

CALIFORNIA STATE UNIVERSITY, NORTHRIDGE

Family Violence and Child Support Compliance

A Graduate project submitted in partial fulfillment of the requirements

For the degree of Master of Public Administration, in

Public Sector Management and Leadership

By Cassandra Holzhauer

August 2018

Copyright by Cassandra Holzauer 2018

The graduate project of Cassandra Holzhauer is approved:

Dr. Philip Nufrio

Date

Dr. Henrik Palasani-Minassians

Date

Dr. Mylon Winn- Chair

Date

California State University, Northridge

Table of Contents

Copyright	ii
Abstract.....	v
Introduction.....	1
Literature Review.....	4
Custody Orders and Child Support Compliance.....	4
Compliance Rates Linked to Joint Custody.....	6
The Role of the Courts in Mediation	6
Parental Income and Child Support Compliance.....	8
Compliance Rates linked to Parental Income	9
Family Violence.....	10
Family Violence and Child Support	12
Specific Question.....	12
Research Design.....	13
Data Collection	13
Data Analysis	14
Limitations	14
References.....	16

Abstract

Family Violence and Child Support Compliance

By Cassandra Holzhauser Master of Public Administration

in Public Sector Management and Leadership

Thus far, research on child support order compliance has been heavily linked to which percent of custody each parent has and how much income the parent paying support earns. Research shows if family violence is present, a batterer may abuse a victim by tightly controlling their financial assets so the victim cannot access them. It is unknown if this indication of family violence plays a role in child support order compliance. This document proposes research to understand if there is a relationship between family violence and child support order compliance.

Introduction

Research thus far has consistently linked a parent paying supports' compliance on their child support order to the amount of income the parent who is not in the home makes, and the percentage of custody that the parent who is not in the home is given. Fathers with higher incomes make more child support payments and visit their children more (Del Boca, 2001). Research on family violence throughout the custody process has shown that the abuser hides financial assets so the victim cannot access them (Valente, 1995). Given research in these two separate, yet related arenas, there are not findings on the relationship between family violence and child support compliance.

When child support cases are opened, an Income and Expense, Visitation Verification and Family Violence Questionnaire is sent to both parties. Through these documents, parties can report their income on the Income and Expense form, their amounts of custody on the Visitation Verification form and the existence of family violence exists on the Family Violence form. The Department of Child Support is required by law to send information on cases to the federal government, whom maintains a database that includes all of the child support cases in the country. When requested, the federal government releases information to other child support agencies, unless the parents fill out the form and claim family violence. The parents are asked if releasing information on the case will cause physical or emotional harm to the parents or the children. If so, the parents fill out and return the form to the department of child support. When the department receives a form claiming family violence, they place an indicator on the case. Researchers have linked the percentage of custody and income to compliance on child support orders, but have not yet understood the impact of family

violence on child support order compliance, although it is a part of the packet of documents sent to parties when a case opens.

The discussion in the literature shows that current research is heavily focused on linking custody arrangements and income to child support compliance. First, research on the link between custody orders and child support compliance will be shown as a solid link that has been proven and established by many research studies. Secondly, research regarding the links to custody and compliance will be examined. Next, the role of the courts in setting the custody orders will be shared, including what is present in California. Courts take into consideration both custody and income when creating the child support order. Third, the paper will dive further into the next factor that is related to compliance, income. Income and Child Support compliance will be discussed next. This paper will show that there is much research in linking income and custody to child support compliance, but what is not understood yet is the existence of family violence in these orders. Finally, this paper will show the research that is in the field of family violence, specifically when custody orders are taken in court that have a component of family violence.

The specific question we have, will ask that research is conducted to understand the link between family violence and child support order compliance to understand if this factor plays a role in parents fulfilling their child support obligations. Knowing this information will allow researchers to understand if there is a link between reported family violence and compliance with child support orders. This research will fill the gap of knowledge and allow researchers to use other factors when understanding child support order compliance outside of custody or income as a factor. It will also allow child

support offices to provide assistance to their customers who are affected by family violence, and create awareness regarding different strategies that may work to achieve compliance on the orders where family violence exists. Finally, it will bring awareness to child support offices when reviewing cases with family violence, given they exist in the caseload. Those who wish to leave violent relationships, particularly those with children, face serious problems gaining the financial stability they need (Kurz, 1998).

Literature Review

Custody Orders and Child Support Compliance

When the states, as required by federal law, started to review their child support guidelines in the 1990s, considerable thought was devoted to the relationship between child support and time spent with parents. A great deal of time was spent considering the way that the guidelines should be applied in cases of ordinary visitation, extended and extraordinary visitation, and dual residence terms that describe various degrees of time sharing by parents (Melli, 1999). In the late 1980s when the states began to formulate mandatory guidelines to be used in setting the amount of child support, they focused on the most common arrangement, sole physical custody and on the need to ensure that the costs of raising the child in that household would be shared equitably by the non-custodial parent. Therefore, the focus was on the child raising costs in the residential household and little attention was paid to the fact that the non-custodial parent might incur costs when spending time with the child.

Several studies have shown that over the last decade or so there has been an increase in the time divorced fathers spend with their children (Melli, 1999). Studies found that fathers with joint custody experienced less depression and more satisfaction in the relationship after divorce when compared with other fathers (Hardcastle 1998). American public policy places a high value on the importance of children maintaining a relationship with both their parents after family dissolution. Child support orders should encourage and also facilitate parental involvement (Melli, 1999).

Children in single-mother households are less closely supervised by both parents, who are struggling to maintain households on their own (Setzer, 1991). Analyses of data shows that single mothers spend less time with their children, mainly because they work outside the home. Single parents are less likely to supervise their children's social activities and to review how they are doing in school (Garfinkle, 1990). Empirical evidence exists that suggests that dividing a child's time between parents effects the child's welfare (Del Boca, 2003). As compared to children in two-parent families, children who have separated parents are more likely to have behavior problems, lower educational achievement, and an out of wedlock birth (Huang, 2003). According to Setzer, "They are also more likely to drop out of high school, pose discipline problems in school, and engage in delinquent behavior" (Setzer, 1991). Joint legal custody may increase the communication between parents and children's socioeconomic status as their custody percentage is increased (Setzer, 1991).

One may think that custody orders taken in California are simple if parents are agreeable. Parents who divorce, must then go in front of a judge to open their agreement for discussion. The court could find the agreement unfair to one party and refuse to sign it (Lipsey, 2002). Further, if the parties agree that they would like to change their custody agreement, they will need to bring it forward to the court to open it for discussion yet again (Lipsey, 2002).

Research shows that the courts play a role in the custody agreements, yet the research does not show if the parties have signed a Family Violence document, and if there is family violence among the parents of the child or children. There is shown to be considerable research and studies reviewing the time that minor children spend with both

of their parents, when one is outside the home, yet these studies and the research that is published does not mention family violence.

Compliance Rates Linked to Joint Custody

Fathers with higher incomes make more child support payments and visit their children more (Del Boca, 2001). A higher percentage of joint custody of the child, allows each parent to monitor how much they are spending on the child or children, which increases payments to custodial parents (Del Boca, 2001). According to Huang, "A divorced father is less likely to comply with a child support order once his child support obligation is over 35% of his income" (Huang, 2005). According to researchers by adding joint custody orders, there will be an increase of the amount of child support that fathers pay (Seltzer, 1991). Divorced parents have a compliance rate of .75 in comparison to parents where paternity is at issue, which is .57 (Meyer, 1998). Research shows the link between custody and compliance yet fails to show the existence of family violence in these orders.

The Role of the Courts in Mediation

Judges and state legislatures serve as institutional agents in the order setting process. They can impact the lives of families with their input into the child support obligations for each of the parents (Boca, 2003). The main duty of the court is to determine the best interests of the minor child. Joint custody legislation may sidetrack courts from that primary obligation (Hardcastle, 1998). "Joint custody" has no fixed legal definition but is perceived as consisting of two components: (1) legal custody and (2) physical custody. Joint legal custody involves both parents sharing responsibility and authority regarding the major decisions concerning the child's upbringing. According to

Hardcastle, “Physical custody differs as it pertains to the child's living arrangements, time share pattern, and responsibility for the child's day-to-day care” (Hardcastle, 1998).

At times, a mediator is involved in facilitating the custody order prior to presenting the suggested order to the courts. In the divorce process, parties will first meet with a mediator to discuss the separation of their assets and community property. Most parties feel that once mediation is concluded, the agreement is final. That is not the case. The parties must then proceed to a divorce hearing before a judge. The parties ask the court to approve the agreement that was discussed in mediation. The judge will not approve what is presented without ensuring the final order is appropriate (Lipse, 2002). Judges should review the order and should not accept joint custody without examination (Hardcastle, 1998). Data shows that unequal shared time cases also take the longest to reach resolution with 320 days as compared to an average for all cases of 252 days.

During mediation and custody negotiations, parents have an opportunity to report family violence, but may not be realistic. Joint custody and cooperative parenting which are strongly encouraged by courts in many states, may not be safe for abused women and can be harmful for their children (Hardesty 2006). Women perceive a higher threat of violence when children are involved, as they are unable to sever ties after they separate from the abuser. This exposes both the parents and the children to the abuser. During custody negotiations women have reported ongoing physical violence and threats, including threats to physically harm or kill them, take the children or fight for custody (Hardesty, 2006).

When in the court process, families do not only expose themselves to physical abuse, but also financial abuse. Financial abuse also occurs when women are victimized

by having to retain attorneys, pay court fees, or cooperate with their abusers out of fear of losing child support (Hardesty, 2006). This creates fear which can lead women to compromise when making decisions about custody as well as child support (Hardesty, 2006). Research is needed to verify if the existence of family violence in these cases, also has an impact on payment compliance. Women remain at risk for violence when negotiations result in joint custody, unsupervised visitation, or other parenting arrangements requiring ongoing contact (Hardesty, 2006). Women who share custody with abusive former husbands have reported ongoing violence and fears related to their physical safety and some murders have occurred in the context of visitations (Hardesty, 2006).

As is shown in the research above, mediators and judges meet with parties prior when a child support order is taken in court, yet parents are not forthcoming with details regarding family violence in the court, based from fear when speaking with judges or mediators as they are in front of the other party. The imbalance is evident where one partner has been abusive to the other. The battered spouse is likely to collaborate with the batterer in order to not intensify the trauma the victim has already experienced. (Murphy & Rubinson, 2005). The Family Violence document gathered by the child support office allows for the parties to report Family Violence without the fear that the other party will impact their own welfare.

Parental Income and Child Support Compliance

When parents' divorce, economic challenges begin. First, to maintain two households in comparison to maintain one is greater. Second, the costs that parents pay for lawyers and moving costs that go with a separation come as unplanned expenses to

the parents. Third, the wage of the custodial parent can be lower than the wage of the non-custodial parent. Finally, the non-residential parent can give less income and time to their children after separation (Boca, 2005). According to Melli, “a household with a child residing there half time will spend seventy five percent of what it would have spent on the child, if the child would have lived there full time” (Melli, 1999).

Research exists showing that changes do occur financially within families when parents separate or divorce, and as research below will show, this impacts income available for child support, which leads to child support compliance linked to income. What is missing from this research is the role that family violence plays in parents being compliant with their child support orders.

Compliance Rates linked to Parental Income

Most research links child support compliance to the income that parents earn. Non-Custodial fathers earning less than \$15,800 annually are obligated to pay 27% of their income to child support. Fathers who make more than \$15,800 and are in the second, third and top percentile of earnings then pay 19%, 17% and 16% of their income in their child support order given all other factors of the guideline calculation are the same. If fathers earning less than \$15,800 had to pay the same percent, as the top quartile fathers, at 16%, the compliance rate would increase by 5%. Another result of lowering the obligation percent from 27% to 16%, would be the reduction of the economic well-being of their children (Huang, 2005).

Income and Compliance has been studied for both married and never married parents. Statistical evidence shows that divorced fathers do not support their children at

the same level to which they did previously when they were married (Boca, 2003). Child Support models focused on nonmarried families predicts that increased income makes fathers more likely to comply with child support orders. High child support awards can lead to less payment of child support. Using the 1999 National Survey of America's Families, it was found that only 30% of low-income fathers pay child support (Roff, 2008).

Family Violence

Violence between parents can include verbal, psychological, emotional, physical, sexual, or economic abuse. Emotional abuse is difficult to define and prove, but it means a child's self-esteem is undermined through scapegoating, rejection, ridicule, humiliation and ostracism (Baker, 1995). Domestic violence is a complex phenomenon replete with varying physical, psychological, social, economic and legal dimensions (Murphy and Rubinson). Despite limited empirical evidence, courts generally assume that children fare better when they are able to maintain relationships with both parents after divorce (Hardesty, 2006). Domestic violence is not simply one partner hitting another. It is the combination of factors and behaviors by which a batterer forces an intimate partner to live with a constant sense of danger and expectation of violence. This includes a partner who beats his partner every day is committing domestic violence and a partner who threatens to beat his partner every day is also committing domestic violence (Valente, 1995). Restraining orders may be linked to family violence, but proceedings for restraining orders involve extensive evidence which victim may not pursue (Yanni, 2016).

When parents' divorce, research shows that violence does not stop. Studies have reported that women on welfare experience high rates of male violence. In a study based on a random sample of welfare recipients in Massachusetts, researchers found that 65% had been victims of abuse at the hands of a current or former husband or boyfriend at some point in their lives. The Massachusetts study is the only recent study of welfare women and abuse that is based on a random sample (Kurz, 1998). Women who share children with abusers are particularly vulnerable to post-separation violence, as they are likely to have ongoing contact with former partners, which in turn presents opportunities for further abuse.

A batterer may abuse a victim by tightly controlling their behavior, forbidding contact with friends or family, stalking, stopping the victim from working, and controlling financial assets so the victim can not access them (Valente, 1995). Women in violent relationships are not able to gain employment because their husbands have prevented them from working (Kurz, 1998). In the previously mentioned Massachusetts study, women provided the following commentary: "I was not allowed to go out. I wasn't really allowed to talk on the phone.... I wasn't allowed to have a job. I wasn't allowed to have friends. He also wanted to control everything about my life. He wanted to control my friends, my time. He wouldn't let my son see my brother, who is a successful businessman. (Kurz, 1998)"

Parents as well as children remain at risk for exposure to violence post separation. Children. Children were more likely to witness violence against a parent after separation compared to having been exposed to violence prior to separation (Hardesty, 2006). Even when the violence is not directed at the children, it can still pose negative impacts on

their development. In the article “Families at Risk: Understanding the Characteristics of Relationship Violence among Unmarried Texas Parents,” the authors indicate that over the last two decades, single-mother households with children have experienced relationship violence at 10 times the rate of households where the parents are married with children, and at 6 times the rate of single households with no children.

Family Violence and Child Support

One very important resource that abused mothers need is child support. Research shows that the regular receipt of child support payments helps women escape poverty (Kurz, 1998). Another very important factor that prevents many women from securing child support is the fear of violence. 30% of all women stated that they were fearful during their negotiations for child support. In addition, 38% of the women reported being fearful during negotiations for custody (Kurz, 1998). The fear of these women was related to their experience of violence during their marriage. There is a statistically significant relationship between women's fear during the negotiations for child support and their experience of violence during marriage and separation. The more serious or frequent the violence these women experienced, the more fearful they were during negotiations for child support. Some women were also fearful because of their experience of violence during the separation (Kurz, 1998).

Specific Question

Does family violence effect payment compliance of a Child Support Order?

Research Design

In order to determine if the existence of the family violence indicator on a child support case has any relationship to payment compliance an analytical analysis will be conducted. The analysis will aid in determining if additional outreach is needed to non-custodial parents with a family violence indicator on their child support case in order to improve payment compliance and the transfer of payments to the custodial parent. The study will also allow the department of child support to understand the complex relationship between families and family violence

Data Collection

The data that will be collected will be of quantitative form. Los Angeles County has 20% of California's caseload, therefore the quantitative data for Los Angeles county can be studied for this evaluation (California Department of Child Support Services, (n.d.)). Specifically, data regarding parent's family violence status and payment compliance will need to be studied. The data will be queried out of the existing data repository which houses all family violence and compliance data for the department of Child Support.

The data reported by parents when their cases open allow for an initial benchmark, but the participants will also need to share if the existing of family violence throughout the life of the child support case. The participants will be willing parents who have just opened a case with the department of child support. This case study, following 500 families over 18 years will be a part of the research proposal. The families will be selected randomly as child support cases in Los Angeles county, and all their personal identifiable information will remain confidential. Once data is accumulated, all names

will be removed. The research team will meet with the parents in these families two times a year and appear at each of their court or custody hearings. All parents in the child support program will be considered as eligible, as custody could begin at 0%, then evolve as the children age. The families will report family violence through a questionnaire twice a year, to see if this has an impact on payment compliance. The questionnaire will be comprised of two questions:

1. In the past six months, have you or the children in this case been a victim of family violence or child abuse committed by the other part on the child support case?
2. Please provide detailed family violence information including dates, times, places and witnesses.

Data Analysis

The collected data via questionnaire and data import will be compiled, categorized and sorted onto one database, where multiple queries will be able to extract different facets of the data. Each time the family has reported the existence of family violence, the compliance rate at the same exact time will also be calculated. Each family will have their own chart of data showing the pattern of family violence and compliance. Once the data has been compiled it will be charted into a master table to identify if there is a relationship with parents reporting family violence, and payment compliance.

Limitations

As parents throughout the process are self-reporting on family violence, the limitations on the data come from self-reporting. Clear definitions on the questionnaire

in the form of the cover sheet will need to define the meaning of family violence, and characteristics or behaviors that are associated to the type of family violence this study seeks to research which include physical and emotional harm.

As parents and families grow, there exists the possibility that parents will not have their latest address available for the research team to continue to send them the questionnaires and documents. The team will keep records of emails for the participants, in order to maintain solid communication throughout the process.

References

- Baker, M. (1995). Child protection, family violence, and substitute care. In *Canadian Family Policies: Cross-National Comparisons* (pp. 236-290). University of Toronto Press. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/10.3138/9781442672178.11>
- Boca, D. (2003). Mothers, Fathers and Children after Divorce: The Role of Institutions. *Journal of Population Economics*, 16(3), 399-422. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/20007864>
- California Department of Child Support Services. (n.d.). California Department of Child Support Services Home. Retrieved May 4, 2018, from <http://www.childsup.ca.gov/home/aboutdcss.aspx>
- Del Boca, D., & Ribero, R. (2001). The Effect of Child-Support Policies on Visitations and Transfers. *The American Economic Review*, 91(2), 130-134. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/2677746>
- Families at Risk: Understanding the Characteristics of Relationship Violence among Unmarried Texas Parents. (2014, September). Retrieved June 28, 2018, from <https://childandfamilyresearch.utexas.edu/families-risk-understanding-characteristics-relationship-violence-among-unmarried-texas-parents>
- Garfinkel, I., & Lanahan, S. M. (1990). The effects of the child support provisions of the Family Support Act of 1988 on child well-being. *Population Research and Policy Review*, 9(3), 205-234. doi:10.1007/bf00162836
- Hardcastle, G. (1998). Domestic Relations Law: Joint Custody: A Family Court Judge's Perspective. *GP, Solo & Small Firm Lawyer*, 15(4), 12-13. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/23783219>
- Hardesty, J., & Chung, G. (2006). Intimate Partner Violence, Parental Divorce, and Child Custody: Directions for Intervention and Future Research. *Family Relations*, 55(2), 200-210. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/40005330>

- Huang, C., Mincy, R., & Garfinkel, I. (2005). Child Support Obligations and Low-Income Fathers. *Journal of Marriage and Family*, 67(5), 1213-1225. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/3600307>
- Huang, C., Han, W., & Garfinkel, I. (2003). Child Support Enforcement, Joint Legal Custody, and Parental Involvement. *Social Service Review*, 77(2), 255-278. doi:10.1086/373908
- Kurz, D. (1998). Women, Welfare, and Domestic Violence. *Social Justice*, 25(1 (71)), 105-122. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/29767061>
- Lipsey, H. (2002). Getting the Court's Nod: What happens once the agreement is mediated? *Family Advocate*, 24(4), 11-11. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/25806335>
- Little, L., & Kantor, G. (2002). Using Ecological Theory to Understand Intimate Partner Violence and Child Maltreatment. *Journal of Community Health Nursing*, 19(3), 133-145. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/3427818>
- Melli, M. (1999). Guideline Review: Child Support and Time Sharing by Parents. *Family Law Quarterly*, 33(1), 219-234. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/25740200>
- Meyer, D., & Bartfeld, J. (1998). Patterns of Child Support Compliance in Wisconsin. *Journal of Marriage and Family*, 60(2), 309-318. doi:10.2307/353850
- Murphy, J., & Rubinson, R. (2005). Domestic Violence and Mediation: Responding to the Challenges of Crafting Effective Screens. *Family Law Quarterly*, 39(1), 53-85. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/25758277>
- Roff, J. (2008). A Stackleberg Model of Child Support and Welfare. *International Economic Review*, 49(2), 515-546. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/20486806>
- Seltzer, J. (1991). Legal Custody Arrangements and Children's Economic Welfare. *American Journal of Sociology*, 96(4), 895-929. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/2780735>

Valente, R. (1995). Addressing Domestic Violence: The Role of the Family Law Practitioner. *Family Law Quarterly*, 29(2), 187-196. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/25740027>

Yanni, S. (2016). Experts As Final Arbiters: State Law And Problematic Expert Testimony On Domestic Violence In Child Custody Cases. *Columbia Law Review*, 116(2), 533-572. Retrieved from <http://www.jstor.org.libproxy.csun.edu/stable/43744122>