

Use of Wisconsin's Child Support Guidelines in Shared Placement Cases Summary

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The Wisconsin child support guidelines, which base awards on a percentage of the noncustodial parent's gross income, specify adjustments for cases in which (1) the noncustodial parent has a previous support order, (2) some children are placed with one parent, some with the other ("split placement"), and (3) a child spends part of the time with one parent, some with the other ("shared placement"). Placement may be equally or unequally shared.

This report examines the use of the guidelines in shared placement cases, using data from the Wisconsin Court Record Database for two time periods: (1) under the September 1987 standard and (2) under the March 1995 standard. Both standards prescribed the use of shared placement rules in cases where the child was placed with each parent for more than 30 percent of a year (109.5 days), but differed in how they calculated adjustments for the percentage of time the child was actually with each parent. The analysis is limited to divorced parents, because shared placement appeared to be extremely uncommon in paternity cases. The larger number of shared placement cases in records after 1995 suggests that use of this determination is rising.

It proved difficult to identify many shared placement cases. It was not always clear which cases met the 30 percent of time criteria, the actual number of days the child spent with each parent, the income of at least one parent or (under the 1995 guideline) of both parents. Some cases were excluded because they had two-part or "hybrid" orders, based on some combination of a fixed amount and a percentage, which made calculating compliance very difficult. It was necessary to estimate income for a significant percentage of cases. Thus orders were considered to be compliant with the guideline if they fell within 10 percent of the guideline amount. A large proportion of shared placement cases in fact had no order at all.

The tables estimate compliance with the guidelines in each cohort and for a wide variety of subgroups—by age and income of either parent, by number, sex, and age of children, by length of marriage, by residential location. One of the purposes of the 1995 revision was to address the absence of guidelines in cases where placement is equally shared between the parents, which is now by far the most common outcome in custody cases. Such cases, however, were still much more likely to have no order, or to have orders below the guideline, than were unequal shared cases.

The effects of most other variables were largely as might be expected. For example, when mothers, or both parents, have an attorney, there is both a higher likelihood of an order and a higher likelihood that it is above the guidelines. But when only fathers have an attorney, or neither parent has one, there is a lower likelihood that any order is in compliance with the guidelines. Another example is income: higher mother's income is associated with a lower likelihood of a support order, higher father's income increases both the likelihood of an order and the probability that the order will be above the guideline.