

USE OF WISCONSIN'S CHILD SUPPORT GUIDELINES IN SHARED PLACEMENT CASES

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Summary

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.

I. INTRODUCTION

In 1984 the state of Wisconsin established a guideline which set child support orders based on a percentage of the noncustodial parent's gross income, in order to address the large variations in child support orders issued before that time. After early experiences with this guideline proved positive, in 1987 it was made presumptive, that is, it was to be used unless the court explicitly found it to be inappropriate (Wis. Stat. Sects. 767.25 and 767.51). The guideline bases child support orders on the number of children covered by the order: 17 percent of income for one child, 25 percent for two, and 29, 31, and 34 percent for three, four, and five or more children. In addition, the guideline specifies adjustments which the court may make to this schedule for cases in which the noncustodial parent has a previous child support order for additional children ("serial obligors"), for cases in which physical placement of the children is shared between the two parents ("shared placement"¹), and for cases in which some children are placed with one parent, and some with the other ("split placement").

This report examines the use of the guideline among these shared placement cases. It is one of several reports that the state of Wisconsin has commissioned on the use of the percentage-of-income guideline². Whereas previous reports have examined guideline usage in sole placement cases and in serial obligor cases, this is the first report in the series to examine shared placement cases.

¹Cases are considered to be shared placement when the children stay overnight with each parent more than 30 percent of the year (or if a judge determines that other time spent with a parent is equivalent to an overnight stay).

²Earlier reports include: "Use of Percentage-of-Income Standard to Set Child Support: Experience in Twenty Counties, September 1987-December 1989" (Melli and Bartfeld, 1991); "The Use of Percentage of Income Standard to Set Child Support in Wisconsin: An Update" (Melli and McCall, 1993); "To What Extent is the Percentage-of-Income Guideline Used to Set Child Support Orders in Wisconsin?" (Meyer and Hu, 1996). "Are Child Support Reforms Actually Implemented?" (Meyer, Hu, and Wimer, 1998); "Use of Wisconsin's Child Support Guidelines in Paternity and Serial Obligor Cases" (Rothe, Hu, and Wimer, 2000a); "Use of Wisconsin's Child Support Guidelines in Divorce and Serial Obligor Cases" (Rothe, Hu, and Wimer, 2000b); and "Use of Wisconsin's Child Support Guidelines: A Preliminary Report" (Rothe and Hu, 2001).

WISCONSIN CHILD SUPPORT GUIDELINES FOR SHARED PLACEMENT CASES

Percentage-of-Income Guidelines for Shared Placement Cases

Analyzing the use of child support guidelines for shared placement cases poses several difficulties. The first difficulty arises from the fact that the adjustments for shared placement cases are quite complex, depending on the exact percentage of time the children are to spend with each parent and the incomes of both parents. Second, the adjustments to be made to shared placement cases have changed over time, so that in order to compare the use of the guidelines for shared placement cases at different points in time we must be careful to use the guideline adjustments in effect during that period.³

The data we will be examining in this report come from two time periods: the first has orders that were issued when the September 1987 standard was in effect, and the second has orders that were issued when the March 1995 standard was in effect, so we will concentrate on these two standards. For both standards the administrative rules state that shared placement adjustment may be used in those cases where the child is placed with each parent for more than 30 percent of a year (i.e., 109.5 days). In cases where children are placed with a parent 30 percent of the year or less courts are directed to use the standard for sole placement cases with no adjustment.

In the September 1987 standard the adjustment for shared placement obligors involved determining the number of overnights beyond 109.5 (and less than 183) that the children are placed with a parent, multiplying that number of overnights times the obligor's daily child support obligation under the sole placement guidelines, then reducing the annual child support obligation by that amount. Under this standard, the parent with less time with the child has their child support obligation reduced proportionately to the amount of time they keep the children between 31 and 49 percent of the year.

³The state of Wisconsin statute which governs the child support standard (Wis. Stat. Section 46.25(9)(a)) requires the Department of Workforce Development (formerly the Department of Health and Social Services) to adopt and publish the standard to be used by the courts. This standard (published previously as administrative rule HSS 80 and now as DWD 40) has gone through three iterations during the time period covered by this report. The first was effective on February 1, 1987 (Cr. Register, January 1987, No. 373). This was quickly replaced with the second, which became effective on September 1, 1987 (Cr. Register, August 1987, No. 380). The third became effective on March 1, 1995 (Cr. Register, February 1995, No. 470).

Parents who share placement equally (have placement for 183 overnights) are not specifically covered in the guidelines.

The March 1995 standard made substantial changes in the adjustment for shared placement cases. For cases in which the parent with less time with the children has them for 110 days to 146 overnights (30–40 percent) the sole placement obligation of the parent is reduced by 3.33 percent for each percentage point increase in the time with the parent. So a parent with the children 30 percent of the year would owe 100 percent of the unadjusted child support obligation, a parent with the children 31 percent of the year would owe 96.67 percent of the unadjusted obligation and a parent with the children 40 percent of the year would owe 66.70 percent of the unadjusted obligation.

In cases where each parent has the children from 147 to 218 overnights (41–60 percent) the calculation of the adjustment is quite different. In these cases, each parent's unadjusted obligation is calculated and then reduced depending on the percentage of time with the children. Again the reduction is 3.33 percent for each additional percentage point increase in time with the children: a parent spending 41 percent of the year with the children would owe 63.37 percent [i.e., $100\% - ((41 - 30) * 3.33)$] of their unadjusted obligation, and a parent spending 60 percent of the year with the children would not owe any of their unadjusted obligation. After each parent's obligation is adjusted the parent with the larger obligation is to pay the difference between the two obligations. This standard then explicitly covers the case where the parents share placement equally, and for parents who share placement from 41–60 percent of the year, the standard depends on the income of both parents, not just one.⁴

Table 1 shows several examples of orders resulting from use of the guidelines for various sample couples. We can see that in all examples the March 1995 guideline results in substantially smaller orders when both parents have the children over 40 percent of the time. In cases where the children are shared equally between the two parents, use of the 1995 guidelines would result in an order (unless the parents

⁴In addition the 1995 guideline allows the court to determine that other time spent with the child is equivalent to an overnight stay.

Table 1: Sample Child Support Orders Using the Shared Placement Guidelines

*Example 1: Parent A's Income \$10,000, Parent B's Income \$20,000, 2 Children
(if Parent A had sole placement, Parent B's order would be \$5,000)*

Parent B Has Children:		Parent B's Order Using Guidelines from:		Parent A's Order Using Guidelines from:	
% of Year	Days	1987	1995	1987	1995
31%	113	\$4,952.05	\$4,833.50		
35%	128	\$4,746.58	\$4,167.50		
40%	146	\$4,500.00	\$3,335.00		
45%	164	\$4,253.42	\$2,083.75		
50%	183	not defined	\$835.00		
55%	201			\$2,126.71	\$413.75
59%	215			\$2,222.60	\$1,412.75

*Example 2: Parent A's Income \$35,000, Parent B's Income \$60,000, 2 Children
(if Parent A had sole placement, Parent B's order would be \$15,000)*

Parent B Has Children:		Parent B's Order Using Guidelines from:		Parent A's Order Using Guidelines from:	
% of Year	Days	\$1,987.00	\$1,995.00	\$1,987.00	\$1,995.00
31%	113	\$14,856.16	\$14,500.50		
35%	128	\$14,239.73	\$12,502.50		
40%	146	\$13,500.00	\$10,005.00		
45%	164	\$12,760.27	\$6,041.88		
50%	183	not defined	\$2,087.50		
55%	201			\$7,443.49	\$1,866.88
59%	215			\$7,779.11	\$5,030.38

*Example 3: Parent A's Income \$10,000, Parent B's Income \$60,000, 2 Children
(if Parent A had sole placement, Parent B's order would be \$15,000)*

Parent B Has Children:		Parent B's Order Using Guidelines from:		Parent A's Order Using Guidelines from:	
% of Year	Days	\$1,987.00	\$1,995.00	\$1,987.00	\$1,995.00
31%	113	\$14,856.16	\$14,500.50		
35%	128	\$14,239.73	\$12,502.50		
40%	146	\$13,500.00	\$10,005.00		
45%	164	\$12,760.27	\$7,088.75		
50%	183	not defined	\$4,175.00		
55%	201		\$1,261.25	\$2,126.71	
59%	215			\$2,222.60	\$1,069.75

have exactly the same income), while in 1987 the shared placement adjustment to the guidelines did not address equal sharing. The bottom panel on Table 1 illustrates a situation where the one parent's income is much higher than the other's. For this situation under 1987 guidelines, the lower-income parent would have owed support to the higher-income parent whenever the children were placed with him or her for less than half the time. Under the 1995 guidelines, however, the parents with higher incomes may be ordered to pay even when they have the children more than half the time. In this example, the higher-income parent would be ordered to pay the lower-income parent \$2,000/year if the children were with the higher-income parent for 55 percent of the time.

Determining Whether the Guideline Is Used

Determining whether the shared placement guideline was used by the court requires knowing several things about a particular case. First, we need to determine which cases are shared placement cases above the 30 percent threshold. Second, we need to determine if a case is also a serial or split placement case, because these cases may require additional adjustments (neither the 1987 nor 1995 guidelines specify the adjustments to be made when cases are both shared placement and serial cases, we will not examine these "multiple adjustment" cases). Third, once we have a set of shared placement cases we need to know the number of days (or percentage of the year) the children spend with each parent, and the income of at least one, and possibly both, of the parents. Both parents' incomes are needed for cases under the 1995 guidelines where each parent has the children 41–60 percent of the year. In the data section we will discuss the difficulties in determining each of these.

DATA AND METHODOLOGY

This report relies on data collected by the Institute for Research on Poverty as part of the Court Record Database (CRD) in 21 counties in Wisconsin.⁵ We select cases from two separate collection

⁵See Brown and Roan (1999) for a discussion of the sampling strategy used in collecting this data.

periods: cohorts 11 and 12 comprise 2,289 cases with court petition dates between 1990 and 1992 (except in Milwaukee County where they were collected between 1991 and 1993); cohorts 17 and 18 comprise 2,944 cases with court petition dates from 1996 to 1998. Cohorts 11 and 12 provide an early group of cases which were in court while the September 1987 standard was in effect and cohorts 17 and 18 provide a later group for which the March 1995 standard applied.

A preliminary analysis of paternity cases showed that shared placement is very uncommon and appears to be primarily in cases where the parents are living together. It may be that courts are ordering shared placement for these parents in case their relationship later dissolves. In cohorts 11 and 12 there were only 20 shared placements for paternity cases and in cohorts 17 and 18 there were only 16. Because of the small number of paternity cases which appear to have received shared placement placements, and the likelihood that these cases are unusual in that the parents are living together, we determined to limit our analyses to divorce cases as measured at final judgment. In cohorts 11 and 12 there are 1,362 divorce cases with a final judgment; in cohorts 17 and 18 there are 1,543.

Difficulties in Identifying Shared Placement Cases

At the time of final judgment the court makes a determination as to the appropriate child support formula to use. Using this determination we find that there are 92 cases in cohorts 11 and 12 identified by the court as shared placement cases. Similarly there are 323 such cases in cohorts 17 and 18. The larger incidence of shared placement in the later cohorts is due to the rising usage of shared placement in Wisconsin⁶ and the fact that data collection during cohorts 17 and 18 specifically oversampled counties that were known to have higher rates of shared placement.

We exclude any cases in our sample which also have a serial obligation or a split placement arrangement in addition to the shared placement. Using the placement record in the CRD data we find that there are 4 of the cohort 11 and 12 cases which are also serial or split placement cases; there are no such

⁶See Cancian, Cassetty, Cook, and Meyer, 2002 for an analysis of the changes in placement outcomes in this time period.

cases in cohorts 17 and 18). This leaves 88 cases from cohorts 11 and 12 and 312 cases from cohorts 17 and 18 which the court identified as appropriate for the shared placement guideline.

For some CRD cases we do have information which allows us to identify additional cases which appear to have placement arrangements in the range outlined by the guideline, but for which the shared placement standard was not used. The record of visitation arrangements available in cohorts 11 and 12 identifies 79 additional divorce cases which appear to have shared physical placement in the 30–50 percent range. Unfortunately the record of visitation arrangements is not complete for cohorts 17 and 18 and, as we are primarily interested in current usage of the shared placement guideline, we have chosen not to examine these cases in either time period. This does give some indication that courts may not always be using the shared placement cases adjustment, even when the placement arrangements might indicate its appropriateness.

Using the Guidelines to Calculate the Child Support Obligation

The formulas to calculate the guideline obligation depend on the number of children, the percentage of time spent with each parent, and the income of at least one of the parents; for some cases the income of both parents is needed. Unfortunately we are not able to calculate the guideline's child support obligation for a certain number of cases because information is missing for one or more of these variables.

Most notably, it is quite common for the CRD record to be missing information on a parent's income. We supplement the CRD information on parent's income with data from the Unemployment Insurance Wage Record (UI) database. This database includes reports by employers of quarterly wage payments for most Wisconsin employees. It does not, however, include information on the wages of the self-employed, or federal government employees, or some nonprofit organizations. It should also be noted that wage information reported in the UI database is not equivalent to the total income figures which may

be available to the court.⁷ Even with these limitations, supplementing income estimates with the wage records expands the number of cases for which we can estimate the guideline obligation, a very important consideration given the few cases we have available.

Calculating Orders

Most child support orders are expressed in either fixed-dollar terms (e.g., \$200/month) or as a percentage of income (e.g., 17 percent of total income). Calculating the effective amount of the order is simple in the case of fixed-dollar orders and is straightforward in the case of percentage-expressed orders, when the parent's income is known.

Some orders, though, are stated in two parts; these present a difficulty in determining the effective amount of the order. The most common types of two-part orders are composed of a fixed part and a percentage part, of which the parent must pay the greater; these are often referred to as "hybrid" orders. Other types of two-part orders include those that impose different rates on different types of income (e.g., 17 percent of income and 5 percent of overtime pay), or those where the amount of the order is to change on a certain date or at the occurrence of some event, such the selling of a house.

Since neither the 1987 or 1995 standards make any provision for two-part orders we could consider all such orders to be noncompliant with the guidelines; on the other hand the effect of a two-part order may be equal to the order amount that the guidelines would require. Following this line of thought, we do attempt to calculate the effective amount for hybrid orders by comparing the fixed amount and the percentage of the obligor's known income and using the greater amount. Two-part orders which are not hybrid orders depend on knowing the makeup of the obligor's different income streams, or the dates of external events. From the data available these types of orders are not calculable and so we have excluded cases with these types of two-part orders.

⁷Rothe and Hu, 2001, pp. 7-8, compare monthly wage information from the UI data with monthly income estimates from the CRD for sole placement cases with information in both sources. They find that in about 30 percent of cases the two estimates are equivalent, while in 60 percent of cases they are within 25 percent of each other.

RESULTS

Table 2 shows the cases that remain after the various exclusions for missing information and cases in which we cannot calculate the exact amount under the guideline. One major exclusion involves 50–50 placement cases in the early cohorts, since under the 1987 standard there is no specific formula to calculate an amount due for these cases. Of the 88 cases that were identified by the court as being appropriate for the shared placement formula, 68 are excluded for that reason. There were only 11 cases from the early cohorts for whom we are able to calculate the guideline amount and the actual order amount. We will, therefore, concentrate our analysis on the later cohorts, which had a larger number of shared placement cases to start with, and for whom 50/50 shared placement cases were accounted for under the 1995 guideline. Of the 312 cases in cohorts 17 and 18 which were identified by the court as shared placement, we are able to analyze 225 (see Table 2). Tables 3–5 show the proportion of cases in the later cohorts which have an order below, above, or consistent with the guidelines. All proportions shown are weighted to adjust for the stratified sampling strategy used in the collection of the CRD data.

Determining consistency with the guidelines is not a straightforward matter, and as we will see, results vary quite a bit depending on the requirement used. Previous reports by IRP have considered orders to be consistent with the guidelines when they were within 1 percent of the guideline amount.⁸ Early results in this paper showed that none of the shared placement cases met that criterion. Given that income was estimated instead of known exactly for a significant percentage of cases, the band around the guidelines was widened to 10 percent. Results using the 10 percent guideline are presented in Table 3.

There are a large percentage of the shared placement cases that have no order at all. However, using a percentage-based criterion we would automatically count those cases as being below the guideline. Given that cases in which placement is equally shared and parents have similar income may have guideline-calculated orders that are quite small, fixed-dollar criteria were explored. In Table 4, orders which are within \$50/year of the guideline amount are considered to be consistent. In Table 5, this

⁸Meyer and Hu (1996), Rothe and Hu (2001).

Table 2: Exclusion of Cases Because Information Is Missing

	Early Cohorts (11 & 12)	Late Cohorts (17 & 18)
Shared Placement Cases ¹	88	312
Exclude Equally Shared Cases for Early Cohorts	-68	
	20	312
Exclude Cases with Missing Information on Percentage of Time Spent with Each Parent	-8	-31
Shared Placement Cases with Percentage-of-Time Data	12	281
Exclude Cases with Missing Income Information in the CRD	-1	-122
Reclaim Cases that Can Be Supplemented with UI Data	+1	+89
Cases with Calculable Guidelines Amounts	12	248
Exclude Cases with Nonhybrid Two-Part Orders	-1	-23
Cases with Comparable Guidelines and Orders	11	225

¹As Identified by the Court

Table 3: Compliance with Guidelines for Shared Placement Cases

Cases	Total N	Below Guidelines				Within 10% of Guidelines		Above Guidelines	
		No Order		Order > 0		N	%	N	%
		N	%	N	%				
Later Cohorts	225	129	50.5	22	9.7	18	4.1	56	35.8
By Type of Shared Placement									
Equally Shared	184	121	59.9	18	9.9	1	0.0	44	30.0
Unequally Shared	41	8	12.9	5	6.5	14	38.9	14	41.8
By Number of Children									
One	107	67	56.7	9	8.8	8	8.2	23	26.3
Two	94	57	55.3	5	5.3	8	8.1	24	31.4
Three	24	5	12.2	8	21.4	2	15.1	9	51.3
By Age of Youngest Child									
0-2	53	29	42.8	4	6.8	5	12.4	15	38.0
3-5	70	38	48.7	6	8.5	9	13.0	17	29.9
6-10	60	36	57.9	7	9.6	4	6.9	13	25.6
11-17	42	26	53.0	5	11.7			11	35.3
By Sex of Children									
Both	73	36	42.0	8	8.6	6	12.9	23	36.5
Boys Only	83	49	52.8	6	5.1	8	9.3	20	32.8
Girls Only	69	44	56.8	8	14.6	4	4.3	13	24.4
By Mother's Age									
Under 25	30	19	52.8	2	5.4	1	5.6	8	36.2
25 to 30	41	27	61.5	3	7.0	5	11.2	6	20.3
30 to 40	118	62	47.6	13	7.6	11	11.7	32	33.1
40 or over	36	21	47.5	4	17.0	1	1.3	10	34.2

Table 3, continued

Cases	Total N	Below Guidelines				Within 10% of Guidelines		Above Guidelines	
		No Order		Order > 0		N	%	N	%
		N	%	N	%				
By Father's Age									
Under 30	46	31	55.8	3	7.5	2	7.0	10	29.7
30 to 40	116	62	52.0	13	7.6	14	13.7	27	26.7
40 or over	63	36	44.6	6	12.3	2	1.7	19	41.4
By Parent's Legal Representation									
Both Parents Have Attorney	136	69	45.9	15	10.4	13	10.4	39	33.3
Only Father Has Attorney	22	17	62.5	1	2.9	1	4.0	3	30.5
Only Mother Has Attorney	30	16	53.7	4	13.0	3	7.6	7	25.7
Neither Has Attorney	37	27	62.1	2	3.1	1	6.4	7	28.3
By Location									
Milwaukee County	26	13	50.1	2	7.7	3	11.5	8	30.8
Outside Milwaukee	199	116	50.6	20	9.4	15	8.2	48	31.8
By Length of Marriage									
Less Than 5 Yrs	52	31	50.1	4	7.7	5	13.4	12	28.9
5 to 10 Yrs	63	40	55.5	4	3.6	8	15.3	11	25.6
10 to 15 Yrs	63	29	45.3	9	11.8	3	4.8	22	38.1
Over 15 Yrs	46	28	50.6	5	13.4	2	2.8	11	33.3
By Nearness of Residences									
Same Zip Code	110	65	55.2	15	13.0	6	5.1	24	26.7
Same State/Different Zip Code	106	61	47.3	6	5.5	10	11.7	29	35.5

Table 3, continued

Cases	Total N	Below Guidelines				Within 10% of Guidelines		Above Guidelines	
		No Order		Order > 0		N	%	N	%
		N	%	N	%				
By Mother's Income									
\$0-\$10K	39	17	28.1	8	24.1	5	16.5	9	31.4
\$10K-\$20K	67	30	38.0	9	10.1	6	4.8	22	47.1
\$20K-\$30K	67	43	62.2	3	2.6	5	10.3	16	25.0
\$30K-\$40K	24	18	71.8	1	3.0			5	25.2
\$40K or higher	28	21	76.9	1	2.1	2	12.7	4	8.3
By Father's Income									
0-\$20K	37	29	75.9	1	2.6	2	8.1	5	13.5
\$20K-\$30K	53	39	61.8	2	2.5	4	10.3	8	25.4
\$30K-\$40K	43	26	61.7	4	6.6	2	3.8	11	27.9
\$40K-\$50K	47	21	47.0	8	14.6	7	12.5	11	25.9
\$50K or higher	45	14	21.5	7	14.9	3	9.1	21	54.5
By Parent's Combined Income									
\$0-\$30K	22	16	62.9	1	5.2	1	8.9	4	23.0
\$30K-\$40K	30	23	80.1	2	4.9	1	2.3	4	12.7
\$40K-\$50K	33	17	40.2	3	9.7	5	17.1	8	33.0
\$50K-\$60K	33	15	47.3	8	24.8	4	7.1	6	20.8
\$60K-\$75K	51	27	46.4	4	5.6	2	2.0	18	46.0
\$75K or higher	56	31	47.2	4	6.5	5	14.1	16	32.2
By Mother's Contribution to Total Income									
1%-20%	35	13	20.0	6	22.3	6	17.5	10	40.2
21%-30%	33	7	28.1	10	13.8	3	4.8	13	53.4
31%-40%	46	21	45.4	5	10.5	3	4.3	17	39.7
41%-50%	58	41	63.2	1	1.1	2	5.5	14	30.2
51%-100%	53	47	85.9			4	11.9	2	2.2

Cases with missing information are omitted in the following categories: Length of Marriage (1 case) and Nearness of Residences (9). All percentages are weighted to account for nonrandom sampling

Table 4: Compliance with Guidelines for Shared Placement Cases

Cases	Total N	Below Guidelines		Within \$50 of Guidelines		Above Guidelines	
		N	%	N	%	N	%
Later Cohorts	225	147	58.8	14	4.4	64	36.8
By Type of Shared Placement							
Equally Shared	184	127	65.2	13	4.9	44	29.9
Unequally Shared	41	20	33.4	1	2.5	20	64.1
By Number of Children							
One	107	70	63.3	11	8.0	26	28.8
Two	94	64	61.4	2	1.2	28	37.4
Three	24	13	34.3	1	1.9	10	63.8
By Age of Youngest Child							
0-2	53	34	52.7	2	1.3	17	46.0
3-5	70	42	57.8	7	6.0	21	36.2
6-10	60	43	64.3	2	5.3	15	30.3
11-17	42	28	60.6	3	4.1	11	35.3
By Sex of Children							
Both	73	45	50.9	2	1.6	26	47.5
Boys Only	83	56	59.7	4	4.5	23	35.8
Girls Only	69	46	66.4	8	7.4	15	26.1
By Mother's Age							
Under 25	30	21	62.2	1	1.6	8	36.2
25 to 30	41	29	67.0	4	9.6	8	23.4
30 to 40	118	73	54.4	7	3.7	38	41.9
40 or over	36	24	62.2	2	3.6	10	34.2

Table 4, continued

Cases	Total N	Below Guidelines		Within \$50 of Guidelines		Above Guidelines	
		N	%	N	%	N	%
By Father's Age							
Under 30	46	32	65.7	3	3.1	11	31.2
30 to 40	116	76	59.0	7	5.4	33	35.6
40 or over	63	39	54.4	4	3.4	20	42.2
By Parent's Legal Representation							
Both Parents Have Attorney	136	85	57.3	7	3.8	44	38.9
Only Father Has Attorney	22	18	64.6	1	4.9	3	30.5
Only Mother Has Attorney	30	20	66.7	1	2.4	9	30.9
Neither Has Attorney	37	24	57.2	5	8.1	8	34.8
By Location							
Milwaukee County	26	15	57.8	1	3.8	10	38.4
Outside Milwaukee	199	132	59.2	13	4.6	54	36.2
By Length of Marriage							
Less Than 5 Yrs	52	35	64.3	4	4.4	13	31.3
5 to 10 Yrs	63	43	57.6	4	4.2	16	38.2
10 to 15 Yrs	63	36	52.5	3	5.4	24	42.1
Over 15 Yrs	46	32	63.3	3	3.5	11	33.3
By Nearness of Residences							
Same Zip Code	110	78	67.8	6	3.8	26	28.4
Same State/Different Zip Code	106	64	51.6	8	5.1	34	43.3

Table 4, continued

Cases	Total N	Below Guidelines		Within \$50 of Guidelines		Above Guidelines	
		N	%	N	%	N	%
By Mother's Income							
\$0-\$10K	39	28	57.6	.	.	11	42.4
\$10K-\$20K	67	38	48.2	4	2.4	25	49.4
\$20K-\$30K	67	42	61.2	7	8.6	18	30.1
\$30K-\$40K	24	19	74.8	.	.	5	25.2
\$40K or higher	28	20	73.3	3	9.9	5	16.8
By Father's Income							
0-\$20K	37	27	75.0	4	5.1	6	20.0
\$20K-\$30K	53	38	62.5	6	10.8	9	26.7
\$30K-\$40K	43	31	69.8	.	.	12	30.2
\$40K-\$50K	47	29	60.5	4	6.6	14	32.9
\$50K or higher	45	22	37.3	.	.	23	62.7
By Parent's Combined Income							
\$0-\$30K	22	18	77.0	.	.	4	23.0
\$30K-\$40K	30	22	80.0	4	7.3	4	12.7
\$40K-\$50K	33	18	46.7	4	10.5	11	42.8
\$50K-\$60K	33	24	73.6	3	5.7	6	20.8
\$60K-\$75K	51	31	52.0	.	.	20	48.0
\$75K or higher	56	34	52.1	3	4.3	19	43.6
By Mother's Contribution to Total Income							
1%-20%	35	22	47.4	.	.	13	52.6
21%-30%	33	18	43.7	1	1.5	14	54.8
31%-40%	46	27	57.3	.	.	19	42.7
41%-50%	58	38	59.4	6	10.5	14	30.2
51%-100%	53	42	81.2	7	8.0	4	10.9

Cases with missing information are omitted in the following categories: Length of Marriage (1 case) and Nearness
All percentages are weighted to account for nonrandom sampling

Table 5: Compliance with Guidelines for Shared Placement Cases

Cases	Total N	Below Guidelines		Within \$600 of Guidelines		Above Guidelines	
		N	%	N	%	N	%
Later Cohorts	225	78	33.8	101	38.7	46	27.4
By Type of Shared Placement							
Equally Shared	184	69	39.3	81	36.1	34	24.6
Unequally Shared	41	9	11.9	20	49.3	12	38.9
By Number of Children							
One	107	32	29.9	61	54.2	14	15.9
Two	94	37	40.5	34	28.7	23	30.8
Three	24	9	26.6	6	15.0	9	58.4
By Age of Youngest Child							
0-2	53	16	25.4	21	29.7	16	44.9
3-5	70	21	29.2	37	50.3	12	20.5
6-10	60	25	41.7	24	36.3	11	22.0
11-17	42	16	42.1	19	31.9	7	25.9
By Sex of Children							
Both	73	26	33.5	25	26.9	22	39.6
Boys Only	83	28	31.4	39	42.3	16	26.2
Girls Only	69	24	37.5	37	47.0	8	15.5
By Mother's Age							
Under 25	30	9	25.5	15	46.1	6	28.3
25 to 30	41	14	33.3	21	46.4	6	20.3
30 to 40	118	41	32.1	52	40.0	25	27.9
40 or over	36	14	44.9	13	23.1	9	32.0

Table 5, continued

Cases	Total N	Below Guidelines		Within \$600 of Guidelines		Above Guidelines	
		N	%	N	%	N	%
By Father's Age							
Under 30	46	13	26.0	24	48.2	9	25.8
30 to 40	116	39	32.8	56	41.9	21	25.3
40 or over	63	26	40.5	21	27.3	16	32.3
By Parent's Legal Representation							
Both Parents Have Attorney	136	47	33.6	57	37.1	32	29.3
Only Father Has Attorney	22	11	38.9	9	36.9	2	24.2
Only Mother Has Attorney	30	10	38.9	14	37.8	6	23.3
Neither Has Attorney	37	10	28.8	21	47.3	6	23.8
By Location							
Milwaukee County	26	11	42.4	7	26.9	8	30.8
Outside Milwaukee	199	67	30.9	94	42.8	38	26.3
By Length of Marriage							
Less Than 5 Yrs	52	12	20.8	29	53.7	11	25.5
5 to 10 Yrs	63	24	35.6	29	35.2	10	29.2
10 to 15 Yrs	63	19	29.8	28	42.8	16	27.4
Over 15 Yrs	46	23	50.9	14	21.5	9	27.5
By Nearness of Residences							
Same Zip Code	110	42	40.1	49	37.5	19	22.4
Same State/Different Zip Code	106	34	29.3	48	39.4	24	31.3

Table 5, continued

Cases	Total N	Below Guidelines		Within \$600 of Guidelines		Above Guidelines	
		N	%	N	%	N	%
By Mother's Income							
\$0-\$10K	39	18	36.8	12	24.4	9	38.8
\$10K-\$20K	67	20	29.9	30	33.3	17	36.7
\$20K-\$30K	67	19	28.8	35	51.1	13	20.1
\$30K-\$40K	24	5	19.4	16	63.0	3	17.6
\$40K or higher	28	16	63.4	8	28.2	4	8.3
By Father's Income							
0-\$20K	37	11	35.4	23	54.9	3	9.7
\$20K-\$30K	53	17	20.8	30	63.9	6	15.3
\$30K-\$40K	43	12	31.4	23	49.2	8	19.4
\$40K-\$50K	47	18	46.4	19	28.8	10	24.8
\$50K or higher	45	20	34.7	6	9.7	19	55.6
By Parent's Combined Income							
\$0-\$30K	22	10	38.9	9	41.3	3	19.8
\$30K-\$40K	30	11	40.4	16	50.1	3	9.5
\$40K-\$50K	33	5	11.0	23	70.4	5	18.6
\$50K-\$60K	33	9	37.8	20	50.2	4	12.0
\$60K-\$75K	51	16	30.8	18	24.2	17	45.0
\$75K or higher	56	27	45.1	15	21.8	14	33.1
By Mother's Contribution to Total Income							
1%-20%	35	16	34.0	9	19.1	10	46.9
21%-30%	33	13	35.9	9	16.0	11	48.1
31%-40%	46	22	48.4	11	21.7	13	29.9
41%-50%	58	6	8.7	42	73.8	10	17.5
51%-100%	53	21	45.9	30	51.9	2	2.2

Cases with missing information are omitted in the following categories: Length of Marriage (1 case) and Nearness
 All percentages are weighted to account for nonrandom sampling

amount is raised to \$50/month (\$600/year). This latter amount is consistent with a cut-off used in Melli, Brown, and Cancian (1997, pp. 792–93), where they noted that 33.0 percent of equal shared placement cases with no order would have had a guidelines order (under the 1995 guideline) under \$50/month.

In Table 3, where any order within 10 percent of the guideline amount is considered to be consistent, we especially notice that among this later cohort, fully half (50 percent) received no child support order at all. When child support orders were given they were generally more than 10 percent above the level suggested by the guideline: 72 percent (35.8/49.5 percent) of the cases with any child support order had an order that was greater than the guidelines provided for.

Table 4 shows that considering cases with orders to be consistent with the guidelines if they were within \$50 of the guidelines amount does not change the distribution all that much. We still note that almost three-fifths of cases have orders which are more than \$50 below the shared placement guideline amount (including those with \$0 orders) and among those at or over the guideline amount, most are more than \$50 above the guidelines.

When we widen the criterion to be considered consistent with guidelines to \$600 a year (shown in Table 5) the conclusion changes dramatically: 38 percent of cases are now consistent with the guidelines, with one-third below and 27 percent above.

No matter which criterion is used we find that 50/50 shared placement cases are much more likely to have orders below guideline amounts than are unequal shared cases. In Table 3 we can see that this appears due to the fact that nearly 60 percent of cases with 50/50 shared physical placement had no child support order, while only 13 percent of those with unequal shared placement had no child support ordered.

It may well be that the changes to the guidelines issued in 1995 that prescribed a formula for determining orders in 50/50 shared cases are either being resisted by local courts and divorcing couples, or at least have not yet seeped down into common practice. Because 50/50 shared placement cases have a low rate of child support orders of any kind—much less in compliance with the guidelines—and because 50/50 shared placement is, by far, the most common type of shared placement, there is little room for much compliance with the guidelines.

Although there appears to be little variation in the distribution of orders across many of the subgroups shown in Table 3 (10 percent criterion) and Table 4 (\$50/year criterion), there are a few which do seem to matter. When mothers have an attorney or both parents have an attorney there is a higher likelihood that there is a child support order and a higher likelihood that it is at or above the guidelines amount, but when only the father has an attorney, or no parent has an attorney then there is a lower likelihood of compliance with the guidelines.

We can also see that when parents live in the same zip code, the percentage of cases consistent with or higher than the child support guideline is quite a bit lower ($32\% = 5\% + 27\%$, in Table 3) than when the parents live in different zip codes ($47\% = 11\% + 36\%$, in Table 3). It may be that parents who are living nearby are more likely to have 50/50 shared placement, or that parents who live near each other may be less inclined to press for a larger child support order in order to preserve amicable relations.

Parents' income appears to behave as expected. A higher mother's income is associated with a lower likelihood of any child support order, and a somewhat lower likelihood of an order above the compliance level. Similarly, higher levels of father's income strongly increases the likelihood of a child support order, and appears to increase the probability of orders at or above the guidelines.

The pattern of consistency with guidelines across subgroups does seem to depend on the criterion used. In Table 5 (\$600/year criterion), we do find more variation across subgroups. Here we note that cases are more likely to have orders consistent with the guideline when they have fewer children, when the age of the youngest child is between 3 and 5, when parents are younger, when marriages are shorter, and when mother's income is higher, and father's income is lower. It seems quite clear that the reason for these differences with the other criteria is that these subgroups are all associated with higher likelihood of not having any child support order at all. The wider the criterion we use to consider cases consistent, the more likely we are to find that no-order cases are consistent. Because such a large percentage of these cases has no order, subgroups with larger percentages of cases without orders will move from more inconsistent to more consistent as the band widens.

CONCLUSION

Because of the small number of shared-placement cases in the earlier cohorts for whom we were able to test compliance with the guidelines, we were not able to conduct a substantive analysis of compliance with the shared placement guidelines over time. We were able to use a sample of cases from the late 1990s to measure the level of compliance with the child support guidelines of 1995. One of the purposes of the 1995 revision was specifically to address the absence of any guidelines to cover cases in which the parents shared placement of their children equally, but it appears that the level of consistency with this guideline is still quite low for these equal shared cases, when consistency is measured with narrower bands. Of course if we widen the criterion for considering cases consistent, then consistency increases.

We do find it encouraging that when child support orders are awarded, they do generally appear to be at or above the levels specified in the guidelines. It remains to be seen if compliance with these guidelines will increase as the use of shared placement continues to grow.

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