ost industrialised countries continue to be concerned about how to foster the ongoing support of children following parental separation. Direct financial contributions loom large in this concern. Over two decades ago, as divorce rates and ex-nuptial births rose, child support became a pressing issue. Most non-resident parents (usually fathers) were providing little, if any, financial support to their children, with consequent high levels of child poverty and high costs to the public purse (McDonald and Weston 1986).

In Australia, the Child Support Scheme was introduced in the late 1980s to tackle child poverty and to shift the onus of responsibility for financial support back onto both parents. Central to the Scheme is the administrative assessment of child support liability through the application of a formula by the Child Support Agency. This replaced court-based discretionary assessment, which typically produced low child maintenance amounts that did not adjust for inflation. While the Agency collects child support payments from many non-resident parents by way of voluntary payments as well as deductions from salaries or tax returns, an increasing number of parents are now making their own arrangements for the direct transfer of child support payments.

Variously described as a legislative and social justice watershed in policy circles (Edgar 1991; Faulks 1994; Reithmuller 1997), the Scheme nonetheless continues to be attacked on many fronts – especially by payers (typically fathers). Of course, post-divorce economics are rarely simple.

The fundamental problem for child support policy world-wide is that a series of interlocking conundrums exist in relation to balancing the complex and competing needs of children, resident parents, non-resident parents, and the State (see Blumberg 1999 for a good précis of these competing interests). While most child support systems are now well established, they nonetheless continue to be re-worked in a bid to improve the balance between “adequacy” (of living standards) and “equity” (or fairness between parents, children, and the State), and to take into account changing social trends.

In recent years, much of the policy refinement has centred on equity issues through the inclusion or refinement of “special factors” – most notably financial adjustments for shared care, second family responsibilities, and low or high income – or the broadening of departure provisions (Venohr and Williams 1999). These refinements seek to make the formula for assessing child support liability flexible enough to take account of the ever-increasing complexity of modern families and social reality.

But tweaking has its limits. Indeed, there is mounting criticism – in the United States context at least – that first-generation child support models (tweaked or not) contain fundamental flaws that can result in child support payments being unjustifiably low or high (see, for example, Harris 1999; Ellman 2004).

This criticism has led to the development of second-generation child support models, of which the American Law Institute’s (2003) Principles is at the vanguard, although their success is yet to be tested. Unlike first-generation models which typically have competing values and interests embedded deep within their conceptual framework, proposed second-generation models take as their starting point the explicit identification of these interests and then attempt to develop a framework for harmonising them (Blumberg 1999; Harris 1999). In doing so, these models purport to be able to strike a more defensible balance between adequacy of financial support for children, on the one hand, and fairness for mothers, fathers, children and the State on the other (Harris 1999).

Regardless of which model – or generation of models – is adopted, three axioms hold: first, difficult choices and “trade-offs” will always need to be made in relation to balancing the
Various competing interests in any model (Bassi and Barnow 1993; Betson, Evenhouse, Reilly and Smolensky 1992); second, assessment of a model’s adequacy and fairness will always require some level of subjective assessment of “what’s fair” (and what’s “adequate”); and third, a child support system is unlikely to be effective unless it is perceived to be reasonably “fair” for everyone since laws applying to parenting require reasonably wide acceptance for their compliance and success (Garrison 1998). These axioms highlight the importance of considering community perceptions, values and expectations (including those of separated parents) in thinking about child support policy.

At the same time, there is a danger in placing too much emphasis on community attitudes in the shaping of policy, particularly in cases where the rationale behind policy decisions entails a complex set of issues that may not be well understood. The area of child support may be a case in point. In addition, there is an emerging literature suggesting that attitudes about what is fair are often influenced by self-protective concerns and/or concerns about friends or kin, or groups with which one identifies, rather than about other groups or the community at large (see Clayton and Opotow 2003). Finally, history is replete with examples where group behaviour consistent with community attitudes and values has led to morally suspect outcomes (for example, cutting off the hands of thieves).

Nonetheless, attitudes are a lens to understanding a community’s sense of fairness. Critically, child support policy raises fundamental issues about “fairness” (Garrison 1998). A perceived lack of fairness may suggest a need either to change policy or to make the rationale behind the policy more transparent and well known. Either way, tapping community attitudes and values about fairness is an important aspect of policy development.

Obtaining a contemporary picture of attitudes to child support has particular relevance in Australia at present. Flowing out of its inquiry into 50/50 shared care after separation, the Standing Committee on Family and Community Affairs concluded that the Australian Child Support Scheme “has serious flaws and produces inequities for a high number of payees and payers” (Commonwealth of Australia 2003: 174-175). In response to this and other criticisms of the Scheme, the Australian Government established a Ministerial Taskforce on Child Support to conduct a comprehensive re-evaluation of the child support system (Anthony 2004). To help inform the Taskforce’s work, the Institute conducted the Attitudes to Child Support Study, summarised here.

**About the study**

This research had an 11-week time span from idea to final report because of the Taskforce’s tight timelines and the benefits of this work occurring early in the Taskforce’s work program. The study’s temporal parameters required access to an existing pool of suitable attitudinal questions, and “ready-to-go” samples of separated/divorced parents and adults in the general population. Somewhat fortuitously, the UK Department of Work and Pensions had recently completed two related studies of attitudes to child support (Peacey and Rainford 2004; White 2002). These studies provided a set of germane questions on which to draw.

In addition, the Institute had interviewed almost 1,000 separated/divorced parents in September 2003 about patterns of parent–child contact, and most parents had agreed to be recontacted at a later date for future research. This pool of respondents thus formed a readily available sample of separated/divorced parents. A fresh sample of adults in the general population was also obtained.

Specifically, data were obtained from two national random samples: a general population sample comprising 1,001 people aged between 18 and 64 years; and a sample of 620 separated/divorced parents with at least one child under 18 years.

This article largely focuses on two distinct groups from each sample: all women (n=407) and men (n=351) in the general population sample who either were not parents or had not experienced separation from the other parent of their child or children (hereafter called the non-separated sample); and independent groups of resident mothers (n=236) and non-resident fathers (n=149) from the Institute’s Caring for Children after Parental Separation Project (the separated parent sample). These groups were selected for conceptual clarity, and because they represent the most common groups in each of the respective samples. Other groups (for example, separated women and men from the general population, and non-resident mothers and resident fathers) were too small to examine separately.

The data presented here thus embody the views of two distinct groups: those within the ambit of the child support system “looking out” (resident mothers and non-resident fathers – the two most common post-separation parent groups); and those outside of the system “looking in” (men and women who had not experienced separation). It is noteworthy that around three-quarters (77 per cent) of respondents in the general population knew of the Scheme – 22 per cent had contact with the Agency, and 55 per cent had heard of the Scheme.

Telephone interviews lasting approximately 12-15 minutes were conducted with respondents in both samples. Building on the UK survey series, most questions explored scenarios in which the father was the non-resident parent. However, a small set of questions was repeated with a non-resident mother referent to explore issues of gender and...
residence status. These questions were asked towards the end of the interview as a discrete set.

The issues covered in the survey focused largely on whether child support should be paid, rather than on enforcement issues or the recognition of unpaid work in caring for children. (See Smyth and Weston 2005 for a full description of the interview questions, the study’s design, its various methodological limitations, and the full set of results.)

Findings are set out in three parts: one, attitudes relating to broad principles of the Scheme; two, the extent to which new partners and second families should be taken into account; and three, the link (if any) between child support and parent–child contact. The precise wording of each survey question is presented as the title for each accompanying figure.

**Broad principles of the Scheme**

Four issues relating to some of the broad principles of the Scheme were examined: first, the extent to which payers and payees believed that the Scheme was working well and was fair; second, whether non-resident parents should always pay, even those on low incomes; third, whether both parents’ income should be taken into account in assessing liability; and fourth, whether the age of children should count.

**How well is the Scheme working? How fair is it?**

To explore separated parents’ overall evaluation of the Scheme’s functioning, separated parents were first asked whether they thought the Scheme was working well. Figure 1 shows the pattern of responses of resident mothers and non-resident fathers. Most non-resident fathers (62 per cent) maintained that the Scheme was not working well while one-third believed that it was. Resident mothers, on the other hand, were fairly evenly divided on this issue.

Separated parents were also asked whether they thought the Scheme was fair to both parents. Their responses are summarised in Figure 2. Around three-quarters of non-resident fathers believed that the Scheme was not fair to both parents, while 18 per cent said that it was fair. By contrast, the same proportion of resident mothers claimed it was or was not fair (46 per cent). Another 8 per cent of these women and men volunteered that it was “sometimes” fair.

The extent to which there are systematic differences between these groups in the breadth of their focus (self only, parents in a similar situation, or all separated parents) is unclear. Resident mothers and non-resident fathers may have different things in mind in their assessment of “fairness”.

In summary, although non-resident fathers tended to believe that the Scheme was not working well and/or was not fair to both parents, they were particularly likely to be negative about the issue of fairness. Resident mothers, on the other hand, tended to be evenly divided on both issues.

Responses to one of the open-ended questions asked at the end of the survey shed some light on why men and women may have perceived the current Scheme to be unfair. When asked what they would like to see changed about the Scheme, women who suggested changes wanted to see child support paid (even if fathers moved overseas), arrears collected, and income minimisation itself minimised. By contrast, men wanted: (a) both parent’s income included in the formula; (b) the current percentages reduced, especially where fathers had to support new children; (c) the formula to be based on net rather than gross income; (d) some accountability of how child support was spent; (e) the income of former partners’ new partners to be included in the formula; and (f) child support to be exempt or reduced where contact is thwarted because of relocation or denial (“no-see, no-pay”). These suggestions may have been influenced by the survey questions asked during the course of the interview.

**Should non-resident parents always pay?**

One of the perennial burning questions for child support policy worldwide concerns whether non-resident parents (fathers or mothers) should always have to pay something towards the financial support of their children? Figures 3a and 3b show responses to this question regarding non-resident fathers and mothers.

Most women and men in all groups believed that non-resident fathers and mothers should always pay child support. This view was particularly pronounced in relation to payment by non-resident mothers (86–95 per cent felt this way). In relation to payments by non-resident fathers, resident mothers were the most likely to argue that payment should always be made (81 per cent), perhaps because some feel the full force of non-payment, while the non-resident fathers were the least likely to hold this view (56 per cent).

The key finding is that the majority in all groups felt that child support should always be paid, regardless of the gender of the non-resident parent. Of those who did not endorse this view, some felt that child support should not always be paid and others volunteered that enforcement of payment should depend on other factors.
It depends on the context: whether it is a non-resident mother or father who is not paying child support. It is generally understood that non-resident fathers should always be made to pay, whereas non-resident mothers are less likely to be seen as responsible for their children's support, particularly if they are not the primary caregivers. The reason for this apparent "backlash" against non-resident mothers is complex and may relate to societal expectations of women's roles. Society expects mothers to be the main nurturers of their children, while non-resident mothers may be viewed negatively for not taking on this role.

Reasons for the apparent "backlash" against non-resident mothers remain unclear. For instance, it may relate to the tendency for non-resident mothers not to pay child support voluntarily or by force are "bad" mothers. Society expects mothers to be the main nurturers and carers of children, but not the main breadwinner.

The differences in views regarding whether non-resident mothers and fathers should always pay child support is particularly marked for non-resident fathers: 56 per cent of these respondents believed that non-resident fathers should always be made to pay, whereas 86 per cent held the view that non-resident mothers should always be made to pay (a difference of 30 percentage points).

Figure 3a: Do you think a father who does not usually live with his child or children should always be made to pay child support?

Figure 4a: Do you think a father who does not usually live with his child or children should always be made to pay child support even if his earnings are very low or he only receives government income support?

Figure 3b: Do you think a mother who does not usually live with her child or children should always be made to pay child support?

Figure 4b: Do you think a mother who does not usually live with her child or children should always be made to pay child support even if her earnings are very low or she only receives government income support?

It is worth noting, however, that non-resident mothers are generally poorer than non-resident fathers, and a lack of economic resources in the first place is one of the most common reasons that mothers voluntarily give up the full-time care of their children. Many non-resident mothers believe that their children's father is in a better position financially to raise their children (Herreras 1995). According to the Australian Bureau of Statistics (ABS 2004), non-resident mothers are much more likely than non-resident fathers to rely on government benefits or allowances (55 per cent compared with 16 per cent in 2003) and to be lone parents (33 per cent compared with 6 per cent).

Should non-resident parents with low incomes pay?

To what extent did the universality principle hold up when respondents were reminded of the low-incomes of some non-resident parents? A summary of the patterns of responses for non-resident fathers and mothers respectively is shown in Figures 4a and 4b.
Consistent with the previous question, most respondents in all groups maintained that non-resident mothers and fathers on low incomes should, like all other non-resident parents, pay some child support. This view was advanced by close to 60 per cent or more respondents in the four groups.

For each group taken separately, the proportions endorsing the notion that all fathers should pay, and that fathers on low income should pay, were very similar – except for resident mothers, for whom the introduction of the low-income condition led to a fall in support for the idea that all fathers should pay (from a very high level of support to one consistent with the non-separated groups).

Importantly, the apparent “hucklack” against non-resident mothers dissipated when attention was directed to the possibility of a low income. Put simply, when the low-income condition was introduced, the level of support for mothers paying approximated the level of support for fathers paying. This points to the importance of contextual prompts in attitudinal research more generally.

Non-resident fathers were less inclined than the other groups to support the notion of universal payments or payment by low-income parents, be they male or female. This may reflect some sympathy to their own circumstances.

**Should both parents’ incomes count?**

As the Scheme currently stands, the resident parent’s income only comes into play once it exceeds the average weekly earnings for all employees. This is because the Scheme has always tried to offset some of the indirect and opportunity costs of caring for children borne mostly by the resident parent. In recent years, however, pressure has been mounting to treat resident and non-resident parents’ income more equally. The idea that the incomes of both parents should be taken into account was tested directly, as shown in Figure 5.

Most respondents in all groups felt that the level of child support paid by non-resident fathers should take into account the incomes of both parents. This was expressed by more than 80 per cent of non-separated women and men and non-resident fathers, and by two thirds of the resident mothers. But the Scheme already does this to some extent, as noted above.

It is unclear to what extent respondents had this in mind or were simply attracted to the intuitive fairness of this idea when considered in the abstract. If the latter were indeed true, then the pattern of responses may have differed if respondents were reminded of the “in-kind” financial contributions and financial “opportunity costs” that many resident parents incur in caring for children. However, these issues would have taken time to discuss – time that competed with the many other questions that were deemed important in the survey.

**Should the age of children count?**

The changing costs of children as they age have never been a feature of the Scheme for the sake of simplicity, even though this issue has attracted much serious consideration at various points in time (see Joint Select Committee 1994). Arriving at these costs, both direct and indirect, is a complex issue and the Scheme implicitly assumes that these costs average out across childhood.

Figure 6 shows the level of support for the idea that children’s ages should be taken into account in setting child support liability.

Most respondents believed that the age of children should be taken into account in determining the amount of child support paid. This view was expressed by over 80 per cent of non-separated women and men and by 70 to 75 per cent of resident and non-resident parents. This is one of the few areas in the study in which the views of resident mothers and non-resident fathers appeared to align.

**New partners and second families**

Whether new partners or second families should be taken into account in setting child support payments is examined here through the lens of three scenarios: one, where the resident mother remarries; two, where the non-resident father has stepchildren; and three, where he has a child born of a new relationship. All three notions tap the idea of the male being the main or exclusive “breadwinner”.

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### Figure 5

**Do you think the amount of child support that a father pays for his children should depend on how much he earns, how much the mother earns, or both their incomes?**

<table>
<thead>
<tr>
<th>Per cent</th>
<th>Father’s income</th>
<th>Mother’s income</th>
<th>Both their incomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women (n=401)</td>
<td>60%</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>Men (n=333)</td>
<td>70%</td>
<td>15%</td>
<td>15%</td>
</tr>
<tr>
<td>Resident mothers (n=234)</td>
<td>75%</td>
<td>10%</td>
<td>15%</td>
</tr>
<tr>
<td>Non-resident fathers (n=142)</td>
<td>80%</td>
<td>5%</td>
<td>15%</td>
</tr>
</tbody>
</table>

Notes: GP non-separated = general population non-separated sub-sample; CFC sep = Caring for Children after Parental Separation sample comprising separated/divorced parents with at least one child under 18.

χ²(3) = 54.43, p<.001 (based on the two categories of responses: father’s income and both their incomes).

### Figure 6

**Do you think the amount of child support should depend on the children’s ages?**

<table>
<thead>
<tr>
<th>Per cent</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women (n=396)</td>
<td>80%</td>
<td>20%</td>
</tr>
<tr>
<td>Men (n=340)</td>
<td>90%</td>
<td>10%</td>
</tr>
<tr>
<td>Resident mothers (n=228)</td>
<td>95%</td>
<td>5%</td>
</tr>
<tr>
<td>Non-resident fathers (n=143)</td>
<td>95%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Notes: GP non-separated = general population non-separated sub-sample; CFC sep = Caring for Children after Parental Separation sample comprising separated/divorced parents with at least one child under 18.

χ²(3) = 17.91, p<.001.
Scenario 1: Where the resident mother remarries

In the absence of any prompts about “opportunity costs” incurred and “in-kind” financial contributions made by resident mothers in caring for their children, Figure 5 shows that most respondents in each group believed that the mother’s income should be taken into account in setting child support liability. (To some extent this already happens in practice.) But what if the mother remarries? Should the new partner’s income be taken into account?

Household income is typically assumed to be shared equitably among family members. But the extent to which sharing occurs in the case of stepfamilies is unclear. Under this assumption, the only way for many children and their mothers to overcome financial deprivation is for the mother to re-partner (Smyth and Weston 2000). But if she does so, should her new partner’s income determine whether the children continue to receive child support?

Figure 7 summarises the views on this issue expressed by the four groups.

Apart from resident mothers, most respondents in the various groups maintained that continuation of payment should depend on the financial circumstances of the resident mother’s new husband. This view was expressed by nearly 70 per cent of non-separated men and non-resident fathers, 62 per cent of non-separated women, and only 45 per cent of resident mothers.

The second most common response of non-separated men and women and non-resident fathers was that the non-resident parent should be expected to continue paying child support (applying to 17–28 per cent in these groups). Resident mothers, on the other hand, were more evenly divided regarding continuation of child support and payment being contingent on the new partner’s financial situation (49 per cent argued that child support should continue and 45 per cent maintained that the new partner’s income should be taken into account).

Scenario 2: Where the non-resident father has stepchildren

In the first scenario, attention was directed to resident mothers who remarried rather than to the new husband who became a resident stepfather. The second scenario specifically targeted resident stepfathers, who also have children living with their other parent. Should such fathers be allowed to pay less child support? Figure 8 shows the pattern of responses to this question.

Apart from non-resident fathers, most respondents in each group rejected the notion that a non-resident father should be allowed to pay less child support if he is living with stepchildren. This view was held by three-quarters of the resident mothers and by close to two-thirds of the non-separated women and men. In marked contrast, half the non-resident fathers believed that stepchildren should be taken into account, while 42 per cent disagreed.

It is worth pausing for a moment to compare the pattern of responses to the scenario where the resident mother repartnered and where the non-resident father repartners and has stepchildren. Under both circumstances, a stepfather is in the household; the issue is: should child support payments be influenced by the existence of these step-relationships?
In the first scenario (remarriage of the resident mother), child support is framed as coming into this household; in the second (repartnering of the non-resident father), child support is framed as leaving the household.

The responses to these two scenarios may seem inconsistent, particularly for the non-separated sample. Most non-separated men and women argued that continuation of payments into the household should depend on a stepfather’s financial situation, but payments leaving the household should not be reduced by the presence of stepchildren.

Resident mothers were fairly evenly divided about whether or not money coming in should take into account the stepfather’s financial position, but most maintained that money going out should not be influenced by the presence of stepchildren. Non-resident fathers, on the other hand, disagreed with this. Most of these men believed that the stepfather’s financial situation should be taken into account in determining child support coming in while half maintained that the presence of stepchildren should influence how much money goes out of the household.

It is noteworthy that close to half the resident mothers and non-resident fathers opted for conditions that would disadvantage them should they experience the situations described (45 per cent of resident mothers believed that a mother’s continued receipt of child support should depend on the income of a mother’s new spouse; 42 per cent of non-resident fathers believed that the presence of stepchildren should not affect a father’s child support liability).

Scenario 3: Where the non-resident father has a new child

While the responsibilities of stepparents to their stepchildren are by no means clear-cut, the same cannot be said for biological children. Currently, children born of a new relationship (here called “new” children) are taken into account in the Australian Scheme but are treated differently from non-resident children: the amount of income exempt in calculating child support liability is increased where new children are present. This approach aims to treat all children equally, even though in practice (new) children in a household are likely to receive a greater share of income flowing into that household at the expense of first-family children (Joint Select Committee 1994).

Recent work in the United Kingdom (Peacey and Rainford 2004) found that most people in the general population, along with resident mothers, did not support the idea that child support payments should be reduced for non-resident fathers with new children, perhaps out of concern about encouraging paternal irresponsibility. Non-resident fathers held the opposite view. Is this the case in Australia? Figure 9 depicts the views of the four groups of survey participants on this issue.

Around two-thirds of non-separated men and women and resident mothers maintained that fathers should not be permitted to pay less child support if they have a child with another partner while nearly one-quarter felt that they should. On the other hand, most non-resident fathers felt that an allowance should be made for such children (62 per cent), with 28 per cent maintaining that child support liability should not take account of new children. Close to 10 per cent in each group volunteered an “it depends” answer.

Possibly, those rejecting the notion that new children should be taken into account were focusing on the irresponsibility of men who might start second families at the expense of their first family, while non-resident fathers may have been focusing on meeting the needs of all their children equally, regardless of children’s living arrangements. (One other possibility is that some payers who feel their child support liabilities are too onerous may have simply been focusing on minimising child support liability where possible, or some payees may have been focusing on maximising payments.)

Summary

Responses to the above three hypothetical scenarios about new partners and second families (involving stepchildren or new children) suggest that most respondents in the general population believed a non-resident father’s child support payments should not be affected by any new family responsibilities that he has, but that the continuation of payments should depend on the financial status of the first family’s stepfather.

Separated parents were less likely to support policy parameters that would have negative effects on their own financial circumstances should they be in that particular situation themselves. For instance, most resident mothers rejected the notion that payments should be affected by a non-resident father’s second family (new or step) but were evenly divided regarding whether the income of a resident mother’s new partner should determine if payments should continue.

More broadly, it would seem that the above pattern of results taps an undercurrent of concerns about (a) financially “strapped” non-resident fathers having to support former partners with wealthy husbands, and (b) non-resident fathers abrogating their responsibilities to first-family children when they have a second family.

Parent–child contact

The fundamental aim of the Child Support Scheme is to ensure that children receive a “proper” level of financial support from their parents, both of whom have a “primary duty” to maintain their children (Child Support (Assessment) Act 1989 (Cth)). This duty is not predicated on non-resident parents having contact with their children since such a link is
unlikely to be in the best interests of children (Department of Social Security 1994). Nevertheless “high” costs of contact are currently reflected in the operation of the formula: a non-resident parent who has a child for more than 30 per cent of nights per year pays a reduced amount of child support.

Yet as Thompson (1994: 224) writing in the United States notes:

“Visitation and child support are related attitudinally, empirically, sometimes even legally. But their linkage is complex. Fathers who do not visit with their children are less likely to pay child support, but this may be because fathers who refuse to pay child support lack the commitment to visit regularly with offspring or because fathers who encounter obstacles to visitation feel less fidelity to child support orders. It is also true that fathers who cannot maintain child support payments are likely to otherwise disappear from their children’s lives either because they are denied access by their children’s mother or because they cannot justify visiting offspring whom they cannot help support. Sometimes child support and visitation are linked to common influences: when mothers remarry, fathers sometimes feel excluded from their children’s lives and also believe there is less need for child support now that a stepfather is in the picture. Or the father’s own remarriage may diminish his interest in visitation and his perception of his capacity to pay child support. The geographic relocation of either parent can have similar consequences. In short, visitation and child support are complexly, but strongly, tied to each other.”

This section explores respondents’ views about whether contact and child support should be linked. Four scenarios are examined: (1) where a resident parent is preventing contact; (2) where a resident mother moves interstate; (3) where a resident mother moves overseas; and (4) where children stay overnight with their non-resident father. The first scenario involved either a clear intention to prevent contact on the part of the non-resident or resident parent. However, with respect to a resident mother’s relocation (contact scenarios 2 and 3), the intention remains ambiguous. Where a resident mother moves interstate, face-to-face contact would generally be possible although it may be ambiguous. Where a resident mother moves overseas, the intention remains uncertain.

The question as to whether child support should be paid if the resident parent is obstructing contact offered two gender variants (Figures 10a and 10b).

For each respondent group examined separately, views about whether child support should be paid were similar regardless of whether the payer was a father or mother. However, differences emerged across the four respondent groups. The majority of non-resident fathers held the view that child support should not be paid where contact was being denied (55 per cent and 59 per cent), although more than one third felt it should be paid (35 per cent and 37 per cent). Other groups were fairly evenly divided.

Between 7 and 16 per cent volunteered “it depends” for one or the other of these variants. Information from interviewers suggested that concern for children’s safety often underpinned these responses, although such issues were not raised by the interviewers themselves.

**Scenario 1: Where the resident parent is preventing contact**

The aim of the Child Support Scheme is to ensure that children receive a “proper” level of financial support from their parents, both of whom have a “primary duty” to maintain their children.
be considerably constrained and expensive. But where she moves overseas, face-to-face contact may be out of the question. Figure 11 explores whether people think child support should be paid if a resident mother moves interstate.

The most common response in all groups was that fathers should continue to pay child support even where a mother moves interstate. This was the majority view for resident mothers and non-separated women and men, and the view of around half the non-resident fathers (70–76 per cent compared with 51 per cent).

Non-payment under this condition was thus supported by a majority only (30 per cent of non-resident fathers and only 12–15 per cent of those in the other three groups). Another 12 to 19 per cent claimed that payment should depend on other factors, which would presumably relate to the circumstances surrounding the relocation.

**Scenario 3: Where the resident mother moves overseas**

Where relocation is particularly likely to impede contact (that is, where resident mothers move overseas), then the perception that fathers should keep on paying child support is attenuated (Figure 12).

While at least 70 per cent of resident mothers and non-separated women and men believed that fathers should pay child support when a resident mother moves interstate, only 42 to 50 per cent of respondents in these groups endorsed the notion that fathers should pay support if the mother moves overseas. Furthermore, the proportion of non-resident fathers endorsing the notion of payment of child support fell from 51 per cent in relation to interstate relocation to 23 per cent in relation to overseas relocation. Overseas relocation appears to matter for some people, which suggests that some make a link (conscious or otherwise) between seeing and paying. An alternative possibility is that some respondents might assume that the mother must be wealthy (and therefore not need child support) if she can afford to move overseas. Yet another possibility is the belief that child support transfers are a responsibility within Australia only. But this is speculation.

Men, especially non-resident fathers, were more likely than women to indicate that child support should not be paid when overseas relocation occurs (close to 60 per cent of non-resident fathers; 41 per cent of non-separated men, and around one-third of the two groups of women).

**Scenario 4: Where children stay overnight**

There has been increasing emphasis on the need to recognise the financial costs of contact to non-resident parents who have ongoing and regular contact with their children, particularly in relation to overnight stays.

Respondents were asked whether overnight stays should be taken into account in determining child support payments. Their answers to this question are presented in Figure 13. Most people in all groups believed that overnight stays should be taken into account in setting child support liability. Non-resident fathers were the most likely to hold this view (82 per cent), but close to three-quarters of non-separated women and men and 62 per cent of resident mothers also agreed.

**Discussion**

This article presents some of the key findings from the Institute’s recent study of contemporary attitudes to child support in Australia. The Attitudes to Child Support Study, on which the article is based, represents the first detailed Australian investigation of these attitudes, and was conducted to help inform the work of the 2004–2005 Ministerial Taskforce on Child Support.

This research is predicated on the belief that community perceptions, values and expectations (particularly those of separated parents) need to be understood as part of the evolving nature of child support policy. Policies that are not perceived as “fair”, regardless of how well or poorly informed these judgements are, can create a great deal of angst and tension. As pointed out by Lerner (1980), people need to feel that the world is a “just” place.

There are, of course, dangers in placing too much emphasis on community attitudes in policy development, particularly in relation to child support. To begin with, attitudes can be shaped by self- or group-interest, stereotypes, or hearsay. Second, the Australian Child Support Scheme is complex and involves a myriad of interlocking principles that may
not be well understood – even by those with first-hand experience of it. Third, the measurement of attitudes is highly influenced by question order and wording; even slight differences can influence the nature of responses. Fourth, crude approaches to gauging public attitudes, including the method adopted by the present study, are likely to elicit views that are not well considered. Fifth, it is difficult to capture the complexity of families in assessing attitudes (as in the case where parents share the care of children or have complex parenting arrangements). In the present study, attention was restricted to the breadwinning/paying model, with no consideration of the many invisible ways that children are supported through unpaid work.

Notwithstanding these potential shortcomings, attitudinal research is clearly a valuable component of policy development. Attitudes are a lens to understanding a community’s sense of fairness.

A perceived lack of fairness may suggest a need either to change policy or to make the rationale behind it more transparent and well known.

Key findings

Consistent with much of the public debate around the Scheme since it began, non-resident fathers believed that the Scheme was not working well and was unfair. Resident mothers were evenly divided about the Scheme’s functioning and fairness.

While some of the broad principles underpinning the Scheme received much support, differences sometimes emerged for one or more groups. Most respondents in all groups maintained that: child support should always be paid, regardless of the gender or financial circumstances of the non-resident parent; both parents’ incomes should be taken into account in setting child support liability; and the age of children should be taken into account.

Although a majority of respondents in all groups held the above views, resident mothers were: the least likely to agree that children’s ages and both parents’ incomes should be taken into account in setting child support liability; and the age of children should be taken into account.

The views of non-resident fathers tended to differ from those of other groups regarding whether non-resident fathers’ stepchildren or new children should affect child support liability. Most non-separated men and women, and most resident mothers, believed that neither stepchildren nor new children should affect payments. Non-resident fathers, on the other hand, were slightly more likely to argue in favour of some rather than no reduction payments where there were stepchildren in the household, and most argued that payments should be reduced if the father has another child with a new partner.

All groups, especially non-resident fathers, believed that overnight stays should be taken into account in the calculation of child support. However, resident mothers were the least supportive of this proposition.

Non-resident fathers tended to differ from one or more groups on scenarios that alluded to potential obstruction of parent–child contact. These fathers were inclined to believe that non-resident parents (male or female) should not have to pay child support if the resident parent is preventing contact – but other groups tended to be fairly evenly divided on this issue.

With respect to relocation, most groups argued that, where a resident mother moves interstate, child support payments should still continue – but only half the non-resident fathers agreed. Finally, most non-resident fathers maintained that child support should not be paid if the resident mother moved overseas – but resident mothers were more inclined to say payments should continue, while the non-separated groups were evenly divided on this issue.

There was thus some support for the idea that “seeing” and “paying” should be linked (the so-called “contact–child support nexus”), but only in cases where physical barriers were perceived to have been instigated by mothers. Other explanations for these trends may also apply. For example, in the case of relocation overseas, some respondents might assume that the mother must be wealthy and therefore not need child support if she can afford to move overseas.

Some reflections

Like other areas of family law, child support is an area riddled with competing interests. Views about its fairness thus depend on whose interests are being considered. What might lie underneath the different perceptions of separated women and men?

The reality is that without asking respondents whom they had in mind when they made their assessment of what might be “fair”, any ideas on what might be happening here are conjecture. Yet, because of the apparent systematic differences in the nature of responses of resident mothers and non-resident fathers, not to offer any ideas would be to miss an opportunity to build bridges across some of the different perspectives – a pursuit which may ultimately help parents

Figure 13: When children often stay overnight with their father, should this be taken into account when calculating his child support payments?

<table>
<thead>
<tr>
<th>Parent</th>
<th>GP non-separated</th>
<th>CFC separated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women (n=402)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men (n=348)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resident mothers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(n=234)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-resident</td>
<td></td>
<td></td>
</tr>
<tr>
<td>fathers (n=149)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes: GP nonsep = general population non-separated sub-sample; CFC sep = Caring for Children after Parental Separation sample comprising separated/divorced parents with at least one child under 18; χ²(9) =55.78, p<0.001.
to develop cooperative parenting arrangements after separation. The following reflections are offered to this end.

The justice–identity literature is a fruitful area from which to draw ideas to make sense of the differences across groups in attitudes to child support (especially in relation to the non-resident fathers’ views, which often differed to the other groups – including non-separated men). In essence, an abstraction of this literature suggests that women and men typically have different roles, experiences, and ways in the world – especially after separation – which may produce different perceptions of justice.

Building on the work of Minow (1997), Clayton and Opotow (2003: 300-3001) suggest that:

“Identity becomes more salient when it is fluid, such as when individuals or groups undergo geographical or social change and experience psychological and political shifts in their understanding of who they are and their entitlement to social resources . . . Identity affects why people care about justice . . . It also affects the operational definition of justice by determining whose justice matters, and for whom justice is relevant. In turn, our perceptions of justice and just treatment can influence the identity attributed to the recipient of that treatment, be it ourselves or another.”

Identity (individual, group or community) is thus likely to influence perceptions of justice; likewise, the experience and perception of justice can influence identity. It is a two-way street. What are the implications of this line of thought for attitudes to child support?

Relationship breakdown is a potentially life-changing personal event that can exert a powerful shift in individual and group identity, for both men and women. To begin with, women initiate separation more often than men (Hughes 2000), and there is much evidence to suggest that those who see themselves as “leavers” often fare better in terms of emotional wellbeing than those who believe they have been “left” (Bickerdike and Littlefield 2000; Weston 1986). In Australia, Jordan (1996: 57-58) found that men appear to be generally “unaware of and unprepared for separation”. As a consequence, they often carry unresolved feelings of grief and hurt for many years after the initial marital separation.

Against this emotional backdrop of hurt and rejection, many non-resident fathers want to play an active role in their children’s lives but struggle to do so in the face of numerous emotional and practical obstacles (Braver and O’Connell 1998; Kruk 1993). These obstacles include: dealing with the loss of daily interactions with children and familiar family activities; the pain of brief, superficial contact “visits” with children; role ambiguity (“Am I a real parent?”); significant loss of financial resources in the aftermath of separation; finding adequate housing that can provide a home for caring for children; and maintaining a connection with children in the face of parental conflict, physical distance, possible new family responsibilities, and children’s peer, school and extra-curricula activities.

This series of apparent disenfranchisements, individually and in combination, leads many non-resident fathers to believe that they are, as Kruk (1993: 87) puts it, “judicially, culturally, and legislatively disadvantaged on the basis of gender” (see also Braver and O’Connell 1998). Issues of “fairness” to themselves as parents are thus likely to loom large in the minds of non-resident fathers.

Clayton and Opotow (2003) suggest that concerns about one’s own identity can be the primary motive for concern with unfair treatment and processes. In the context of environmental issues, they point out that “people can be more willing to accept negative outcomes when they view procedures that lead to these outcomes as fair, respectful and allowing voice” (p. 303). How people are treated can affect their perceptions of the fairness of an outcome.

But non-resident fathers are not alone in the experience of loss and hurt. Children can suffer because they are poor, or are caught in the middle of their parents’ conflict. Resident mothers can also suffer, emotionally, socially and financially. For example, sole-parent families headed by mothers can experience a drastic fall in financial living standards, while the situation for men can be more varied (Kelly and Harding 2005, Smyth and Weston 2000).

Mothers typically take the major responsibility for raising children. In doing so, their job advancement is often put on hold and thus compromised, while their husbands’ careers continue to be enhanced. Indeed, men have been shown to be advantaged in terms of career progression if they have a family (Bianchi, Subaiya and Kahn 1999; Nock 1998). Given the needs of children, and men’s usually higher earning capacity, this traditional division of responsibilities typically makes mothers economically vulnerable – a vulnerability that is hidden by the marriage.

Thus, the experience of separation for women is likely to impose a set of sensitivities about what is emotionally and financially “fair”, especially in relation to the need for children to receive ongoing support. But it may be that resident mothers’ perceptions of fairness are more multi-layered than those of resident fathers’. Women may have a higher degree of “collective awareness” than men, as suggested by Brickman, Folger, Goode and Schul (1981) and, as a consequence, be inclined to see things from multiple perspectives when weighing up “fairness”. Their responses to questions about child support may encompass both personal and social considerations. Yet the views of non-separated men tended to be similar to those of non-separated women.

Of course, it could be that in a climate of scarce (emotional and financial) resources after separation, men’s and women’s attitudes to child support tend to reflect self- or group-interest. A voluminous literature suggests that people who are hurting are particularly likely to be self-focused (for example, Pennebaker 1982). Why, then, were the patterns of responses of resident mothers more similar to those of non-separated men and women?
While the Child Support Agency (1997) reports that enforcement issues are highly salient to resident parents, the Institute’s Attitudes to Child Support Study focused almost exclusively on issues with which non-resident parents (mostly fathers) have expressed a great deal of concern: the factors that should be taken into account in determining child support liability, including parent–child contact and second families. It may well be that attitudes towards those circumstances that “hurt” the most are particularly likely to generate attitudes based more on self-interest or the interests of groups undergoing similar experiences, than the interests of all groups affected. In other words, it may be that the issues examined in this survey were more likely to trigger responses reflecting self- and group-interests in non-resident fathers than in resident mothers.

But perhaps social reality is a little more complex than this, as suggested by justice–identity theory. The fundamental insight of this theory is that how we see ourselves in the world can shape what we think is “fair”, and vice versa.

Research on the interface between justice and identity holds much promise for helping to improve our understanding of the differences in the attitudes of resident mothers and non-resident fathers to child support. Insights about micro-justice orientations (which focus on the self and subgroup) and macro-justice orientations (which focus on the broader community), and their inter-relation, are fertile ground for child support research to pursue.

The various findings set out above are likely to be of considerable interest to policymakers, family law professionals, divorce mediators, and separated parents themselves. It is hoped that this research will stimulate empirical work into why respondents supported certain propositions and not others, which child support issues should be targeted by divorce mediators, and separated parents themselves. It is conceivable that the differences in the attitudes of resident fathers (mostly fathers) have expressed a great deal of concern towards those circumstances that “hurt” the most are particularly likely to generate attitudes based more on self-interest or the interests of groups undergoing similar experiences, than the interests of all groups affected. In other words, it may be that the issues examined in this survey were more likely to trigger responses reflecting self- and group-interests in non-resident fathers than in resident mothers.

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References


Kelly, S. & Harding, A. (2005), Low can hurt, divorce will cost: Financial impact of divorce in Australia, AMP/UNSW Income and Wealth Report, Issue 10, April, AMP.


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