

**Full-Time Father or “Deadbeat Dad”? Does the Growth in Father Placement Explain the Declining Share of Divorced Custodial Parents with a Child Support Order?**

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Revised October 2012

The research reported in this paper was supported by a Child Support Research Agreement between the University of Wisconsin Institute for Research on Poverty (IRP) and the Wisconsin Department of Children and Families. The views expressed are those of the authors alone. We thank the IRP Court Record Data collectors and the IRP Datacore staff for collecting and constructing the data used here, and Dawn Duren and David Chancellor for assistance with the report.

## **Abstract**

Despite substantial policy attention, the proportion of custodial parents due child support is falling. One potential explanation is that there are more cases in which children live at least part of the time with each parent, and these cases are less likely to have orders. We use data on over 6,000 divorces in Wisconsin, differentiating between early cases (1996 to 1998) and later cases (2004 to 2007). We find that controlling for placement arrangements explains some (but not all) of the difference in the likelihood of an order between the early and later period.

## **Full-Time Father or “Deadbeat Dad”? Does the Growth in Father Placement Explain the Declining Share of Divorced Custodial Parents with a Child Support Order?**

Improving child support enforcement is a key family policy goal because child support is the primary policy tool used to assure private financial support of children of divorced or never-married parents. Over the last 30 years, increases in nonmarital childbearing (Hamilton, Martin, & Ventura, 2010; Martin et al., 2009) and continued high levels of divorces (Bramlett & Mosher, 2002) have increased the population potentially served by the child support system, at the same time that political and economic changes have reduced the availability of alternative public economic support for children in low-income families (e.g., welfare) (Cancian, Meyer, & Caspar, 2008). Together these changes have created new challenges and opportunities for the child support system.

Child support enforcement policy has been expanded and strengthened in an effort to improve the economic wellbeing of children, and to reduce costs to taxpayers of alternative public supports (Garfinkel, Meyer, & McLanahan, 1998; Pirog & Ziol-Guest, 2006). Although program data through the end of the 1980s showed growth in the number of child support cases with payments and improvement in the proportion of cases with orders,<sup>1</sup> Census reports for this period showed that for the population of custodial parents as a whole, there were few improvements, and even declines (e.g., Hanson, Garfinkel, McLanahan, & Miller, 1996). With new policy changes and continued focus on implementation and enforcement, the Census figures began to improve, with increases over the 1990s in the proportion of demographically eligible parents with orders and in payment levels (Grall, 2011). But this success has been short-lived; in recent years the trends in outcomes for the formal child support enforcement system appear to have stagnated or even declined.

This recent decline can be readily seen in the proportion of custodial-parent families with a child support order. According to national survey figures drawn from the Current Population Survey-Child Support Supplement (CPS-CSS), the proportion of custodial-parent families who report having a child

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<sup>1</sup>See OCSE annual reports and statistics, the most recent of which are available at <http://www.acf.hhs.gov/programs/cse/pubs/>

support order increased somewhat from 1993 (57.0 percent) to 2003 (60.0 percent), but then declined to 57.3 percent in 2005, 54.0 percent in 2007, and 50.6 percent in 2009. (Grall, 2011). The decline in the prevalence of child support orders is particularly important in that the system's attempts to improve the economic situation of vulnerable families cannot proceed if there is not a formal child support order; that is, the system's monitoring and enforcement tools come into play only when there is a legal order.

This decline in orders in the face of continued policy attention is something of a mystery. Some have argued that this merely reflects a change in the types of cases coming into the child support system, with more nonmarital cases that typically have a lower likelihood of orders. While this may be part of the story, it is not the only story, as the proportion of ever-divorced cases with a child support order also declined, from 69 percent in 1999 to 60 percent in 2009.<sup>2</sup>

Others have argued that the decline represents the failure of child support policy to enforce noncustodial fathers' obligations. Especially given increased nonmarital births, mothers may not even pursue a child support order—creating an extreme form of “deadbeat dad,” so disengaged that no legal obligation for support exists. However, over the same period some national data show that there have been marked increases in the number of households that include a single father and his resident children (Kreider & Elliott, 2009), and some state-level data show increases in the number of divorce cases in which children spend half their overnights with their father and half with their mother (Brown & Cook, 2011; Cancian & Meyer, 1998; Cook & Brown, 2006). These are cases in which a child support order may be less common because they involve an extreme form of engaged father, one who is a full-time father (for at least for part of the week).

Why has the decline in the likelihood of child support orders among divorce cases occurred? In this paper we explore several explanations, with a primary focus on whether changes in where children

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<sup>2</sup>These numbers come from manipulation of the numbers on the detailed tables available on the U.S. Census Bureau web site; see <http://www.census.gov/hhes/www/childsupport/cs09.html>

live (primarily more children living with their father or with each parent part of the week) explain the decline.

## I. LITERATURE REVIEW

Three distinct literatures are related to our examination of whether changes in placement (physical custody) outcomes over time explain the declining share of custodial parents with child support orders. We first consider research addressing the likelihood of having a child support order, reviewing the policy context, characteristics associated with having an order, and trends in the likelihood of an order. Second, we review the literature on placement arrangements, including the policy context, the distribution of different types of placement arrangements documented in recent analysis, characteristics associated with placement arrangements, and information on trends over time. Finally, we bring these literatures together and review the small literature on the extent to which placement is related to the likelihood of an order.

### Child Support Orders

*Policy Context.* Historically, there was great variation in the amount of child support ordered on behalf of children not living with both parents even among cases with similar characteristics; in fact some might have had orders while others did not (Garfinkel et al., 1998; White & Stone, 1976–77). Married parents who divorced could have child support ordered in their divorce decree, but whether there was an order, and its amount, could be negotiated, and was often a matter of judicial discretion (White & Stone, 1976–77). The process for orders for nonmarital children also involved judicial discretion, but differed in that a legal finding of paternity was required before a legal order could be set. As a result, the prevalence of child support orders differed not only across states, but also across judicial districts within the same state (White & Stone, 1976–77).

With a growing recognition that children in single-parent families were economically vulnerable, more explicit policies governing the establishment of child support orders, and expected levels of support,

became more widespread. Federal legislation in 1984 and 1988 required each state to have a numerical guideline that was available (1984) or presumptive (1988) in the setting of orders. The guidelines in the vast majority of states are built on a principle of continuity of expenditure (Garrison, 1999), which hold that child support orders should reflect the amount a parent would have spent on a child had the parents lived together. As a result, at least conceptually, child support orders are required in each case in which a noncustodial parent would have spent more on the child had he or she lived with the child.

The continuity-of-expenditure principle suggests two important circumstances in which child support might not be ordered. First, some parents may be spending as much on their child as they would have had they, their child, and the child's other parent all lived together. The prototypical case of this type is shared placement, in which a child spends a substantial amount of time with each parent, and thus both parents may each be spending as much (or more) on the child as they would if they were together. Several states address whether there should be orders, and at what level, in this type of shared placement case (Venohr & Griffith, 2005). Often the guidelines imply no order is required, especially if parents' incomes are similar and the time spent with each parent is similar.

A second type of case in which application of the continuity-of-expenditure principle would not result in an order involves a noncustodial parent who has zero income or very low income. In these cases, a parent might not be contributing much in dollar terms to the child even if the parents lived together. Many state guidelines have special rules for these low-income cases: some states have self-support reserves in which nothing is owed until a certain income level is reached; other states require a minimum order; others impute potential income in these cases and then assign an order accordingly, and still others assign orders, but do so with special rules that results in lower percentages of income owed (Cancian, Meyer, & Han, 2011). A special type of low-income case involves a noncustodial parent who is incarcerated; the guidelines in many states do not allow orders to stop merely because a noncustodial parent is incarcerated (Meyer & Warren, 2011). This procedure follows if incarceration is seen as voluntary unemployment, which generally is not a reason to cancel or forego a child support order.

Note that the continuity-of-expenditure principle leads to different results than if child support orders are set based on what a child “needs.” If the basis of an order is to ensure that the child has basic needs covered, then orders could be unnecessary when custodial parents have moderate or high incomes. Similarly, if the basis is to ensure that basic needs are covered, then even very low-income noncustodial parents could be ordered to pay support. In contrast, the continuity-of-expenditure principle generally implies that there should be an order when custodial parents have high incomes (as long as the noncustodial parent would have spent something on the child had they stayed together) and might lead to no order for noncustodial parents with no income (because they would not spend anything on the child even if they were together).

Thus, under the principle that undergirds policy in nearly every state, there could be no order, and it would be consistent with that policy if parents share placement or the noncustodial parent has very low income. But there are other cases in which policy suggests an order would be appropriate, but policy is not applied. Custodial parents receiving Temporary Assistance to Needy Families (TANF), Medicaid, and in some states, the Supplemental Nutrition Assistance Program (SNAP), child care subsidies, or the State Children’s Health Insurance Program (SCHIP), are required to cooperate with the state child support office as a condition of receiving benefits. In these cases the child support office attempts to secure a child support order (Roberts, 2005), although domestic violence cases can receive an exception to this rule (Roberts, 2005). Parents not receiving these types of benefits may choose not to participate in the child support program—perhaps because they do not want to have contact with the other parent, or because they do not feel a formal order is necessary, as discussed below (Grall, 2011). Thus, some custodial parents may not have orders by choice, while others have less choice.

*Characteristics Associated with Orders.* The most recent national data, the CPS-CSS, includes questions asked of custodial parents in the spring of 2010 (Grall, 2011). Published data provide some simple bivariate relationships between characteristics of custodial parents and the likelihood of having a child support order. Among the characteristics that are shown in the published reports, the largest difference is gender: 55 percent of custodial mothers have a child support agreement (here taken as

equivalent to a child support order),<sup>3</sup> compared to 30 percent of custodial fathers. In general, those more disadvantaged are less likely to have orders, including custodial parents with less education, custodial parents of color, and those below the poverty level (Argys & Peters, 2001; Argys, Peters, & Waldman, 2001; Beller & Graham, 1986; Hanson et al., 1996; Huang, 2010; Huang & Pouncy, 2005; Miller & Garfinkel, 1999; Peterson & Nord, 1990; Robins, 1992; Seltzer & Garfinkel, 1990; Teachman, 1990). Those who have never been married have lower rates of child support orders (44 percent) than those who are now married (53 percent) or divorced (59 percent); this relationship has been confirmed in many multivariate analyses accounting for other observable characteristics (e.g., Beller & Graham, 1986; Hanson et al., 1996; Huang, 2010; Huang & Pouncy, 2005; Peterson & Nord, 1990; Robins, 1992). One reason for this difference could be that parents who have not been married need an extra legal step before an order can be assessed (that is, paternity must be formally established); another potential reason is that formally dissolving a marriage requires a legal action, so there is a natural point for a legal action on child support; in contrast, dissolving a cohabiting relationship does not necessarily lead to legal action in the same way, and thus orders may be less likely for those who were cohabiting. Overall, the research shows the importance of marital status, the level of disadvantage, and the policy environment (e.g., Argys et al., 2001; Hanson et al., 1996; Huang 2010; Huang & Pouncy, 2005; Miller & Garfinkel, 1999).

Other information on the characteristics associated with having an order can be found in the CPS-CSS. In this survey, parents without legal agreements are asked why they do not have one, and offered several potential responses. The respondent can agree with more than one reason. The most common reasons in 2010 were “Other parent provides what he or she can” (34 percent), “did not feel need to make legal” (32 percent), and “other parent could not afford to pay” (29 percent). There are several other reasons possible, including a response of “child stays with other parent part of the time,” which was endorsed by 18 percent of custodial parents.

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<sup>3</sup>Note, however, that there could be a legal agreement that covers arrangements regarding the child but does not require formal child support. For example, the agreement could provide for a child to live half time with each parent and could specify that no financial transfers are required.

*Trends.* As reviewed above, the proportion of custodial parents with child support orders in the national data generally increased from 1993 to 2003 but has been falling since. Several earlier studies explored the time trend in the likelihood of child support orders (e.g., Beller & Graham 1986; Garfinkel & Robins, 1994; Hanson et al., 1996; Miller & Garfinkel, 1999) and had mixed findings. For example, Hanson and colleagues (1996) find that once characteristics of parents are controlled, there is little remaining time trend in the likelihood of orders from 1979 through 1989. Garfinkel and Robins (1994) show that even after controlling for characteristics of the parents and changes in child support policy, there was a decline in the likelihood of an order between 1978 and the mid-1980s, before beginning to improve by 1987. There have been fewer studies of the more recent period; one analysis is by Huang (2010). His focus is not on the time trend per se, but in the effects of enforcement policies over the 1994 to 2004 period. In his main model, there is no discernible effect for child support enforcement policies; however, when mothers are separated into age groups, enforcement efforts are associated with an increased likelihood of having a child support order for younger mothers only. This highlights the importance of analyses examining custodial parents of different cohorts, who faced different policy regimes at critical points.

Given that one of the reasons custodial parents give for not having an order is that the other parent could not afford to pay, some research has tried to explore whether some of the time trend can be explained by changes in mothers' and fathers' earnings. Declines in men's income appears to be an important component of the declines in order rates in this older research (e.g., Hanson et al., 1996), however, these studies did not have data on fathers, and so had to rely on estimates of father's income based on the mother's characteristics or on aggregate averages of men's earnings or incomes.

The CPS-CSS data can be used to examine the time trend in the reasons custodial parents give for not having a legal order. Although most of the reasons show no clear time trend between 1993 and 2009, either overall or separately for custodial mothers and custodial fathers, there are two exceptions. First, the proportion reporting that one of the reasons they do not have a legal agreement is that the "child's other parent provides what he/she can" has increased, from 21.0 percent in 1993 to 34.4 percent in 2009.

Second, and most relevant for our inquiry, the proportion saying they do not have an order because “the child stays with the other parent part of the time” has increased from 9.7 percent in 1993 to 17.7 percent in 2009. The increase related to shared placement is particularly large among custodial fathers, with this reason endorsed by 12.7 percent in 1993 and 28.7 percent in 2009.

As a whole, the research on child support orders is somewhat limited. First, the research focuses primarily on custodial mothers, and there is less work on custodial fathers, and, especially, cases in which both parents share placement. Second, data limitations mean that the research generally can focus only on one parent’s characteristics, as data on both parents is seldom available (or available only for a limited number of fathers). Finally, the research has generally explored the stock of child support cases as a whole, including cases that entered the child support system in different periods, limiting our ability to detect recent trends and changes.

### Child Placement

*Definitions.* In this paper, we make a distinction between physical placement/custody, referring to where children live, and legal custody, referring to who can make important decisions about the child (Seltzer, 1990); our focus in this paper is only on physical placement because it is directly related to whether there is a child support order. Several physical placement arrangements are possible. Sole placement means that children primarily or exclusively live with one parent; the other parent may have a schedule for seeing the children including a schedule for some overnights. As used in this paper, “shared placement” refers to cases in which the children spend a significant number of overnights with each parent. We differentiate between “equal” shared placement and “unequal.” States have different thresholds for what distinguishes sole placement from unequal shared placement; we use here the current Wisconsin distinction in which unequal shared placement involves a child staying with one parent 25 to 49 percent of the time and the other parent 51 to 75 percent of the time. This then means that the five main placement types for a single child can be differentiated by the percentage of overnights spent with the mother: sole mother (76 to 100 percent), shared with mother primary (51 to 75 percent), equal shared

(50 percent), shared with father primary (25 to 49 percent), and sole father (0 to 24 percent). In multiple-child families, another possibility is “split” placement, defined here as at least one child having primary residence with the mother and at least one child having primary residence with the father. Finally, some children do not live with either parent, and, in a multiple-child family, there may be other combinations (one child with sole placement and another with equal shared time, for example).

*Policy Context.* Divorce decrees include provisions for where any minor child will live. (They also include provisions for legal custody.) When paternity is formally established for nonmarital children, the paternity establishment action can also include provisions for where the child will live. For most of the twentieth century, the most common outcome when children did not live with both parents was for them to live with their mother (e.g., Buehler & Gerard, 1995). This followed from gender norms in which mothers were seen as better caretakers of children, especially young children. However, policies with explicit gender preferences were overturned and replaced with a more general guiding principle of the “best interest of the child” rather than an explicit statement that children should live with their mother. For example, the current Wisconsin statute (767.24(5)) states explicitly, “The court may not prefer one potential custodian over the other on the basis of the sex or race of the custodian.” Late in the twentieth century, some states changed their policy further, so that they were not merely gender-neutral, but even had provisions encouraging the involvement of both parents. Wisconsin again provides an example, with its statute (767.24(4)(b)) stating “A child is entitled to periods of physical placement with both parents unless, after a hearing, the court finds that physical placement with a parent would endanger the child’s physical, mental or emotional health.”

*Placement Outcomes and Characteristics Associated with these Outcomes.* No recent nationally-representative data set has finely-tuned information on placement outcomes. The 2009 CPS-CSS does provide information on the number of custodial mothers and custodial fathers, based on where individuals say their children live, with 82.2 percent of custodial parents being mothers and 17.8 percent fathers (Grall, 2011). However, a more finely-tuned categorization of placement outcomes is not possible with these data; some of these parents have sole placement, others have unequal shared placement, and others

have equal placement.<sup>4</sup> Some studies of divorces that cover at least part of the 1990s provide information on placement outcomes, but these studies are often limited by an inability to differentiate physical placement (where children live, our interest here) from legal custody (who makes decisions about children) (e.g., Clarke, 1995; Donnelly & Finkelhor, 1993). The most recent finely-tuned national data is dated, containing information from divorces in the late 1970s and 1980s (Kelly & Rinaman, 2003). In these data, 80 percent have sole-mother placement, 11 percent have sole-father placement, 3 percent have equal-shared placement (or “nearly equal”), and 6 percent have unequal-shared placement, without a differentiation between mother-primary and father-primary (Kelly & Rinaman, 2003).

Models of the placement decision often begin with the economics of the family (Becker, 1981). These posit that within marriage, spouses can benefit from specialization, so a traditional arrangement would have husbands focus on the labor market and wives on caregiving. After divorce, then, this pattern could mean that mothers would gain sole placement because this would most closely parallel the pre-divorce arrangement (Weiss & Willis, 1985). However, with changes in parental roles over time, it is less clear that sole-mother placement parallels the pre-divorce arrangements for recent divorces. Another economic factor is that shared placement is more expensive than sole placement in that both parents need to have sufficient resources for their household to accommodate children being present a substantial portion of the time (Melli & Brown, 1994); this implies that shared placement would be more likely among couples with more income. An alternative model of placement outcomes is that placement is determined through a bargaining and negotiation process (Mnookin & Kornhauser, 1979; Teachman & Polonko, 1990); one potential result could be that the parent with more power in the relationship or the parent who initiates divorce proceedings may be more likely to get the placement outcome he/she desires. A final framework derives from studies of child development and the way that the legal process works, and suggests that placement outcomes are related to children’s characteristics, especially their age and

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<sup>4</sup>While the CPS-CSS does report on the number of cases with “joint custody,” this could refer to where the child lives, or legal custody, or both.

gender, with older children and boys more likely to live at least some portion of their time with their fathers. More generally, then, studies of placement have broadly proceeded from models in which placement outcomes are a function of the parents' economic characteristics, the legal environment, and child characteristics (e.g., Fox & Kelly, 1995).

Empirical studies generally show some support for these frameworks. For example, consistent with the specialization framework, couples in which both parents are employed are generally more likely to have shared placement than sole-mother placement (Cancian & Meyer, 1998; Juby, Le Bourdais, & Marcil-Gratton, 2005). Shared placement is more likely when parents have more income (Cancian & Meyer, 1998; Cook & Brown, 2006; Donnelly & Finkelhor, 1993; Juby et al., 2005), consistent with economic constraints. Related to the bargaining framework, as a mother's share of the couple's total income rises, she is more likely to have some placement (Cancian & Meyer, 1998). Similarly, if only the father has a lawyer, father-sole placement is more likely, as is shared placement (Cancian & Meyer, 1998; Cook & Brown, 2006). Consistent with children's characteristics being important, father placement is more likely when children are older or boys (Cancian & Meyer, 1998; Fox & Kelly, 1995; Juby et al., 2005). Finally, new partners, previous partners, and previous children also may be important, in general decreasing the likelihood of sole placement (Cancian & Meyer, 1998; Juby et al., 2005).

*Trends.* The review of the legal environment above suggests trends toward policies that encourage (or no longer discourage) father placement or shared placement. Similarly, to the extent that rigid gender roles have changed over time, with fathers making greater contributions to caregiving, and mothers greater contributions to earnings, one might expect decreases in mother sole placement.

The CPS-CSS shows that the number of custodial fathers has increased from 2.18 million in 1993 to 2.44 million in 2009; during this period the number of custodial mothers remained stable (from 13.69 million to 13.67 million). As a result, the proportion of all custodial parents who are fathers also increased during this time period (from 16.0 percent to 17.8 percent). However, because of the limitations of the CPS-CSS it is unclear whether this increase reflects a greater proportion of father-sole placement, or more fathers reporting that they are custodial parents because they have some type of shared placement. Indeed,

state-level empirical research that has examined actual placement arrangements shows substantial increases in shared placement without much increase (if any) in father-sole placement (Cancian & Meyer, 1998; Cook & Brown, 2006), and some international research suggests that a significant proportion of children thought to be living with their father only are actually sharing time with both parents (Toulemon & Pennec, 2010).

### Child Support Orders within Placement Types

The policy review above suggests that most custodial parents should have a child support order if they desire one. However, the guidelines in effect in some states do not require orders when children are in equal shared-placement situations (Brown & Brito, 2007). Moreover, even if the guidelines suggest orders in these cases, parents may be likely to forego orders. This could be because they feel the other parent is doing a substantial amount for the children through providing a home, or because orders in shared-placement cases may be small.<sup>5</sup> This suggests that child support orders may be least likely in equal shared-placement cases, followed by unequal shared-placement cases. Indeed, this is consistent with the limited empirical research (for a summary, see Meyer, 2000).

Some have also observed that child support orders may be less likely among father sole-placement cases. This may be because these can be cases in which the mother has very low income (Christensen, Dahl, & Rettig, 1990; Meyer & Garasky, 1993), and these may include those in which the mother is incarcerated. This low income (rather than gender itself) may make orders less likely. As we have noted, in the CPS-CSS custodial fathers are less likely to have orders: 30 percent, compared to 55 percent for custodial mothers.

The CPS-CSS also allows us to examine trends in the likelihood of child support orders separately for mothers and fathers. The proportion of custodial mothers with a legal agreement increased

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<sup>5</sup>One pattern for determining orders in shared-custody cases would be to treat both parents as if they were the noncustodial parent and see how much they should be paying the other parent; these amounts are then offset against each other, and any order would be based on the net amount, which might be small, especially if the parents have similar incomes and/or share equal time.

from 59.8 percent in 1993 to a high of 64.2 percent in 2003, before declining steadily to 54.9 percent in 2009. The trend for custodial fathers is less clear, starting at 42.2 percent in 1993, and not increasing; however, there is a large decline from 2007 to 2009, from 40.4 percent to 30.4 percent, so the recent decline can be seen for both mothers and fathers.

### Summary

The prevalence of child support orders among custodial parents has declined by over ten percentage points in the last eight years. The reason for this decline, in spite of substantial policy attention on child support, is a puzzle. One reason may be that placement outcomes have changed, toward more father-placement and more shared-placement types of cases that are least likely to have child support orders. Other potential reasons highlighted by the policy review include changes in the prevalence of cases in which the noncustodial parent has very low income or changes in the likelihood that a case has to cooperate with the child support system. Another potential reason may be changes in the prevalence of cases in which the noncustodial parent has less income than the custodial parent; even though policy suggests that there should be orders in these cases, the court may be reluctant to impose orders. Despite some empirical research on the kinds of cases that have orders, trends in orders, the kinds of cases that have different placement outcomes, and trends in placement, we still know little about reasons for the decline in orders, and in particular, whether placement changes can explain any of the decline in the prevalence of orders among divorce cases.

## II. DATA AND METHODS

### Data and Sample

To assess the role of changes in placement arrangements and the implications for changes in the prevalence of child support orders, we use the most recent cohorts of the Court Record Data (CRD) for Wisconsin, which include information collected from the court records of over 6,500 divorce cases with

minor children.<sup>6</sup> These data are unique in including detailed information on physical placement and child support arrangements over an extended period, as well as information on family and parents' characteristics (Brown, Roan, & Marshall, 1994). Data come from 21 Wisconsin counties, including the largest urban county in the state, Milwaukee. We also use information from administrative records to measure the earnings, welfare (Temporary Assistance to Needy Families, TANF), and food stamps (SNAP) received by parents, with these records matched to the divorce records through social security numbers. All results presented here are weighted to adjust for different sampling probabilities across counties.

We use data from all eight waves, or cohorts, of the CRD that were collected between 1996 and 2007: cases with final judgments in about 1996 to 1998, 2001, and 2003 to 2007. The primary analysis reported here focuses on changes between the early period (1996 and 1998) and the most recent period (2004 to 2007). Although the period of data collection varies across cohorts (averaging 2.2 years to 6.2 years after the date of the divorce petition), cases are observed long enough that 96 to 98 percent of divorce cases reach a final divorce judgment during the observation period.

Our sample begins with all divorce cases with a minor child when the divorce petition was filed (6,518); we exclude cases in which the parents reconcile and cases without an observed final divorce judgment, leaving 6,397 cases. We also exclude cases in which physical placement was awarded to a third party (e.g., a grandparent or a foster parent) or was missing, leaving 6,343 cases, and, finally, we eliminate 57 cases that did not have minor children at the time of the final divorce judgment. Thus our final sample is 6,286 cases. For some descriptive analyses, we select a subset of these cases, contrasting the 1,532 early-cohort cases (from 1996 to 1998) with the 2,311 later-cohort cases (from 2004 to 2007). For statistical comparisons over time and multivariate analyses, we further eliminate cases in which split placement is awarded, using a final sample of 1,473 cases for early cohorts and 2,254 for late cohorts.

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<sup>6</sup>The dataset also includes paternity (nonmarital) cases. This paper focuses only on divorce cases; a companion paper provides a comparable analysis on nonmarital cases .

## Measures

Our key outcome is whether there is a child support order. We use the divorce final judgment in this determination. We include only orders for money that is to be transferred from the noncustodial parent to the custodial parent; thus, we ignore orders to pay fees to the state, for example.

We are interested primarily in whether changes in placement explain differences in the likelihood of an order. We use information contained in the divorce record's final judgment to categorize cases into different physical placement types. In particular, we distinguish a series of divisions between mother and father that range from: (1) mother-sole placement, (2) mother-primary shared placement, (3) equal shared placement, (4) father-primary shared placement, to (5) father-sole placement. For the basic descriptive analysis we also consider split placement (in which at least one child lives with the mother and at least one with the father). Because of small sample sizes, in most analyses we combine father-primary and father-sole placements.<sup>7</sup>

In addition to our primary hypothesis, that changes in placement explain the decline in orders, we evaluate three alternate hypotheses regarding the decline in orders: that there are fewer welfare cases required to cooperate with the child support agency, that there are more cases in which the noncustodial parent has very low income, and that there are more cases in which the custodial parent's income is comparable to or more than the noncustodial parent's.<sup>8</sup> To measure the use of welfare, we consider whether either parent received TANF or SNAP (food stamp) benefits at any point in the year prior to the final judgment, using administrative records of benefits. The best measurement of income is not

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<sup>7</sup>In order to distinguish mother (or father) sole placement from mother (or father) primary placement we use the threshold generally in place for each cohort. Wisconsin changed the threshold in January 2004, moving from a 30 percent time-share threshold (in which children live with the primary parent 51–70 percent of time and the other parent 30–49 percent of the time) to a 25 percent threshold (in which children live with the primary parent 51–75 percent of time and the other parent 25–49 percent). The latter standard is applied to cases decided after 2004. The results are robust to using a consistent standard across all cohorts (see Brown & Cook, 2011).

<sup>8</sup>Note that we operationalize these variables based on custodial/noncustodial parent, rather than mother/father. We do this because we anticipate lower likelihood of orders when the noncustodial parent has lower income than the custodial parent. Operationalizing these variables based on gender generally leads to the same conclusions, although the relationships are stronger when the basis is custodial/noncustodial parent. In cases with equal time, we consider the mother as the custodial parent in defining these variables.

straightforward. For each parent, there are two potential sources of income information. First, the court record often includes individual income, although it is not clear if this is previous income, anticipated income, or a combination. We also have some income sources from administrative records: earnings from the unemployment insurance records, and information on TANF and SNAP (food stamps) benefits from other administrative records. Our measure of income from administrative sources is the sum of earnings and TANF over the previous year. We then add SNAP benefits to both the court record and to the administrative measure of income because we consider SNAP benefits to be income. We use the maximum of the adjusted court record measure and the administrative measure for each parent's income; alternative assumptions do not lead to different conclusions. This measure of income is then also used to construct variables denoting the noncustodial parent having income less than the poverty threshold for a family size of one, and three measures of relative income: the custodial parent's income is less than 80 percent of the noncustodial parent's income, the custodial parent's income is greater than 120 percent of the noncustodial parent's income, and the custodial parent's income is between 80 and 120 percent of the noncustodial parent's (comparable incomes).<sup>9</sup>

We also account for other factors measured in the court record that may be related to the likelihood of an order or the likelihood of different placement outcomes, sharpening our ability to detect whether changes in placement account for changes in the likelihood of an order. These factors include characteristics of children (their number, age, and gender), characteristics of the parents and the marriage (who initiated the divorce proceedings, the length of the marriage, whether either parent had had previous children with a different partner, which parent petitioned for the divorce, and whether the father was substantially older than the mother), and characteristics of the environment (whether in Milwaukee county, another urban county, or a rural county).

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<sup>9</sup>In the 5 percent of cases in which the noncustodial parent's income is missing, we impute the median noncustodial parent's income, examining incomes only for those in the same cohort and with the same physical placement outcome. Similarly, we impute the median custodial parent's income (within category) whenever it is missing (around 3 percent of the cases).

## Research Questions and Empirical Approach

We begin by documenting changes over time in the likelihood of orders in recent divorces in Wisconsin. We then consider changes over the same period in placement outcomes, the prevalence of welfare use, fathers with very low income, and couples with similar relative incomes. We use simple graphical analysis and t-tests of whether characteristics and outcomes in the earlier period differ from that of the later period.

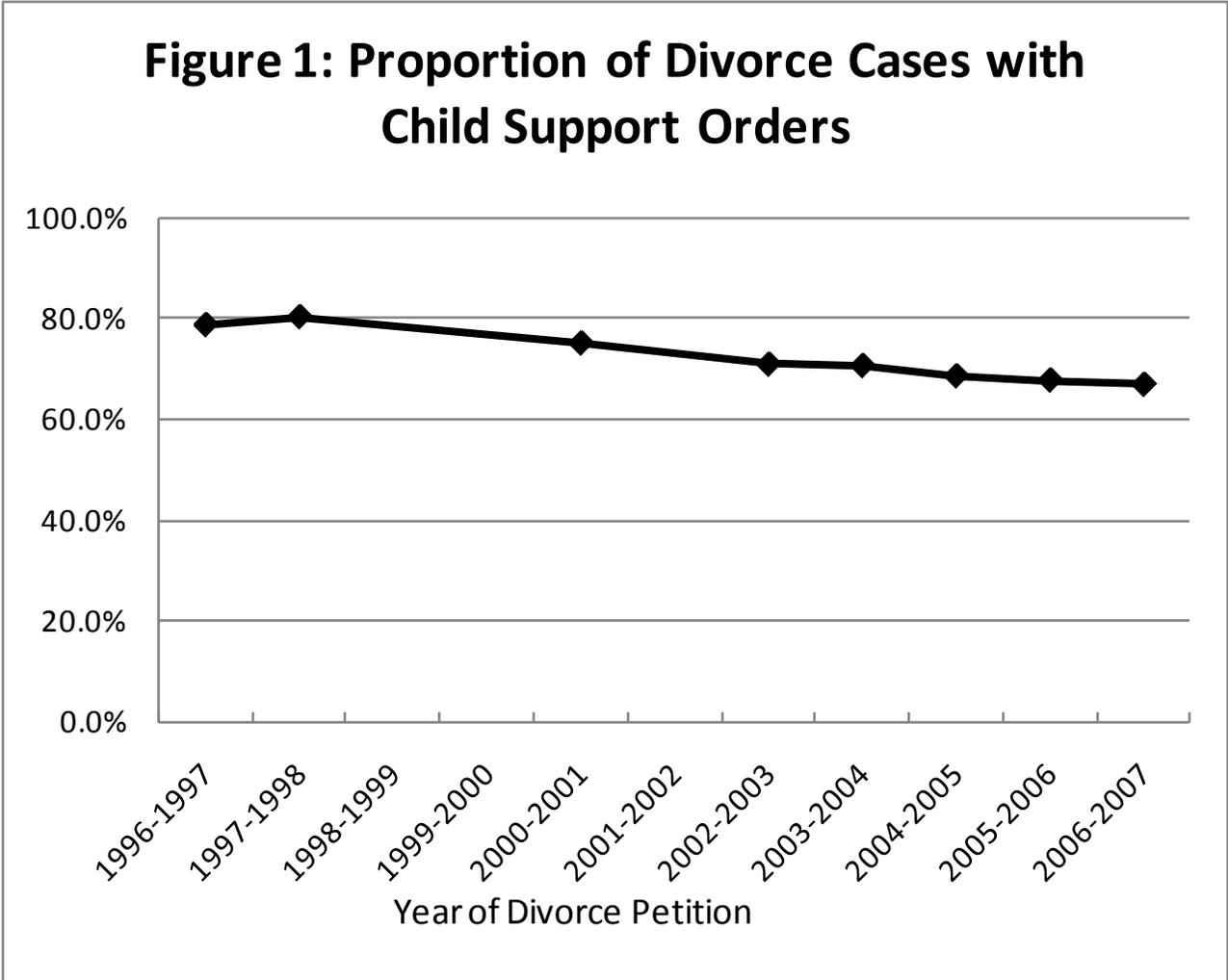
We then estimate the extent to which these changes may account for changes in the likelihood of orders over time. We estimate a series of linear probability models examining the probability of having a child support order, documenting the extent to which the estimated time trend is robust to the inclusion of controls for the background characteristics of divorce cases in the two periods. (Logit models lead to similar conclusions.)

Our simplified approach imposes a range of restrictions. As discussed below, we do not account for the full range of relationships between demographic and economics characteristics, placement outcomes, and orders. Nonetheless, our analyses enable us to draw tentative conclusions about whether the time trend in orders can be explained by five factors: background characteristics, the proportion of cases that are required to cooperate with the child support agency, the proportion of cases in which noncustodial parents have low incomes, the proportion of cases in which the noncustodial parent has lower incomes than the custodial parent, and changes in placement.

### III. RESULTS

#### What Is the Time Trend in Orders?

Figure 1 shows the trend in the likelihood of having a child support order among Wisconsin divorces. It shows a clear trend toward a lowered likelihood of an order. Contrasting the early period (1996 to 1998) with the late period (2004 to 2007), the prevalence of orders has gone from about four in



**Data Source:** Wisconsin Court Record Database.

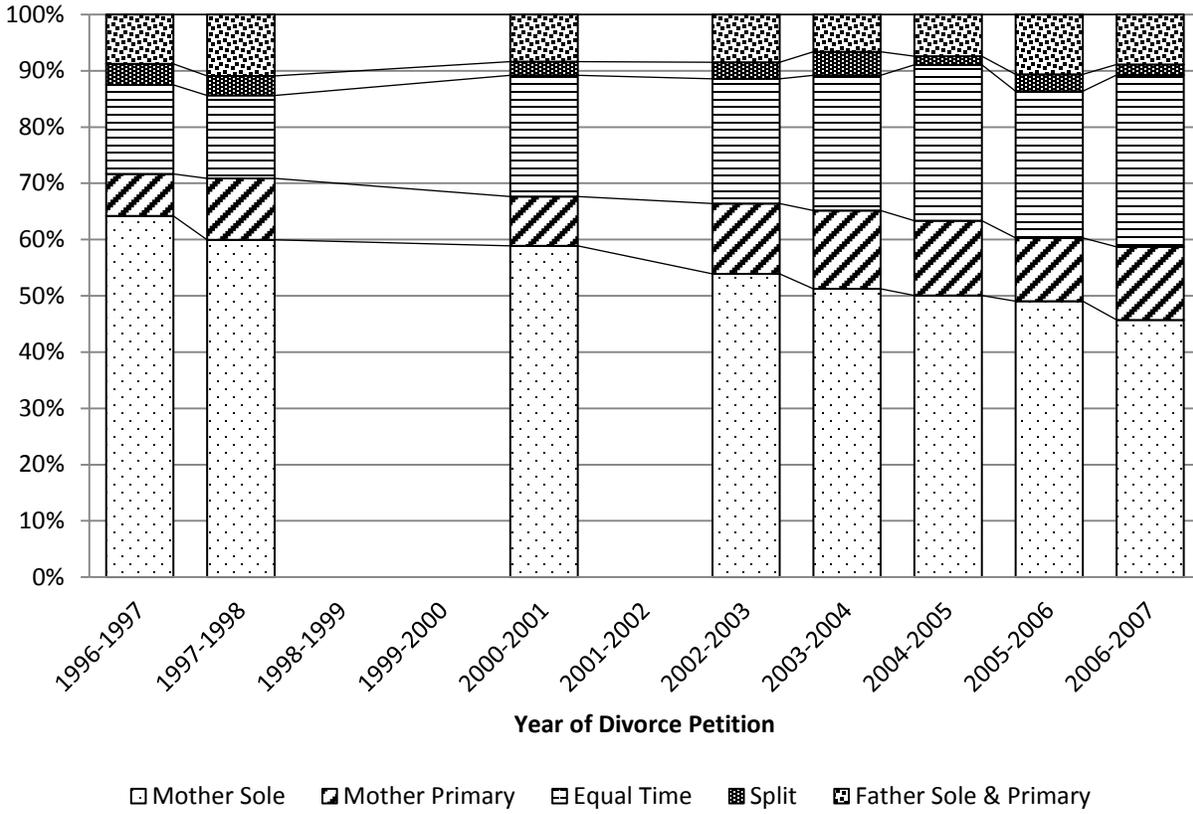
five to about two in three. Thus the national trend, which shows a declining likelihood of orders among all custodial parents, can also be seen among recent Wisconsin divorces.

### Do Divorces in the Most Recent Cohorts Have Similar Placement Outcomes and Similar Characteristics to Divorces in the Earlier Cohort?

We begin by examining changes in physical placement. Figure 2 shows the change over time. The share of mother-sole placement declines from 64 to 46 percent, a decline that is largely mirrored by the near doubling of equal shared placement from 16 to 31 percent of all cases. This is a dramatic change in the living situations of children of divorce over a short period of time.

Placement outcomes may not be the only change over this period. Table 1 examines the variables associated with the alternative hypotheses that changes in income or benefit use contribute to the decline in orders. For this analysis, and those that follow, we examine only cases from the early period (1996 to 1998) and the late period; we also exclude a small number of cases with split placement (59 cases from the early period and 57 from the later period). The mean income for noncustodial parents is about \$48,000 to \$49,000 per year, and it has not changed over this period. Custodial parent's incomes are lower, but increased significantly between the early and the later period. In the early period, custodial parents had lower income than noncustodial parents in 48 percent of cases; this was 47 percent in the later period (not a statistically significant difference). There were increases in the percentage of cases in which the custodial parent had more income than the noncustodial parent, from 24 percent to 28 percent and in which the parents had similar incomes (from 16 percent to 20 percent). In a small number of cases the noncustodial parent had income below the poverty threshold (7 percent in the early period, 9 percent in the later, not a statistically significant difference). The likelihood one of the parents will have received TANF or SNAP in the previous year increased between the periods, from 15 to 24 percent, an increase that was entirely due to increases in SNAP participation; TANF receipt declined. These simple descriptive statistics suggest that it is not likely that the decline in orders can be directly attributed to a decline in cases required to use the child support system (due to TANF or SNAP participation), since the

**Figure 2: Placement Outcomes for Divorce Cases**



**Data Source:** Wisconsin Court Record Database.

**Table 1: Selected Characteristics of Divorce Cases, 1996–1998 and 2004–2007**

| Variable  | Divorces<br>1996–98 | Divorces<br>2004–07 | Significant<br>Trend? |
|---|---------------------|---------------------|-----------------------|
| Income Information  |                     |                     |                       |
| Noncustodial parent's income (s.d.)                                   | \$47,623<br>(2051)  | \$49,412<br>(1119)  |                       |
| Missing noncustodial parent's income; custodial parent's income known | 0.07                | 0.04                | **                    |
| Custodial parent's income (s.d.)                                      | \$31,937<br>(945)   | \$35,918<br>(676)   | **                    |
| Missing custodial parent's income; noncustodial parent's income known | 0.04                | 0.01                | **                    |
| Missing both parents' income  | 0.01                | 0.00                | **                    |
| Custodial parent's income < 80% noncustodial parent's income          | 0.48                | 0.47                |                       |
| Custodial parent's income > 120% noncustodial parent's income         | 0.24                | 0.28                | *                     |
| Custodial and noncustodial parent's income similar (80%–120%)         | 0.16                | 0.20                | *                     |
| Noncustodial parent's income below poverty                            | 0.07                | 0.09                |                       |
| Either parent received TANF or SNAP                                   | 0.15                | 0.24                | **                    |

\*\*  $p < .01$ ; \*  $p < .05$

**Note:** Sample size 3,727 divorces; 1,473 in the 1996–98 period and 2,254 in the 2004–07 period. Table shows imputed income; because so few cases have missing income, and because we imputed the median income within categories, the imputed and unimputed income is quite similar.

prevalence of these cases actually increased.<sup>10</sup> Increases in the custodial parent's relative income and in the proportion of noncustodial parents who are poor appear more viable explanations from the simple time trend, as do changes in placement, as was shown in Figure 2.

Appendix Table 1 shows the control variables we use in our models. There are very few differences between the early and later period, with the following exceptions: the proportion of cases in which the custodial parent (but not the noncustodial parent) had had children with another partner is increasing. There is a trend away from the custodial parent being the only parent filing for divorce toward both parents filing. Finally, there is a slight trend in geography: there are relatively fewer divorces in Milwaukee County and more in other urban counties in the later period.

#### Does Controlling for Characteristics, Income, or Placement Account for the Decline in the Likelihood of An Order

In our preliminary descriptive model, which includes only an indicator variable denoting being in the later period and an intercept, the coefficient on the later period is -.118 and is statistically significant. Thus, with no other variables included, the point estimates suggest that later-period cases have a 12 percentage-point lower probability of having an order. The estimates from three additional descriptive models are shown in Table 2. The first model, which accounts for background characteristics, demonstrates that those in the later period have a lower likelihood of having an order even after accounting for these characteristics. The coefficient is roughly comparable to the preliminary model, suggesting that orders in the late period are 11 percentage points less likely, once background characteristics are considered. Model 2 adds measures of the income and benefit characteristics of cases. Controlling for these characteristics also does not explain the declining likelihood of orders; the coefficient on the later period is comparable to our preliminary model. As anticipated, the cases in which one (or both) parents received TANF/SNAP, and thus had less control over the child support process,

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<sup>10</sup>Estimating the relationship with SNAP and TANF participation separately does not change our basic conclusions.

**Table 2: Likelihood of Having a Child Support Order**

|   | Model 1   |      | Model 2   |      | Model 3   |      |
|---|-----------|------|-----------|------|-----------|------|
|   | Coeff     | S.E. | Coeff     | S.E. | Coeff     | S.E. |
| <b>Period (compared to (1996–98)</b>  |           |      |           |      |           |      |
| Later period (2004–07)  | -0.108*** | .02  | -0.112*** | .01  | -0.051*** | .01  |
| <b>Income and Welfare Participation</b>   |           |      |           |      |           |      |
| Noncustodial parent low income  |           |      | -0.062*   | .03  | -0.075**  | .025 |
| Both parents income missing   |           |      | 0.053     | 0.08 | 0.023     | 0.07 |
| Only noncustodial parent income missing   |           |      | -0.115    | .04  | -0.067*   | .03  |
| Only custodial parent income missing  |           |      | 0.138**   | .05  | 0.102*    | .04  |
| Received TANF or SNAP   |           |      | 0.100***  | .02  | 0.053***  | .02  |
| <b>Relative Income (compared to parent's income similar)</b>                        |           |      |           |      |           |      |
| Custodial parent's income > 120% noncustodial parent's                              |           |      | -0.103*** | .02  | -0.089*** | .02  |
| Custodial parent's income < 80% noncustodial parent's                               |           |      | 0.164***  | .02  | 0.151***  | .02  |
| <b>Placement (compared to mother sole)</b>  |           |      |           |      |           |      |
| Shared, Mother Primary  |           |      |           |      | -0.090*** | .02  |
| Shared, Equal   |           |      |           |      | -0.468*** | .02  |
| Shared, Father Primary or Father Sole   |           |      |           |      | -0.346*** | .02  |
| <b>Number and Gender of Children (compared to 2+ children, both boys and girls)</b> |           |      |           |      |           |      |
| One child, boy  | -0.069*** | .02  | -0.053**  | .02  | -0.048**  | .02  |
| One child, girl   | -0.036    | .02  | -0.027    | .02  | -0.040*   | .02  |
| 2+ children, only boys  | -0.013    | .02  | -0.011    | .02  | -0.008    | .02  |
| 2+ children, only girls   | 0.019     | .03  | 0.023     | .02  | 0.018     | .02  |
| <b>Age of Youngest Child (compared to 13+)</b>                                      |           |      |           |      |           |      |
| Age of youngest 0–5   | 0.061*    | .03  | 0.041     | .03  | 0.062*    | .03  |
| Age of youngest 6–12  | 0.008     | .02  | -0.004    | .02  | 0.028     | .02  |
| <b>Children from Previous Partners (compared to neither parent)</b>                 |           |      |           |      |           |      |
| Only custodial parent   | 0.038     | .03  | 0.028     | .03  | -0.002    | .02  |
| Only noncustodial parent  | 0.054     | .03  | 0.084**   | .03  | 0.054*    | .03  |
| Both  | 0.113     | .06  | 0.122*    | .06  | 0.069     | .05  |
| <b>Plaintiff (compared to both parents)</b>   |           |      |           |      |           |      |
| Only noncustodial parent  | 0.051*    | .02  | 0.031     | .02  | 0.039*    | .02  |
| Only custodial parent   | 0.133***  | .02  | 0.145***  | .02  | 0.076***  | .02  |
| <b>Characteristics of Couple</b>  |           |      |           |      |           |      |
| Father is 8+ Years Older  | -0.048*   | .02  | -0.042    | .02  | -0.032    | .02  |
| Length of Marriage  | 0.000     | .00  | 0.000     | .00  | 0.001     | .00  |
| <b>Location (compared to other urban counties)</b>                                  |           |      |           |      |           |      |
| Rural   | -0.016    | .02  | -0.025    | .02  | -0.005    | .01  |
| Milwaukee County  | 0.003     | .02  | 0.017     | .02  | -0.020    | .02  |
| Constant  | 0.699***  | .05  | 0.634***  | .05  | 0.789***  | .04  |
| N   |           | 3727 |           | 3727 |           | 3727 |
| R-squared   |           | .045 |           | .123 |           | .313 |

\*\*\* p &lt; .001; \*\* p &lt; .01; \* p &lt; .05

were significantly more likely to have an order. The results for low-income noncustodial parents also support our hypotheses: cases in which the noncustodial parent has low income are less likely to have an order. The results for relative income generally support expectations. Cases in which custodial parents have more income than noncustodial parents are less likely to have an order than couples in which incomes are comparable. Moreover, couples in which income are comparable are less likely to have an order than the traditional case in which the custodial parent has less income than the noncustodial parent.

Finally, in Model 3 we add the placement variables. Adding the placement variables does result in a decline in the size of the later cohort coefficient, though it remains statistically significant. Thus, once placement is controlled, late-period cases are still less likely to have an order than early-period cases, though the period itself accounts for less of the decline. The variables denoting placement are strong predictors of whether there is an order. As expected, cases in which the mother is given sole placement (the omitted category) are most likely to have orders. Cases with mother-primary shared placement are less likely to have an order, by nine percentage points. Cases with equal-shared placement and father-placement are substantially less likely to have orders, with father-placement 35 percentage points lower and equal-shared cases 47 percentage points lower.

Controlling for placement does not generally change our conclusions about the income and benefit variables. The remaining characteristics generally show the expected relationships. For example, parents with only one child are generally less likely to have an order than those with more children. Gender is not strongly related to the probability of an order in Model 3, which controls for placement (previous research has shown that child's gender is related to placement). Cases with the youngest children are most likely to have an order. When the noncustodial parent has had a child with a previous partner, an order is more likely. When either parent initiates the divorce by themselves, an order is more likely than if the couple initiates the divorce together; within this, orders are most likely when the custodial parent initiates. Finally, there are no differences in our final model for cases in which the father was significantly older than the mother, for those with various marriage lengths, or in different counties.

### Robustness Tests

The models discussed above constrained the estimated relationships between family characteristics and probability of an order to be identical across the two time periods, allowing only for a fixed difference in the probability of an order in the later period. An alternative fully interacted model reveals some statistically significant differences in the coefficient estimates across the two periods. Variables that have statistically different relationships across the two periods include: (a) whether the noncustodial parent had low income (less likely to have an order in the later period than the earlier); (b) whether the custodial parent's income was less than 80 percent of the noncustodial parent's (more likely to have an order in both periods, but even more likely in the later period); and (c) whether the parents had equal shared placement (less likely to have an order in both periods, but least likely in the early period).<sup>11</sup> An F-test shows that the fully interacted model provides a better fit. Nonetheless, we show the simpler model for parsimony and ease of interpretation. Moreover, our basic conclusions—that divorce cases are less likely to have an order in the later period, controlling for a variety of characteristics, and that placement explains some, but not all of the decline—hold in both models.

#### IV. DISCUSSION

The proportion of custodial parents with child support orders has been decreasing, despite significant policy attention. We have focused on recent divorces to measure changes in the prevalence of child support orders for this group, and to begin to explore whether these changes can be accounted for by changes in placement, or by changes in the number of parents required to cooperate with the child support system, the number of noncustodial parents with low income, or the number of couples in which the custodial parent's income is higher or comparable to the noncustodial parent.

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<sup>11</sup>The variable denoting that income was missing for only the custodial parent also shows a different relationship between the periods. In the later period (but not the earlier period), these cases are more likely to have an order.

The complex connections between demographic and economic characteristics, placement outcomes, and orders make it difficult to distinguish the relationship between placement and child support orders from that between other characteristics and orders. Because families' characteristics—for example the number of children—may influence placement decisions, the likelihood of an order, and the likelihood of an order given placement, the simple exercise we undertake here is limited. Nonetheless, it provides some indication of the potential importance of considering changes in the characteristics of families served, and especially of placement outcomes, in assessing the success of the child support system. Orders are substantially less likely when parents share placement, and they are less likely when parents have not received benefits and thus are not required to cooperate, when noncustodial parents have low incomes, and when custodial parents have higher or comparable incomes to noncustodial parents. None of these factors fully explain the decline in orders, however; even controlling for all these factors, orders are less likely in the later period. The strongest relationships are between placement patterns and orders; changes in placement patterns account for more of the decline than the income and benefit variables. More specifically, cases in which parents share placement are becoming more prevalent, and these cases are less likely to have orders. Thus, rather than the decline in orders being the result of “deadbeat” dads, or insufficient child support enforcement, many cases with no order involve dads who are anything but “deadbeat”, spending substantial time with their children, and presumably contributing substantial resources to them.

This research is limited. We have focused on divorces from several counties within a single state, so the extent to which these results are generalizable to other locations is unknown, primarily because no other locations have this type of rich data on physical placement over a long period of time. These data are particularly useful for the historical analysis undertaken here. They are also particularly important in revealing dramatic changes in where children are supposed to live after divorce. Given these surprising changes, and the growing diversity of placement outcomes, it will be increasingly important to develop additional data from other locations that capture information on post-divorce arrangements. Our analysis is fundamentally a reduced-form exercise, unable to determine the underlying causal links. The empirical

strategy ignores selection into marriage and cohabitation; if some couples who married (and then divorced) a decade ago are comparable to couples who cohabit and then split today, these couples would be excluded from the second cohort, since we consider only divorce cases.

Notwithstanding these limitations, the research does document trends in placement and orders, and a possible link between these trends. Given the growing diversity of physical placement arrangements, it is increasingly important to distinguish “deadbeat” from full-time (and part-time) dads; these two situations have very different implications for child wellbeing and for evaluations of the performance of the child support enforcement system. The complexity and continuum of living situations also creates challenges for policies outside child support that provide differential benefits for custodial and non-custodial parents (e.g., the Earned Income Tax Credit, other child tax credits, housing benefits). It also creates difficulties for programs like SNAP and Medicaid, in which only one parent can receive benefits for a child even if a child is spending exactly half their time with each parent. This research highlights the need to understand the needs of children in complex family situations, and the implications of these complexities for the child support enforcement system and other social policies and programs.

**Appendix Table: Control Variables**

| Variable  | Divorces<br>1996–98 | Divorces<br>2004–07 | Significant<br>Trend? |
|---|---------------------|---------------------|-----------------------|
| <b>Characteristics of Children</b>                          |                     |                     |                       |
| One child, boy  | 0.22                | 0.23                |                       |
| One child, girl   | 0.23                | 0.22                |                       |
| 2+ children, only boys                                      | 0.12                | 0.11                |                       |
| 2+ children, only girls                                     | 0.10                | 0.10                |                       |
| Both boy and girl, or gender unknown                        | 0.33                | 0.34                |                       |
| Age of youngest 0–5   | 0.43                | 0.40                |                       |
| Age of youngest 6–12  | 0.42                | 0.42                |                       |
| Age of youngest 13–17                                       | 0.16                | 0.18                |                       |
| Only noncustodial parent has children from previous partner | 0.07                | 0.06                |                       |
| Only custodial parent has children from previous partner    | 0.05                | 0.09                | **                    |
| Both parents have children from previous partners           | 0.01                | 0.02                |                       |
| Neither parents has children from previous partners         | 0.87                | 0.83                | **                    |
| <b>Legal Information</b>                                    |                     |                     |                       |
| Plaintiff – only noncustodial parent                        | 0.22                | 0.19                |                       |
| Plaintiff – only custodial parent                           | 0.64                | 0.55                | **                    |
| Plaintiff – both and other                                  | 0.14                | 0.25                | **                    |
| <b>Other Information</b>                                    |                     |                     |                       |
| Father is older than mother by $\geq 8$ years               | 0.10                | 0.11                |                       |
| Length of marriage in years (s.d.)                          | 11.05<br>(0.21)     | 11.42<br>(0.15)     |                       |
| <b>Rural</b>  |                     |                     |                       |
| Milwaukee   | 0.29                | 0.25                | *                     |
| Other urban county  | 0.54                | 0.59                | **                    |

\*\*  $p < .01$ ; \*  $p < .05$

**Note:** Sample size 3,727 divorces; 1,473 in the 1996–98 period and 2,254 in the 2004–07 period.

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