collecting fines and fees, foreclosures, car repossessions, seizing bank accounts, selling off personal property, and more—resulting in each marshal racking up an average of \$420,000 in net income.⁶¹ Further, sheriff's departments and other policing agencies make millions more through "sheriff's sales"—a practice that originated with sheriffs selling enslaved persons to pay off court ordered debts—and profiting from "civil forfeitures" after seizing property.⁶² Police and sheriffs also partner with courts, prosecutors, and probation departments in the massively harmful fines and fees operations, with some municipal courts even physically housed within the police departments to increase the revenue-generating efficiency.⁶³ Further still, many sheriff's departments are financially incentivized to detain and jail undocumented individuals, using contracts with the revenue contractor Justice Benefits, Inc. to maximize federal revenue through the State Criminal Alien Assistance Program.⁶⁴ And this is still not a complete listing of the revenue operations against vulnerable populations by policing agencies.⁶⁵

Detention and Treatment Facilities

After vulnerable children and adults have been churned through the harmfully intertwined revenue operations of courts, prosecutors, probation departments, and policing agencies, myriad variations of detention and "treatment" facilities are eagerly waiting to profit by warehousing the human commodities.⁶⁶ Detention and correctional facilities, residential treatment centers, "camps," "farms," "villages," "academies"—and more—all use the same formula: maximizing

bodies in the beds while minimizing costs of care equals more money. Many facilities partner with the other justice institutions to maximize IV-E revenue, with some courts even running their own residential treatment facilities to claim more of the funds.

Cities and towns that have struggled with losing manufacturing factories turn to building juvenile detention centers. The county judge in Victoria, Texas, described “the juvenile detention center as a growing source of revenue for the county that helped to offset a decline in property values.”⁶⁷ After Siler City, North Carolina lost its poultry processing plant, the town manager expressed he was “trying to look on the bright side” because “[a] new juvenile detention center for girls will bring 80 new jobs to town.”⁶⁸ Across America, “troubled youth” are essentially bought and sold as for-profit juvenile facilities are acquired by “real estate investment trusts,” used in “roll-up strategies” by private equity firms, or purchased by other corporate entities traded on the stock market. Large private entities seek “nonprofit” status to avoid taxes while generating millions from vulnerable youth. Other facilities claim religious status, again to avoid taxes, and also to avoid licensing and regulation while profiting from children’s harm. In each variation of the warehousing, whether public, private, nonprofit, or religious, vulnerable children and adults frequently suffer from poor care, abuse, or worse. But the facilities can make money from the harm. Lots of money.

Child and Family Welfare Agencies

All of the interlinked moneyed operations of our foundational justice systems are in turn interlinked with the revenue strategies of state and county human service agencies. As my research uncovered in *The Poverty Industry*, agencies that are intended to serve impoverished children and adults are often partnering with private revenue contractors to convert the vulnerable populations into revenue tools. For example, state foster care agencies across the country have engaged in a

disturbing practice of generating revenue from children in their care. The agencies are abdicating their mission and directly harming children by seeking out vulnerable foster youth and then taking their resources. Often with the assistance of revenue maximization contractors, the agencies look for children who are disabled or have deceased parents, apply for Social Security disability benefits (SSI) and survivor benefits (OASDI) on the children's behalf, take control of the funds by inserting themselves as representee payee—and then taking the children's benefits to reimburse foster care costs that children have no legal obligation to pay for. And the agencies usually don't notify the children or their advocates throughout this process. Disabled children desperately needing more help are never told they have disability benefits (SSI) that the agencies are taking. Foster children traumatized by their parents' deaths are not told their parents were able to leave them survivor benefits, as the agencies secretly take the funds—depriving the children of using their own money to help themselves and stripping the children of the invaluable emotional connection the benefits could have provided to their deceased parents.⁶⁹ Further, the agencies in many states are also taking other resources from foster children, including Veteran's Assistance benefits, cash assets, insurance, the children's own income, and more. For example, the Nebraska agency crafted a regulation so it can take virtually everything from foster children—even burial plots.⁷⁰

Some jurisdictions also maximize and divert school-based Medicaid funds from children. In Georgia, the various state agencies serving children are required to partner in a statewide “Revenue Maximization Initiative” (called RevMax), to use their intended child beneficiaries in mechanisms to maximize Medicaid, IV-E and other federal funds in order to increase state revenue.⁷¹

In addition to targeting children, several states have used impoverished nursing home residents in illusory revenue schemes to reroute their Medicaid funds to other purposes while the

residents languish in poor care.⁷² And while these poverty industry strategies continue to grow, the state agencies have often gained contractual control of our justice institutions through the revenue maximization operations summarized above. As welfare agencies and justice institutions become a business conglomerate, racial inequality fuels the operations.

How Racialized Harm Fuels the Factory

The unconstitutional, unethical, and harmful revenue strategies of our foundational justice institutions grew from America's history of inequality and continue to have a starkly disproportionate racial impact. This section provides summaries of some examples that I detail in *Injustice, Inc.* of how our justice institutions' revenue mechanisms rely on racial injustice—and includes additional background into the racialized history of America's child support and welfare programs, a history that continues to harmfully reverberate into today's commodification practices.⁷³

Juvenile Justice Systems Commodifying Racial Injustice

The data of inequality is virtually unending. And while reading the numbers, we must try to remember that each data point is a vulnerable child or adult, each with their own individual story of struggle. This section provides just a sampling of examples. Professor Dorothy Roberts provides excellent and groundbreaking accounts exposing the structural racism and harm in America's child welfare system in *Shattered Bonds: The Color of Child Welfare* and in her new book *Torn Apart: How the Child Welfare System Destroys Black Families—And How Abolition Can Build a Safer World*.⁷⁴ The disproportionately racialized harm from the child welfare systems is in turn interlinked with racialized harm from the juvenile, criminal, and family justice systems.⁷⁵ And

rather than redressing the harm, our foundational justice institutions are often capitalizing on the racial injustice through their interlinked revenue operations.

For example, in the contracts used by Ohio juvenile courts to generate revenue when removing children from their homes, most of those impacted are Black children. The Cuyahoga County juvenile court was generating about \$1.5 annually in IV-E revenue from the children as of 2019.⁷⁶ Although Black individuals only account for about 30 percent of the population in the county, records show that 75 percent of those processed and adjudicated by the juvenile court as delinquent or unruly are Black youth—who can then be potentially used in the revenue strategy.⁷⁷ Further, statewide Ohio data provided in a “Disproportionate Minority Contact” (DMC) report explains that although “White youth outnumber African-American youth 5:1,” that “[w]hen examining state data, which includes jurisdictions with varied population sizes and racial and ethnic composition, African American youth are nearly 6 times more likely to be arrested than white youth,” and “African-American youth are 3.44 time more likely to be referred to juvenile court.”⁷⁸ Similarly, data reports in Louisiana, where juvenile courts also use the foster care revenue contracts, show that Black youth in Jefferson Parish “are overrepresented at every contact point” and “[e]ven though Black youth made up only thirty-three percent of the population [in Jefferson Parish], they represented sixty-nine percent of all youth referred to court.”⁷⁹

The disproportionate impact continues into prosecutors’ revenue operations. In Michigan, where county prosecutors enter contracts to obtain foster care revenue from children—and receive greater payments the more IV-E eligible children are removed from their home—data indicates that “[w]hile 31% of Michigan's children are people of color, they make up 51% of its foster care population.” Further, “[c]hildren of color enter foster care at higher rates and stay in care longer than their white peers,” and children of color are also “a disproportionate percentage of those in

congregate care facilities.”⁸⁰ And once pulled from their homes and placed in these institutions, a recent news investigation explains how many of the children are not even provided with schooling that counts toward a high school diploma: “all of them learned a difficult lesson when they moved out of these facilities and tried to transfer to a public school: The classes they took in the state-funded, state-licensed institutions didn’t necessarily count toward graduation.”⁸¹ Further, the disproportionate impact of prosecutors’ contractually incentivized efforts to remove children from their homes continues into the prosecutors’ incentives to seek the permanent termination of parental rights. In Wisconsin, where prosecutors generate revenue from IV-E contracts and are also incentivized in pursuing terminations of parental rights, a report indicates that Black children were over seven times more likely than White children to have their parents’ rights terminated.⁸²

The racialized commodification continues at each stage of the juvenile justice system, including in states with probation department revenue contracts. In Georgia, Black youth are impacted at increasingly disproportionate rates at each stage in which they are more deeply pulled into the juvenile justice system: although “African American youth make up 34% of the at-risk youth population,” the “disproportionate contact that African American youth have with the juvenile justice system increases their portion of the population to 60% of those referred and 62% of cases petitioned,” and “jumps again to 71% of those confined. . .”⁸³ In Florida, Black children account for about 21 percent of the population but are subjected to over half of juvenile arrests, over 58 percent of secure detention, and over 60 percent of sentences to “residential commitment.”⁸⁴ In St. Louis, Missouri “Black children are nearly five times as likely as white children to be referred to juvenile court.”⁸⁵ Alarming statistics indicate that half of all Black and Native American children in California have been subjected to child protective services investigations during their childhoods,⁸⁶ and Black children are over 30 times more likely to be

committed to California's Department of Juvenile Justice than White youth.⁸⁷ The trend continues across the country.

Further, the interlinked revenue strategies of America's policing agencies continue the racialized harm, throughout the law enforcement departments' child support and foster care contracts and their almost endless other revenue operations. As just a couple examples of the disproportionate impact, an investigation of the civil forfeiture revenue strategy used by law enforcement in South Carolina found that "[a]bout 65 percent of the people targeted for civil asset forfeiture in the state from 2014 to 2016 were black males in a state where African-American men make up just 13 percent of the population."⁸⁸ Similarly, "[t]he Nevada Policy Research Institute analyzed 346 forfeiture cases in 2016, and found that 66 percent of the forfeitures occurred in 12 (of 48) zip codes in Las Vegas: neighborhoods that are predominantly minority and low-income."⁸⁹ And in Ferguson, Missouri, where an unarmed Black teen was killed by a police officer, the municipal court and police have run lucrative fines and fees operations with Black individuals used as the primary target. As reported by NPR, in just one year "the municipal court in Ferguson—a city of 21,135 people—issued 32,975 arrest warrants for nonviolent offenses,"⁹⁰ and "African Americans accounted for 85% of FPD's traffic stops, 90% of FPD's citations, and 93% of FPD's arrests from 2012 to 2014."⁹¹

The racial injustice that continues to fuel the numerous interlinked revenue mechanisms of our justice system increases even further as the endless forms of detention and treatment facilities profit from warehousing the children and impoverished adults. Even during a national trend in which the overall number of juvenile delinquency cases has declined since 2005, the proportion of delinquency cases involving Black youth has increased, and the disproportionality grows even further in detention: "Black and Hispanic youth represented a larger share of the

overall detention caseload than of the overall delinquency caseload.”⁹² Nationwide, Black youth are more than four times more likely than White youth to be held in detention, residential treatment centers, group homes, and youth prisons.⁹³ The Summit County juvenile court—one of the Ohio juvenile courts that generate revenue when removing children from their homes—reported that it was obtaining more than \$1.1 million a year through this strategy as of 2015.⁹⁴ And although White individuals comprise almost 80 percent of the county’s total population, the court’s data indicates that Black and “Bi-racial” youth accounted for over 70 percent of children held by the court in juvenile detention.⁹⁵

Racialized Harm of the IV-D Child Support Factory

Intertwined with the disproportionately racialized harm of all the above revenue mechanisms are the massive IV-D child support operations, continuously churning behind the scenes with even more racialized harm that is vast and deeply rooted. This section explains how America’s child support policies were built from racial and economic injustice, and how the structural inequalities continue today—from which our justice institutions are now contractually profiting.

Child support operations in America grew from “bastardy acts,” and old English poor laws that were designed to punish and criminalize unwed parents. For example, under Maryland’s Bastardy and Fornication law of 1781 unwed mothers were jailed until they either came up with money for security to indemnify the county against any potential expenses for their children or until they could name someone as the father who paid the security costs.⁹⁶ Meanwhile, as poor parents were prosecuted, wealthier parents who ended their marriage were provided with a different form of child support that emerged in the courts with a goal of actually supporting the children.⁹⁷ Thus, one system developed as a court service available for wealthy parents seeking

divorce, and financial remedies, with the goal of helping the children.⁹⁸ But the other system was forced, using government agencies to prosecute and punish underprivileged families, especially those with children labeled “illegitimate,” with any payments typically owed to the towns, rather than benefitting the children.

The forced system was racially and economically targeted, and while it was bad for impoverished White families it was devastatingly harmful to Black families. Although White children were considered illegitimate only if born from unwed parents, all children of enslaved parents were considered illegitimate—whether those parents were married or not. Further, the early bastardy acts and poor laws were both entangled with post–Civil War laws and practices that continued the forced separation of Black parents from their children: “[t]he entire legal apparatus was used to establish and enforce the enslavement of blacks,” and “[t]his included the poor laws.”⁹⁹

Early states used the poor laws and bastardy acts to take children from free Black families by “binding” them out into forced labor “apprenticeships.” Then, after taking the children, the towns would still force the Black parents to pay support for the children’s costs.¹⁰⁰ States such as North Carolina used “Overseers of the Poor” to carry out the poor laws, including collection of “poor taxes” and indemnification payments and collaborating with the county courts “in managing the apprenticeship system for poor children.”¹⁰¹ For example, “overseers in York County were zealous in binding out poor black children generally. Indeed, the courts often gave no reason for an order of apprenticeship except that the children were black.”¹⁰² Similarly, although Rhode Island enacted emancipation in 1784, the state’s local towns continued to use overseers to “bind out the children of blacks.”¹⁰³ The harmfully racist historical practices are disturbingly similar to the disproportionate impact of current commodification practices in which justice systems generate revenue when removing children from their families and coercing unpaid work.

While historical state practices imposed punitive indemnification payments on impoverished parents, states also used the poor laws to provide “poor relief”—but the assistance was only available to White families. Although Black individuals were required to pay poor taxes to help support the poor relief, “free blacks in poverty were largely ignored by poor relief officials.”¹⁰⁴ Professor Tim Lockley explains the goal, that by providing poor relief only to White and not Black families, the “poor relief system was effectively racially exclusive, binding poor whites to the elite with ties of dependency and patronage.”¹⁰⁵ Otherwise, according to Lockley “[t]o allow poor whites to subsist on the same meagre rations as slaves . . . would have suggested that whites existed on the same basic human level as the enslaved, thereby weakening the racial basis of slavery.”¹⁰⁶

The same starkly racist and harmful practices continued in child support and welfare programs as time moved forward. Local poor relief was eventually replaced by federal aid in the 1930s, but states still excluded Black families from the aid while pursuing Black fathers for the potential costs of their children. Dorothy Roberts explains that “[a]lthough much of the American public now views welfare dependency as a Black cultural trait, the welfare system systematically excluded Black people for most of its history.”¹⁰⁷ Black families did not gain greater access to public assistance until the civil rights activism of the 1960s. But as Roberts further describes, “it was precisely the War on Poverty programs’ link to Blacks’ civil rights that doomed them: Whites opposed them as an infringement of their economic right to discriminate against Blacks and a threat to white political power.”¹⁰⁸ As Professor Tonya Brito writes, “the public became hostile to welfare once welfare became identified with black single mothers.”¹⁰⁹

Racism in turn fueled the labels of “welfare queens” and “deadbeat dads,”¹¹⁰ while government policies continued to force Black families apart. For families to be eligible to for

assistance, fathers had to leave, and many states implemented “man in the house” rules—primarily targeting Black households—where families were denied assistance if a man was found in the home. Professor Alison Lefkowitz describes the operations of these rules and how leaders of southern welfare agencies “admitted that the vast majority if not all of the intimate relationships social workers interfered with were those of black men and women,” and “when pressed about her exclusive attention to the boyfriends of black women,” one of the county agency directors “sounded a familiar refrain: ‘You’re from the North and can’t really understand our problem.’”¹¹¹

The racist backlash against Black families receiving welfare assistance led to creation of the IV-D Child Support Program in 1975.¹¹² The program was championed by Senator Russel Long from Louisiana, who openly supported racial segregation and opposed the Civil Rights Act of 1964.¹¹³ Long’s racist views permeated his incorrect blaming and targeting of impoverished Black families: “He pointed to the past breakup of many impoverished Black families, caused by the poor laws, bastardy acts, Jim Crow laws, the devastating reverberations of slavery—and existing welfare policies that forced Black fathers from their homes—as a rallying cry to impose yet more punitive policies that would increase the forced breakup of Black families.”¹¹⁴

Even after some rules regarding family composition were gradually eased, the history combined with continued stricter eligibility requirements for two-parent families—and flexibility allowing states to structure their own operations—has resulted in current practices where almost all welfare cash assistance is provided only when the fathers are absent.¹¹⁵ Our current IV-D child support operations retain the same basic structure, with significantly disproportionate harm to Black families who are then disproportionately targeted by child welfare and juvenile justice authorities. And as summarized above, the harm is now increased and commodified by the

contractual revenue mechanisms of our courts, prosecutors, probation departments, and policing agencies.

Today, Black parents are pulled into the IV-D system nationwide at more than twice the percentage of Black individuals in the overall population. Almost all families in the system are poor, more than 70 percent of all child support debt is owed by parents with incomes of \$10,000 or less, and the system now impacts almost 20 percent of all children in the United States.¹¹⁶ An important report by Vicki Turetsky, the former commissioner of the Federal Office of Child Support Enforcement, examined the impact of child support operations in Maryland and explains: “[T]he evidence is clear: higher orders and tougher enforcement will not increase collections when the barrier to payment is poverty. It does no good, and in fact, it does harm. . . . Unrealistic child support policies and practices entangle poor African American men and their families in poverty and have become a destabilizing force . . .”¹¹⁷ Turetsky found that more than two-thirds of all noncustodial parents in Maryland’s IV-D child support system are Black, and in Baltimore that percentage increases to 91 percent.¹¹⁸ The inequality and harm is stark, as the report explains that half of the noncustodial parents have an income of less than 200 percent of the poverty level, and the other half are unemployed—hardships caused in significant part by child support enforcement practices.¹¹⁹ Further, the University of Baltimore School of Law’s Legal Data and Design Clinic determined that 71 percent of license suspensions initiated by Maryland’s IV-D agency were against Black parents.¹²⁰

And much of the money collected from these parents does not even benefit their children. Instead, as under the old poor laws and bastardy acts, impoverished mothers needing public aid are still forced to sue the poor fathers for child support obligations owed to the government to recover welfare costs. Impoverished parents are also pursued for government-owed support when

their children are taken into foster care—with the parents often required to pay the debt as a pre-condition of possible reunification. Across the country, over \$23 billion in IV-D child support debt is owed to the government in welfare and foster care cases where the collection efforts severely harm the families and children.¹²¹ In California, fully 40 percent of the total state child support debt is owed to the government.¹²² Further, although child support can be beneficial if payment amounts are properly determined and only directed to help the custodial parents and children, the operations of the IV-D system still often instead causes harm. Even if payments are owed to the children, when our justice institutions are contractually incentivized to issue orders and use punitive enforcement tools rather than carefully focusing only on the children’s best interests, significant harm often results—with a disproportionately racial impact. The system pits parents against each other, further fracturing relationships of already fragile families.. Impoverished noncustodial parents face unrealistically high child support orders, credit reports, tax intercepts, and suspension of their driver’s licenses—often disrupting the work of many who need their license as part of their job. And then when 65 percent of any meager wages are garnished, often to fill government coffers, many poor noncustodial parents have no choice but to leave the “above-ground” economy, thus contributing to an increase in criminal activities.¹²³

This monetized IV-D child support system sends impoverished parents to prison and further harms them during and after incarceration. Again, Black parents are disproportionately targeted. A report by Noah Zatz determined that “African Americans fathers comprise nearly 80% of those incarcerated by the child support enforcement system and are incarcerated at a rate ten times higher than other fathers.”¹²⁴ As a result 15 percent of all Black fathers in US cities have been incarcerated at some point due to child support obligations.¹²⁵ Further, when impoverished parents are incarcerated for any reason, the harm from child support continues as the debt keeps

adding up. Parents often leave incarceration owing tens of thousands in child support arrearages—along with the constant pursuit of thousands in other court fines and fees. Punitive enforcement tactics kick again as soon as they leave prison, blocking efforts to find work and often leading to the parents being incarcerated again.

Thus, the IV-D child support system, the mass incarceration system, the juvenile justice system, and the child welfare system all cause racialized harm. That harm is magnified when those systems work together and are intertwined in their operations. And the harm escalates further when our foundational courts, prosecutors, probation departments, policing agencies, detention and treatment facilities, and family and child welfare agencies are all incentivized to generate revenue from harm to the vulnerable people they are supposed to serve. Impoverished adults are harmed. Children are harmed. Mothers and fathers are harmed. Families are harmed. We are all harmed.

Equal Justice or Constitutional and Ethical Abdication?

When justice becomes a business, harm results. I include detailed analysis throughout *Injustice, Inc.* of how the many and intertwined revenue mechanisms used by our foundational justice institutions clearly violate ethical and constitutional requirements, and directly undermine the mission of justice. To correct the harm, our pursuit and protection of the foundational ideals of justice—independence, impartiality, ethics, and equality—must be real. Otherwise, when the ideals of justice are instead traded for business operations to commodify those who we are supposed to serve, through intertwined contractual mechanisms that generate revenue from inequality, the reverberations of harm are without limit.

And if justice crumbles, all else falls with it. We live in a surreal period in American history where ethics and facts are commonly ignored, and the core principles of our constitutional

democracy are at risk. During an evening in Washington D.C. while I was researching and writing about the hidden mechanics of commodified injustice for one of the chapters in my book, my focus was simultaneously drawn by dystopian news of ongoing injustice and racialized harm playing on a television in another room. After a long pause to look out the window into the dark—I wrote the following:

As I write this paragraph, in the shaken shadow of the White nationalist attack on the US Capitol, as voting rights are being subverted across the country, all subsumed within a massive disinformation campaign, the backlash against racial and economic justice continues—as ethicless pundits and politicians pound the drum against any study or discussion of American history that includes an accurate understanding of racial injustice. The absence of ethics is their power. They savage truth, claiming the remains as righteous. And the weak follow. Because the ethical road has always been the harder path.¹²⁶

Mission and ethics. Our justice institutions must be ethically true to their mission and ideals. And we are all accountable. We must embrace the ethical truism that even if we strive for individual purity, if the system around us is compromised—then we are still part of that unethical system. And we must strive to change the system. In the process of justice realignment, increased awareness, increased legal challenges, increased audits and investigations, increased ethical complaints, increased monitoring by the DOJ Civil Rights Division, increased whistleblowers, and more—are all necessary. But in the Byzantine vastness, in the self-governing and often hidden nature of our foundational institutions of justice across the country, the most important component in realigning our mission and ethics will always fall to each of us to hold up an honest mirror of

self-reflection for ourselves and for the systems in which we work.

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¹ Although low-income individuals are diverse and each person faces unique circumstances, this book sometimes refers to the “poor” as a group to describe how they are similarly targeted by commodified injustice practices.

² Much of this article relies on research and analysis from my new book. *See generally*, Daniel L. Hatcher, *Injustice, Inc: How America’s Justice System Commodifies Children and the Poor* (UC Press, 2023).

³ *See generally* Daniel L. Hatcher, *The Poverty Industry: The Exploitation of America’s Most Vulnerable Citizens* (NYU Press, 2016).

⁴ *See generally*, Hatcher, *Injustice, Inc.*

⁵ *Injustice, Inc.* at 4.

⁶ *Injustice, Inc.* at 158.

⁷ *See, Injustice, Inc.* at Chapter 2; Daniel L. Hatcher, *Juvenile Court Interagency Agreements: Subverting Impartial Justice to Maximize Revenue from Children*, 76 NYU ANNUAL SURVEY OF AMERICAN LAW 33, 45-53 (2020) (summarizing the Ohio juvenile court IV-E contractual strategies).

⁸ Patrick Griffin and Gregory Halemba, “Federal Placement Assistance Funding for Delinquency Services,” *Children, Families and the Courts Ohio Bulletin* (Winter 2003),

www.ncjj.org/PDF/winter2003cfc.pdf, [<https://perma.cc/3U7N-ZGHH>].

⁹ *See*, Ohio Department of Job and Family Services, Subgrant Agreement, <https://lcapps.co.lucas.oh.us/carts/resos/23039.pdf>, <https://perma.cc/WME9-DTSN>; see also Daniel L. Hatcher, “States Diverting Funds from the Poor,” in *Holes in the Safety Net: Federalism and Poverty*, ed. Ezra Rosser, 151–72 (providing a summary of the Ohio juvenile court subgrant agreement practices, along with several other state revenue strategies that use vulnerable populations as a source of revenue).

¹⁰ Ohio Department of Job and Family Services, Subgrant Agreement, Article I, Section B.

¹¹ Encarnacion Pyle, “Juvenile Courts’ Role Debated,” *Columbus Dispatch*, September 11, 2006, www.pressreader.com/usa/the-columbus-dispatch/20060911/282033322676879.

¹² For detailed analysis regarding the constitutional and ethical violations resulting from this revenue practice, see *Injustice, Inc.* at 41-48.

¹³ See *Injustice, Inc.* at 39-40. For example, in Muskegon County, Michigan, the Circuit Court-Family Division entered a contract with JBI to “capture new Title IV-E federal reimbursement dollars.” Muskegon County Board of Commissioners, Minutes, January 9, 2001, 202, [www.co.muskegon.mi.us/DocumentCenter/View/5514/2001-Board-Minutes-PDF₂](http://www.co.muskegon.mi.us/DocumentCenter/View/5514/2001-Board-Minutes-PDF_2), <https://perma.cc/N978-A8Y8>; see also Muskegon County Board of Commissioners, Agenda, December 6, 2011,

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used by the court when placing children removed from their homes pursuant to Michigan law and to ensure that the available IV-E funding streams are maximized when appropriate and possible.”); see also Nebraska Department of Health and Human Services, Nebraska’s Five-Year Title IV-E Prevention Program Plan, 2020, 10,

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¹⁴ See, *Injustice, Inc.* at Chapter 3.

¹⁵ Philadelphia Family Court, *2012: Year in Review*, 2012, 49,

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¹⁶ Pennsylvania Department of Human Services, 2015–2020 IV-D Cooperative Agreement, § 1.1.

¹⁷ Pennsylvania Department of Human Services, 2015–2020 IV-D Cooperative Agreement, § 2.2(i).

¹⁸ *In re Murchison*, 349 U.S. 133, 136 (1955).

¹⁹ Pennsylvania Department of Human Services, 2015–2020 IV-D Cooperative Agreement, § 7.

²⁰ *See, Injustice, Inc.* at 21-30.

²¹ Clackamas County, Oregon, Justice Court 2020–2021 Budget Presentation, <https://dochub.clackamas.us/documents/drupal/2988bc3b-8a3d-4605-9064-36388d131c8b>, <https://perma.cc/TXQ7-FNBF>.

²² Clackamas County, Oregon, Justice Court 2020–2021 Budget Presentation (projected 2020-2021 fines and fees revenue of \$4,010,950 compared to operating expenditures of \$2,138,482).

²³ Chris Stewart, “Hey Watson: Local Judge First to Use IBM Watson’s Artificial Intelligence on Juvenile Cases,” *Dayton Daily News*, August 3, 2017, www.daytondailynews.com/news/local/county-judge-first-use-ibm-watson-supercomputer-juvenile-cases/InVqz6eeNxvFsMVAe5zrbL/, <https://perma.cc/EYP8-RMZB>.

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²⁶ *Id.*

²⁷ See, *Injustice, Inc.* at Chapter 4.

²⁸ Michigan Department of Human Services, Agreement no. PROFC14-61001, www.co.muskegon.mi.us/DocumentCenter/View/221/DHS-Contract-PDF, <https://perma.cc/FTL4-25PT>; see also Wasco County Board of Commissioners, minutes, June 3, 2015, [http://cms5.revize.com/revize/wascocounty/BOCC%20Archives/2015/\(15\)%206-3-2015%20BOCC%20Regular%20Session%20Minutes.pdf](http://cms5.revize.com/revize/wascocounty/BOCC%20Archives/2015/(15)%206-3-2015%20BOCC%20Regular%20Session%20Minutes.pdf), <https://perma.cc/6ATE-A9EM>.

²⁹ *Id.*

³⁰ Wisconsin Department of Health and Human Services, “Title IV-E Reimbursement for Legal Services,” August 27, 2005, <https://dcf.wisconsin.gov/files/cwportal/policy/pdf/memos/2005-13.pdf>, <https://perma.cc/S3WV-G3GL>; Wisconsin Department of Children and Families, “Application Instructions: Title IV-E Legal Services Applications for Calendar Year 2021,” <https://dcf.wisconsin.gov/files/cwportal/funding/pdf/title4e/legalinstructions.pdf>, <https://perma.cc/3J6L-VY37>; Milwaukee County District Attorney’s Office, “Budget Summary,” 2021, <https://county.milwaukee.gov/files/county/administrative-services/PSB/BudgetsCopy-1/2021-Budget/2021-Requested-Budget/4500-DistrictAttorney1.pdf>, <https://perma.cc/3VEX-WE4M>.

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³² Texas OAG Cooperative Agreement, § 4.2.2.

³³ Tex. Fam. Code Ann. § 201.107; and Texas OAG Cooperative Agreement, § 4.2.1

³⁴ Brian Lyman, “As Covid-19 Closes Courts, Alabama Prosecutors Face Collapse in Revenues,” *Montgomery Advertiser*, April 30, 2020, www.montgomeryadvertiser.com/story/news/2020/04/30/covid-19-closes-courts-alabama-prosecutors-face-collapse-revenues/3052219001/.

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⁴¹ Orange County Board of Supervisors, Internal Audit Department, Audit no. 822.

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⁴⁶ New Jersey Courts, Office of Probation Services, Frequently Asked Questions, https://njcourts.gov/forms/12232_probation_services_faq.pdf, <https://perma.cc/NDX3-KFLX>.

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⁷⁰ Neb. Admin. Code, 479 NAC 2–001.08 (“1. Cash on hand; 2. Cash in savings or checking accounts; 3. Stocks; 4. Bonds; 5. Certificate of deposit; 6. Investments; 7. Collectable unpaid notes or loans; 8. Promissory notes; 9. Mortgages; 10. Land contracts; 11. Land leases; 12. Revocable burial funds; 13. Trust or guardianship funds; 14. Cash value of insurance policies; 15. Real estate; 16. Trailer houses; 17. Burial spaces; 18. Life estates; 19. Farm and business equipment; 20. Livestock; 21. Poultry and crops; 22. Household goods and other personal effects; and 23. Federal and state tax refunds.”)

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⁷³ See, *Injustice, Inc.* at Chapter 8.

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youth, compared to 1,893 total); and US Census Bureau, “QuickFacts: Cuyahoga County, Ohio,” 2021, <https://www.census.gov/quickfacts/fact/table/cuyahogacountyohio,US/PST045219>.

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- ¹¹⁰ Ann Cammett, *Deadbeat Dads & Welfare Queens: How Metaphor Shapes Poverty Law*, 34 BOSTON COLLEGE JOURNAL OF LAW & SOCIAL JUSTICE 233, 237-38 (2014); *see also* Daniel L. Hatcher, *Don’t Forget Dad: Addressing Women’s Poverty by Rethinking Forced and Outdated Child Support Policies*, 20 JOURNAL OF GENDER, SOCIAL POLICY & THE LAW 775, 793 (2012).
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- ¹¹⁴ *Id.*

¹¹⁵ Shawn Fremstad, “TANF and Two-Parent Families,” Institute for Family Studies, July 25, 2016, <https://ifstudies.org/blog/tanf-and-two-parent-families#:~:text=Married%20and%20unmarried%20two%2Dparent,the%20parents%20has%20a%20disability,https://web.archive.org/web/20201219152016/https://ifstudies.org/blog/tanf-and-two-parent-families>.

¹¹⁶ See US Department of Health & Human Services, Office of Child Support Enforcement, *FY 2019 Preliminary Data Report*, June 23, 2020, www.acf.hhs.gov/css/policy-guidance/fy-2019-preliminary-data-report (over 14.3 million children in the IV-D system in 2019); and US Department of Health & Human Services, Office of Child Support Enforcement, “Characteristics of Families Served by the Child Support (IV-D) Program,” November 19, 2018, www.acf.hhs.gov/archive/css/report/characteristics-families-served-child-support-iv-d-program-2016-census-survey. The federal agency data show that 27 percent of custodial parents in the IV-D system are Black parents, while the Census Bureau estimates that Black individuals account for 13.4 percent of the US population. US Census Bureau, “QuickFacts: Population Estimates,” July 1, 2021, www.census.gov/quickfacts/fact/table/US/PST045219; US Department of Health & Human Services, Office of Child Support Enforcement, “Who Owes the Child Support Debt?,” September 15, 2017, www.acf.hhs.gov/css/ocsedatablog/2017/09/who-owes-the-child-support-debt.

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www.urban.org/sites/default/files/publication/100812/relief_from_government-

[owed_child_support_debt_and_its_effects_on_parents_and_children_4.pdf](http://www.urban.org/sites/default/files/publication/100812/relief_from_government-owed_child_support_debt_and_its_effects_on_parents_and_children_4.pdf). California’s

Governor recently signed a helpful bill in 2022, AB 1686, that is intended to discourage county agencies from pursuing child support in child welfare cases that could harm reunification efforts.

The bill does not prohibit such collection efforts but rather discourages them, so future data will determine if the bill is successful in its goals.

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¹²⁶ *Injustice, Inc.* at 175 (“Although ‘ethicless’ may not appear in predominantly recognized dictionaries, I feel the term is more accurate here than “unethical”—because those seeking to

hide, dismantle, and distort true history are functioning with the cold demeanor of a narcissistic absence of ethics.”).