In line with our legislative responsibility to investigate factors affecting the well-being of children and families, the Australian Institute of Family Studies has always maintained a keen interest in the development and evaluation of Australia’s Child Support Scheme. The first major evaluation of the Scheme was conducted by the Institute in 1990, and the collection of child support data has been an important part of most Institute studies of divorce since then.

This report presents a snapshot of contemporary attitudes to child support in Australia. The study on which the report 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. The Institute is indebted to the Australian Government Department of Family and Community Services for co-funding this research, and for supporting the project throughout its duration.

As the authors of the report point out, child support is not just about money. Indeed child support raises many fundamental issues about social values and “fairness”. Policy should therefore have some basis in present-day views of parental responsibility and fairness. The attitudinal data in this report act as an analytic prism to understanding the community’s sense of fairness in relation to inter-household financial transfers after parental separation. Not surprisingly, women and men (ever or never separated) held different views in different family circumstances.

The findings are both simple and complex; some patterns are to be expected, others are not. The various patterns are likely to be of considerable interest to policy makers, family law professionals, divorce mediators, and separated parents themselves. It is hoped that Attitudes to Child Support will stimulate empirical work into why respondents supported certain propositions and not others, which child support issues should be targeted by community education programs for separated parents, and which issues may act as sticking points for parents in reaching agreement on their post-separation parenting arrangements more generally.

Child support aims to benefit children. This report was written in the spirit of this aim. I congratulate Bruce Smyth and Ruth Weston on an excellent report and commend it to you.

Professor Alan Hayes
Director
Australian Institute of Family Studies
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Any shortcomings or errors are, of course, the authors’ own.
Summary

The *Attitudes to Child Support Study*, conducted by the Australian Institute of Family Studies early in 2005, was designed to inform the work of the Ministerial Taskforce on Child Support. The study was jointly funded by the Australian Government Department of Family and Community Services (FaCS) and the Australian Institute of Family Studies.

Data were obtained from a general population sample comprising 1,001 people aged between 18 and 64 years. Data were also collected from a national random sample of 620 separated/divorced parents with at least one child under 18 years. These data represent the views of two distinct groups: those within the ambit of the 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). Telephone interviews lasting approximately 12-15 minutes were conducted with respondents.

Most of the survey questions were taken from a recent UK survey series of attitudes to child support, which explored scenarios in which the father was the non-resident parent. The issues covered focused largely on whether child support should be paid, rather than enforcement issues or the recognition of unpaid work in caring for children.

It should be noted that there is a danger in placing too much emphasis on community attitudes in the shaping of policy, particularly where the rationale behind policy decisions entails a complex set of issues that may not be well understood.

**Key findings**

- Most (77 per cent) respondents in the general population had heard of the Child Support Scheme.
- Most non-resident fathers believed that the Scheme was not working well (62 per cent) and was unfair (74 per cent). Resident mothers were evenly divided on the Scheme’s functioning and fairness; an argument could be made either way for whether they perceived their glass to be “half full” or “half empty”.

**Broad principles underpinning the Scheme**

- 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’ income should be taken into account in setting child support liability;
  - payments should be based on net rather than gross income;
  - there should be an upper limit on the amount of support payable by high-earning fathers;
  - the age of children should be taken into account in the Scheme; and
  - children with a disability should continue to receive child support after they turn 18 years.
Although a majority of respondents in all groups held the foregoing views, systematic differences between groups nonetheless emerged for almost all of the above issues.

There was a consistent majority view for three of the four groups on several issues. Most groups were inclined to believe that:

– helping children should be the main priority of the Scheme – but non-resident fathers tended to support either the objective of helping children, “fairness to parents” or both (with helping children being the more common response);

– child support should be based on the non-resident father’s capacity to pay (“fathers who earn more should pay more”) rather than on the “basic costs” of children – but non-resident fathers were fairly evenly divided on this issue; and

– parents alone should hold the main responsibility for the financial support of their children – but resident mothers were evenly divided between this view and the view that the main responsibility should rest with parents together with the government (a trend that was related to the disproportionate number of resident mothers and children reliant on government support).

Women and men differed markedly on the extent to which they thought that fathers would pay child support without government intervention: women (especially resident mothers) believed government involvement was necessary; men (especially non-resident fathers) did not.

Finally, most respondents believed that, where mothers were on government income support, these payments should not be reduced by the total amount of child support. Instead, most respondents argued in favour of mothers keeping all or some of these payments, with some reduction tending to be the more popular of these alternatives.

New partners, second families

While there was some inconsistency, most groups were inclined to believe that:

– where a resident mother remarries, continuation of child support should depend on the new partner’s financial situation – but resident mothers were divided on this issue;

– where a non-resident father repartners and has stepchildren, child support liability should not be reduced – but non-resident fathers were slightly more likely to argue in favour of some rather than no reduction; and

– where a non-resident father has a child born of a new relationship, child support liability should not be reduced – but most non-resident fathers disagreed.

Parent–child contact

There was much agreement across the groups on two issues related to parent–child contact. Most respondents in all groups believed that:

– a non-resident parent’s (male or female) lack of interest in maintaining contact with children should have no bearing on their duty to support children financially; and

– overnight stays should be taken into account in the calculation of child support.
Nevertheless, non-resident fathers were less likely than other groups to agree that fathers who lacked interest in having contact should pay support. They were also more inclined to believe that overnight stays should be taken into account, while resident mothers were the least supportive of this proposition.

In addition, most non-separated women and men, and particularly resident fathers, believed that child support should be reduced where a father has to establish new housing for his children to stay overnight – but most resident mothers disagreed with this proposition.

Non-resident fathers tended to differ from one or more groups on scenarios that alluded to potential obstruction of parent–child contact:

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

**Suggested changes to the Scheme**

At the end of the survey, respondents were asked: “Is there anything that you’d like to see changed about the Child Support Scheme as it currently stands?”

Here, two things should be borne in mind:

- many suggested changes are likely to have been triggered by the survey questions asked during the course of the interview; and
- respondents’ comments should not be seen as representative of the views of all respondents in either sample, or of any broader population.

When asked what they would like to see changed, women’s and men’s responses differed in some ways:

- the women who made suggestions wanted to see child support paid (even if fathers moved overseas), arrears collected, and income minimisation itself minimised;
- by contrast, the men who made suggestions wanted (a) both parents’ 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 partner’s new partner to be included in the formula; and (f) child support to be exempted or reduced where contact is impeded because of relocation or denial (“no-see, no-pay”).

There was nonetheless common ground between women and men on a number of issues, including:

- the need and importance of mediation, relationship counselling, and parenting programs (both pre- and post-separation);
- perceived problems with administrative and assessment processes; and
- the need to ensure that the Scheme was fair for children (young and old, disabled or otherwise), and for resident parents, non-resident parents, and government.
The above findings suggest the need for:

- better education and information for separated parents and the general community about the principles and rationale behind the Scheme;
- a more therapeutic process in helping separating parents handle the many challenges they face, especially in relation to reaching their own parenting and financial agreements;
- optimising the impact of the soon-to-be-established network of Family Relationship Centres by including opportunities to help parents negotiate child support and associated financial issues where appropriate; and
- research into children’s views about child support, as well as research into the reasoning behind parents’ attitudes – including the extent to which these attitudes are based on their own needs, their children’s needs, those of their partner, those in similar circumstances and those of the community.

**Striking a balance**

The *Attitudes to Child Support Study* 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. These perceptions and their various crosscurrents attest to the difficulties in balancing the diverse desires and needs of all family members and the State in relation to the financial support of children after parental separation.
Why study attitudes to child support?
A core concern for most developed countries continues to be how to foster the ongoing support of children following parental separation or divorce. 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 (Harrison and Tucker 1986; 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 parents. Central to the Scheme is the administrative assessment of child support liability via the application of a child support formula, removing the need for parents to have recourse to court-based discretionary assessment, which typically produced low child maintenance amounts that did not adjust for inflation.1

The fundamental shift brought about by the Scheme was that the registration of a child support liability with the Child Support Agency converted “a personal obligation into a debt owed to the Commonwealth” (Harrison 1994: 178) that was collected by the Child Support Agency. Through the elimination of the need for private enforcement action, the Scheme sought to improve the working relationship between parents by reducing the stress, anger or fear often associated with “bargaining” over money (Carberry 1990, 1992). It also sought to offer a degree of predictability and certainty about payments with respect to their amount, regularity, and timing, and to promote parent–child contact in the hope that “where money goes, the heart goes”.

Specifically, the Scheme was designed to ensure that: (a) children of separated or divorced parents receive adequate financial support; (b) both parents contribute to the cost of supporting their children according to their respective capacities to do so; and (c) government expenditure is restricted to the minimum necessary to attain these objectives (Joint Select Committee 1994). The Scheme also seeks to avoid work disincentives for parents, and to be “simple, flexible, efficient” and non-intrusive in its operation (Child Support Evaluation Advisory Group 1992: 67-68).

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1 The formula is currently expressed as a percentage of the non-resident parent’s gross taxable income after a “self-support” component has been deducted. The self-support component is increased where the non-resident parent has any natural or adopted children in his or her care. The formula is based on the number of dependent children under the daily care of the other parent (18 per cent of taxable income for one child, 27 per cent for two children, 32 per cent for three, 34 per cent for four, and 36 per cent for five or more children). Currently, all non-resident parents are expected to pay at least $260 per year (that is, around $5 per week). There is a ceiling for the non-resident parent’s child support income which is set at 2.5 times average weekly total earnings for persons in Australia. Further, the income of the resident parent is taken into account when it equals or exceeds an aggregate of average weekly earnings plus a supplementary amount related to caring for children. The resident parent’s income is also taken into account where each parent has the children for at least 30 per cent of nights.
In support of these objectives, at least six carefully considered principles underpin the Scheme.

First and foremost, each natural (or adoptive) parent has a duty to support his or her own children. Where possible, this responsibility should thus not be passed onto other adults or the government.

Second, all non-resident parents regardless of their income should pay something towards the financial support of their children.\(^2\)

Third, children whose parents have separated should themselves have a standard of living that reflects that of both their parents, not just the one with whom they usually live.

Fourth, the amounts assessed as owed should seem “reasonable” (for instance, given economies of scale, simply doubling the payment for each additional child is unlikely to be perceived as “fair”).

Fifth, no contingent link should be made between the occurrence of child support payments and parent–child contact because such a link is unlikely to be in children’s best interests.\(^3\) Thus payment of child support should occur regardless of whether parent–child contact is possible, and vice versa.

Finally, where parents enter into new relationships and have new family responsibilities, children of the past relationship (“first children”) should be given special policy consideration. This is because family dynamics are such that (new) children in a household typically receive the lion’s share of income flowing into that household while children living elsewhere may be “out-of-sight; out-of-mind” (Joint Select Committee 1994).\(^4\)

These and other principles also underpin child support schemes elsewhere, although with varied emphasis – sometimes markedly – within and across countries. (The United States is a policy microcosm in this regard, with different states having different policies.)

### Recent policy challenges

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 reworked in a bid to improve the balance between “adequacy” and “equity”, and to take into account changing social trends.\(^5\)

In recent years, much of the policy refinement has centred on equity issues through the inclusion or refinement of “special factors” – most notably financial

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\(^2\) This principle was added to the Scheme relatively recently (1 July 2001). A $260 annual minimum assessment (that is, $5 per week) currently exists.

\(^3\) However, the “high” costs of substantial contact involving overnight stays (30 per cent of nights or more per year) reduce child support liability.

\(^4\) See footnote 1 for a description of how these principles are operationalised under the Scheme.

\(^5\) The notions of “adequacy” of support for children versus “equity” between households are discussed by Eekelaar (1988, 2000).
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 formulaic assessment flexible enough to take account of the ever-increasing complexity of 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 2004a; McNeely and McNeely 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. 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).6 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, and the State on the other (Harris 1999).

Attitudes as a window into “fairness”

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”7; 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; Lin 2000; Minow 1998).8 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

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6 The extent to which these different models can achieve this goal remains to be seen since none has yet been adopted.
7 A basic axiom of family economics is that there is no single absolute “cost” of a child: “children’s needs above subsistence level vary with the income and values of the parents” (Harris 1999: 717).
8 The basic models include: percentage-of-obligor-income (in which only the income of the non-resident parent is taken into account); income shares (in which both parents’ incomes are taken into account); Melson/Delaware (which is a form of income shares but includes a self-support component for parents); income equalization (in which the main aim of child support is to equalise the financial living standards of both parents); and cost shares (in which the costs of children are estimated and then pro-rated according to both parents’ earnings). Hybrid models also exist, of which the Australian Scheme is a good example (see footnote 1).
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; Minow 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.

Prior work

Studies of attitudes to child support have been undertaken in a number of countries. In the United States, where most of the early work has been conducted, complex multi-factorial vignette designs have mainly been used.9 This approach has sought to assess how much child support should be paid, and the extent to which different family-related circumstances influence these estimates (see, for example, Bergmann and Wetchler 1995; Corbett, Garfinkel and Schaefer 1992). Schaeffer (1990), for example, found that respondents favoured: the level of child support being based on capacity to pay; the use of both parents’ income in estimating child support liability; and a reduction in payment liability where resident mothers had repartnered. Moreover, Ganong and Coleman (1999) found that beliefs about “fairness” guided respondents’ thinking on child support. However, respondents differed on whose fairness should be considered – resident mothers’ and children’s, non-resident fathers’, or all family members’.

In the United Kingdom, two major studies of attitudes to child support have recently been conducted.10 White (2002) analysed data from several large British longitudinal surveys in an attempt to benchmark public attitudes to child support. Among other things, she found considerable community support for the principles that: (a) the main responsibility for child support should lie with parents not government; (b) non-resident parents (male or female; rich or poor) should always pay child support; (c) payments should reflect capacity to pay; and (d) most mothers on government income support should be able to keep some or all of the child support received.

However, White also found that respondents tended to be evenly divided about whether there should be an upper ceiling on the amount of child support paid by high-income fathers, and whether overnight stays should be taken into account in child support. Nonetheless, while most women and men in general maintained that a father’s new family responsibilities (involving children born of the new relationship) should not affect their child support liabilities for first-family children, this was more commonly expressed by the women. Furthermore, non-resident parents were more likely than resident parents to believe that the denial of contact should reduce child support payments.

9 At least 37 public opinion polls have been conducted in the US over the past 30 years (see also Garrison 1998: 99, note 247). These polls typically comprise a single question focusing on child support enforcement strategies (Dialog - POLL database, searched 9 January 2005).

10 Earlier studies include those by Burgoyne and Miller (1994) and Kiernan (1992).
Building on White’s (2002) work, Peacey and Rainford (2004) conducted a study of attitudes to child support using essentially the same set of questions and research design. Much the same pattern of results emerged. These results were interpreted as offering broad support for the aims and principles of the UK Child Support Agency.

In Australia, the Child Support Agency has conducted several attitudinal surveys. In 1995, the Agency investigated clients’ perceptions of its service. It repeated this survey in 1996 and 1997 (Child Support Agency 1997). Around 2,300 clients were interviewed each year by telephone. The study found, among other things, that issues related to natural justice (“treating both sides equally”) appeared to be of greatest concern to payers (mostly fathers), whereas enforcement issues were highly salient to payees (mostly mothers) (Child Support Agency 1997: 5-7).

In 1998, the Agency surveyed the general Australian community about its perceptions of the Agency and the Child Support Scheme. It repeated this survey in 1999 and 2000 (Child Support Agency 2001a). The Agency found that virtually all respondents agreed with the idea that both parents should support their children financially after separation; and most respondents believed that all non-resident parents should pay at least $5 a week to support their children (see also Child Support Agency 2001b). It also noted that males were more likely than females to be critical of the formula and administrative issues.

The Australian Institute of Family Studies also found widespread public support for the idea that both parents should provide financial support for their children after separation (Funder and Smyth 1996), although one study suggested that divorced men were more likely than divorced women and their children to believe that child support should cease once children turn 18 (Smyth 2000). In a more recent survey, over half (55 per cent) of the resident mothers reported being dissatisfied with the amount of child support paid, compared with around one third (36 per cent) of non-resident fathers. Those who were most dissatisfied were: resident mothers who reported father–child contact occurring but without any child support being paid (79 per cent of resident mothers in this group reported dissatisfaction); and non-resident fathers who reported paying child support but who had no contact with children (68 per cent of fathers in this group reported dissatisfaction). Not surprisingly, those who were the least likely to express dissatisfaction with child support payments were separated parents who reported the co-occurrence of father–child contact and child support (46 per cent of resident mothers and 28 per cent of non-resident fathers).

In summary, it would seem that there is considerable overlap between the views of the general population in the United States, the United Kingdom and Australia on several key principles on which each scheme rests.

**The need for an up-to-date Australian snapshot**

Obtaining a contemporary picture of attitudes to child support has particular relevance in Australia at present. Flowing out of its 2003 inquiry into 50/50 shared care after separation, the Standing Committee on Family and Community Affairs 11 While several parliamentary inquiries have received numerous submissions in relation to child support (for example, Joint Select Committee 1994; Commonwealth of Australia 2003), it is unclear to what extent these views are indicative of broader community sentiment.

12 These results, derived specifically for the present discussion, are based on Wave 1 of the Australian Institute of Family Studies’ Caring for Children after Parental Separation Project, conducted in 2003.
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). The Australian Government recently established a Ministerial Taskforce on Child Support to conduct a comprehensive re-evaluation of the Scheme (Anthony 2004). The Institute’s Attitudes to Child Support Study, reported here, was conducted to help inform the Taskforce’s review. An awareness of attitudes can also provide a national benchmark of attitudes to child support against which comparisons can be made in subsequent years in the event of any major policy reform.

This report examines attitudes to several pressing child support policy issues. Should parents on low income be exempted from paying any child support? Should there be a penalty (such as a fine) for non-payment? Should the $5 per week minimum amount of child support be increased? Should parents whose children are taken overseas have to keep paying child support? Should (wealthy) parents have a cap on how much child support they pay? Should child support take account of parents’ set-up costs for housing? Should child support be based on gross or net income? Should non-resident parents with new obligations to second families have their child support payments reduced?

**Structure of the report**

Following a brief overview of the study’s design (Chapter 2), attitudes to some of the broad principles of the Scheme are presented in Chapter 3. Chapter 4 then examines the views of respondents about the extent to which second families and parent-child contact should be taken into account in child support calculations. In Chapter 5, respondents’ comments about changes they would like to see to the Scheme are summarised. The final chapter synthesises and discusses key findings, and sets out several policy implications arising from the data.
2
Research design
In December 2004, the Australian Government Department of Family and Community Services (FaCS) commissioned the Australian Institute of Family Studies to conduct an expedited national survey of attitudes to child support in Australia. This study, the *Attitudes to Child Support Study*, sought to inform the Ministerial Taskforce on Child Support in its review of the functioning of the Child Support Scheme.

The need for fast access to representative, reliable attitudinal data shaped the study’s research design. The study had an 11-week time span (from idea to final report) because of the Taskforce’s tight timeframe.

The study’s temporal parameters required access to an existing pool of suitable attitudinal questions, and “ready-to-go” samples of (a) separated/divorced parents with at least one dependent child, and (b) adults in the general population. Somewhat fortuitously, the UK Department of Work and Pensions had recently commissioned 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. This was a much less onerous task than finding and recruiting a fresh sample of separated parents.

**Samples and recruitment**

Two samples were drawn. The general population sample comprised 1,001 individuals (55 per cent women; 45 per cent men) aged 18–64 years living in households with telephones. This sampling frame was stratified by gender and geographical location (urban/rural, State/Territory). The second sample comprised 620 separated/divorced parents (54 per cent women, 46 per cent men) aged between 18 and 64 years. These parents had at least one child under 18 years old. Both random stratified samples produced near equal numbers of women and men from all Australian States and Territories, including city and rural areas.

Respondents in the general population sample were randomly selected from the 2004 *DtMS Electronic White Pages*. This database lists all Australian residential landline telephone numbers. With 14,827 calls, 4,071 private households were identified (as opposed to business or fax numbers, or no answers etc). Of these

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The sample included parents who had never married or lived together. Three respondents were excluded from the present analysis because they were aged 65 or over (the final sample comprised 620 separated parents). Thus both samples had the same upper age limit. It should be noted that by the time of the second interview in 2005, a small proportion of the children had turned 18.
households, 22 per cent were identified as not containing a person aged 18 to 65 years, while for 49 per cent, the person who answered the telephone refused participation without revealing whether there was a household member of this age.

Response rates can be determined in different ways. If it is assumed that 85 per cent of those households where no information was provided about eligibility were in scope, then the response rate is 36 per cent.14

Respondents in the separated parent sample were selected through attempts to recontact the 896 (of the original 971) participants in the Institute’s 2003 Caring for Children after Parental Separation Project who agreed to be recontacted at a later date. Of these, 678 were contactable, and 92 per cent \( (n=623) \) were interviewed, 4 per cent refused, and 4 per cent were away during the survey period.

The original sample was obtained through random digit dialling, and was stratified by gender and geographical location from the population of Australian households with landline telephones. Random digit dialling has a number of benefits over other approaches, including the ability to make contact with unlisted numbers. The proportion of unlisted numbers has increased markedly in recent years, adding bias to samples drawn from the electronic telephone databases.

To obtain the original target sample, more than 163,000 telephone calls were made around Australia, leading to the identification of nearly 70,000 households (43 per cent). Of these households, 77 per cent did not contain a person in scope, while for 15 per cent, the person who answered the telephone refused participation without revealing whether there was a person in scope.

The most favourable response rate (where interviews achieved are calculated as a percentage of interviews plus refusals by a person known to be in scope) is 44 per cent. A more likely estimate, however, is around 26 per cent – assuming that 15 per cent of households where refusal occurred before eligibility could be determined were in scope.15

**Data collection**

Computer-assisted telephone interviewing (CATI) was used to collect the survey data. CATI offers a number of practical benefits, including substantial cost efficiencies (especially with regard to sampling “specialised” populations), a relatively fast turn-around from data collection to readiness for analysis, and flexibility in question manipulation and sequencing. CATI also affords excellent data integrity since interviewers are supervised (allowing feedback, support and cross-checks). The CATI software also ensures accurate question sequencing and data entry due to its internal logic checks and verification processes.

Interviews were conducted between 19 January and 5 February 2005. The starting date was decided on to avoid conducting interviews in the first two weeks of January when there is a greater potential for temporal sampling bias due to the holiday season (Moser and Kalton 1971).

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14 The 85 per cent estimate is based on the Australian Bureau of Statistics one per cent Census sample file. A far more favourable (but unlikely) estimate of the response rate is based on those known to be eligible. Using this approach, the response rate is 93 per cent (i.e., those interviewed as a percentage of this group and refusers).

15 Using data from the Australian Bureau of Statistics, the fieldwork company estimated that 15 per cent of households contacted would “meet the sample selection criteria”.
Respondents in the general population took an average of 12 minutes to complete the interview, while separated parents took an average of 15 minutes (possibly reflecting their greater knowledge and the likelihood that they had much more to say about child support than those who had little or no awareness of, or experience with, the Scheme or the Child Support Agency).

Survey content

The interview schedule had five parts: (a) general perceptions or, in the case of the general population sample, general awareness of the Child Support Scheme; (b) attitudes to child support where fathers were the non-resident parent; (c) attitudes to child support where mothers were the non-resident parent; (d) attitudes to broader policy issues; and (e) demographics. (The interview schedules are set out in Appendix A.)

The two schedules were almost identical except for the first section on general perceptions/awareness. Respondents in the general population sample were asked whether they had heard of either the Child Support Scheme or the Child Support Agency and, if so, whether they had ever had any contact with the Agency. By contrast, it was assumed that all of the separated parents were aware of the Scheme. They were thus not asked these questions but were offered more direct questions about whether they believed the Scheme was “working well” and was “fair”. Both schedules concluded with an open-ended question about whether respondents wanted anything changed in the Scheme. Only respondents in the general population sample who had heard of either the Scheme or Agency were asked this last question.

As noted above, many of the questions for the survey were derived from similar studies conducted recently by the UK Department of Work and Pensions (Peacey and Rainford 2004; White 2002 – see Chapter 1). Both UK studies used face-to-face computer-assisted personal interviews (CAPI) rather than telephone interviews (CATI).

Minor alterations were made to the UK questions to make them more relevant to the family law context in Australia, and to improve their readability for CATI (in which non-verbal cues are not available). One major difference in approach between surveys was that the UK questions focused on situations where the non-resident parent was a father (the most common scenario), whereas some questions in the Australian version included the parallel scenario where the mother was the non-resident parent (see Section 3 of the survey). However, time constraints restricted the number of questions that could be gender-reversed.

Analytic strategy

It is important to note that different parts of the analysis are based on different samples. Chapters 3 and 4 of this report focus 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

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16 Some demographic questions (e.g., gender, age, education) were not asked of respondents in the separated parent sample because this information had already been collected 12 months prior.

17 In the UK (Peacey & Rainford 2004), gender differences in sole care were explored with a single question: “Now think about if the child or children lived with their father rather than their mother. Would your answers on maintenance payments have been the same or different?”.
of resident mothers \((n=236)\) and non-resident fathers \((n=149)\) from the 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.\(^{18}\) 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.

Chapter 5 explores the responses of wider groups in both samples: respondents in the general population who either (a) had a child under 18 with a parent living elsewhere at the time of interview; (b) had ever paid or received any child support; or (c) had at least heard of the Child Support Scheme or Child Support Agency \((n=766)\); and separated/divorced parents in the Caring for Children after Parental Separation sample (including the small groups of resident fathers and non-resident mothers) \((n=620)\). The various samples on which each chapter is based are shown in Figure 2.1.

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18 There were insufficient numbers to allow comparisons of other relevant groups, such as respondents with stepchildren or new biological children.
Demographic profile

Key demographic characteristics of the separated and non-separated groups are presented in Table 2.1. Given that the samples were selected on different criteria, they are likely to differ in important ways – an issue that should be borne in mind when interpreting the results.

Table 2.1 Demographic profiles of each sample by gender

<table>
<thead>
<tr>
<th></th>
<th>General population (non-separated) (n=758)</th>
<th>Separated/divorced parents (CFC sample) (n=385)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Females (n=407)</td>
<td>Males (n=351)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>n</td>
<td>%</td>
<td>n</td>
</tr>
<tr>
<td>State / Territory</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NSW/ ACT</td>
<td>150</td>
<td>37</td>
<td>126</td>
</tr>
<tr>
<td>VIC/TAS</td>
<td>110</td>
<td>27</td>
<td>101</td>
</tr>
<tr>
<td>QLD</td>
<td>75</td>
<td>18</td>
<td>61</td>
</tr>
<tr>
<td>SA / NT</td>
<td>35</td>
<td>9</td>
<td>29</td>
</tr>
<tr>
<td>WA</td>
<td>37</td>
<td>9</td>
<td>34</td>
</tr>
<tr>
<td>Total</td>
<td>407</td>
<td>100</td>
<td>351</td>
</tr>
<tr>
<td>City / Country</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Metropolitan</td>
<td>236</td>
<td>58</td>
<td>205</td>
</tr>
<tr>
<td>Non-metropolitan</td>
<td>171</td>
<td>42</td>
<td>146</td>
</tr>
<tr>
<td>Total</td>
<td>407</td>
<td>100</td>
<td>351</td>
</tr>
<tr>
<td>Age (years)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-24</td>
<td>31</td>
<td>8</td>
<td>44</td>
</tr>
<tr>
<td>25-34</td>
<td>86</td>
<td>21</td>
<td>72</td>
</tr>
<tr>
<td>35-44</td>
<td>101</td>
<td>25</td>
<td>85</td>
</tr>
<tr>
<td>45-54</td>
<td>100</td>
<td>25</td>
<td>85</td>
</tr>
<tr>
<td>55+</td>
<td>88</td>
<td>22</td>
<td>64</td>
</tr>
<tr>
<td>Total</td>
<td>406</td>
<td>100</td>
<td>350</td>
</tr>
<tr>
<td>Education</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No post-secondary school</td>
<td>181</td>
<td>45</td>
<td>141</td>
</tr>
<tr>
<td>Diploma/vocational training</td>
<td>91</td>
<td>23</td>
<td>94</td>
</tr>
<tr>
<td>Degree</td>
<td>132</td>
<td>33</td>
<td>112</td>
</tr>
<tr>
<td>Total</td>
<td>404</td>
<td>100</td>
<td>347</td>
</tr>
<tr>
<td>Marital status at interview</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>273</td>
<td>67</td>
<td>204</td>
</tr>
<tr>
<td>Cohabiting</td>
<td>32</td>
<td>8</td>
<td>35</td>
</tr>
<tr>
<td>Single</td>
<td>101</td>
<td>25</td>
<td>111</td>
</tr>
<tr>
<td>Total</td>
<td>406</td>
<td>100</td>
<td>350</td>
</tr>
<tr>
<td>Main source of income</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Earnings</td>
<td>291</td>
<td>72</td>
<td>297</td>
</tr>
<tr>
<td>Govt benefits</td>
<td>48</td>
<td>12</td>
<td>35</td>
</tr>
<tr>
<td>Other</td>
<td>64</td>
<td>16</td>
<td>17</td>
</tr>
<tr>
<td>Total</td>
<td>403</td>
<td>100</td>
<td>349</td>
</tr>
<tr>
<td>Household gross annual inc</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;$20,000</td>
<td>32</td>
<td>9</td>
<td>40</td>
</tr>
<tr>
<td>$20,000 - $49,999</td>
<td>111</td>
<td>30</td>
<td>83</td>
</tr>
<tr>
<td>$50,000 - $79,999</td>
<td>115</td>
<td>31</td>
<td>89</td>
</tr>
<tr>
<td>$80,000 - $99,999</td>
<td>47</td>
<td>13</td>
<td>41</td>
</tr>
<tr>
<td>$100,000+</td>
<td>70</td>
<td>19</td>
<td>70</td>
</tr>
<tr>
<td>Total</td>
<td>375</td>
<td>100</td>
<td>323</td>
</tr>
<tr>
<td>Labour force status</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Employed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Full-time</td>
<td>152</td>
<td>37</td>
<td>253</td>
</tr>
<tr>
<td>- Part-time</td>
<td>112</td>
<td>28</td>
<td>45</td>
</tr>
<tr>
<td>Unemployed</td>
<td>27</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>Not in labour force</td>
<td>115</td>
<td>28</td>
<td>43</td>
</tr>
<tr>
<td>Total</td>
<td>406</td>
<td>100</td>
<td>350</td>
</tr>
</tbody>
</table>
Since both samples were stratified by geographical location (State/Territory, city/country), similar patterns of relative proportions in the different localities emerged for each group.

Apart from those aged under 25, there was an even spread of non-separated women and men in the different age groups, whereas the separated respondents were most likely to be aged 35–44 years, followed by 45–54 years. Non-separated women and men were more likely than separated respondents to have a degree.

Not surprisingly, most of those who had never experienced parental separation were married, while most separated parents were single, especially the resident mothers.

While earnings represented the main source of income for most respondents, much the same proportion of resident mothers relied on earnings or government income support. As a consequence of this and their predominantly single status, resident mothers also tended to have lower household incomes than the other groups. (Non-resident fathers in the sample also tended to have lower incomes than the non-separated groups.)

Labour force participation differed along gender lines: the two groups of men tended to be in full-time work; most women were working full-time or part-time, with part-time work being the most common situation for resident mothers – although a higher proportion of non-separated women than resident mothers were not in the labour force.

Methodological issues

Six methodological issues warrant brief mention. First, child support issues are typically complex. However, the survey tool was crude insofar as it mostly offered forced-choice “yes/no” response options. (The options, “it depends” and “can’t say”, were also allowed for those who volunteered either response.) There is little doubt that the complexity of the issues under examination has not been captured by the approach adopted. But a comprehensive study of child support issues was not the focus of this study.

Second, the paradigm on which the survey schedule rests is based on a “primary care” model (where children are largely in the care of one parent, usually the mother). While there is a broad social and policy push towards a greater sharing of the care of children after separation, shared care is unusual (Smyth, Caruana and Ferro 2004) and could not be reflected in the present framework because of the need to keep the survey short.

Third, attitudes are highly influenced by question wording and order. While every effort was made to minimise order effects, and to ensure that the survey questions were clear, relevant, non-leading, and could be answered by all respondents (especially those in the general population who have little or no awareness

19 Less than 3 per cent of respondents reported “can’t say” to all except three questions. “Can’t say” responses are only presented in Table 3.1 because they exceeded 10 per cent of all responses. Respondents in the separated sample who articulated a strong need to tell their story were given the option of speaking with one of the researchers at a later date so that they could expand on their responses. These respondents were subsequently contacted and interviewed further.
of child support issues), it should be borne in mind that slight nuances in question wording and order can lead to marked differences in responses.

Fourth, not everyone is accessible by telephone. The omission of certain groups of people in the population not available through telephone surveys (such as Aboriginal and Torres Strait Islander peoples living in remote areas) sets limits on the generalisations that can be made from the data to the Australian population at large. In addition, like other surveys of this type, the response rates were low. Sample biases related to this result are not well understood.

Sixth, the samples of separated men and women in the survey are independent. That is, the men and women had not been married to, or cohabited with, each other. The analysis thus focuses on the views of one parent only – the parent who was interviewed – in examining post-separating parenting arrangements.

20 Random digit dialling overcomes a number of sampling issues (such as accessing people who have an unlisted number for various reasons including recent relocation, or a desire to avoid harassment, for example, by a former partner or debt collection agencies). The very poor, those with only mobile telephone numbers, and those who have hearing or English language difficulties are among those who tend to be systematically excluded from telephone surveys. These groups warrant separate investigation through more sophisticated recruiting strategies than “cold calling” by telephone.
3

Attitudes to the broad principles of the Scheme
As explained in Chapter 1, the Australian Child Support Scheme has several core objectives – that children of separated parents receive adequate financial support; that both parents contribute to this support according to their respective capacities to do so; and that government expenditure is restricted to the minimum necessary to attain these objectives (Joint Select Committee 1994).

To what extent are these objectives consistent with public attitudes in Australia?

This chapter explores this question, and comprises five parts: (1) general awareness and perceptions of the Scheme; and views about (2) the public–private compact; (3) income, capacity to pay, and the costs of children; (4) age of children; and (5) non-compliance.

The precise wording of each survey question is presented as the title for each figure or table.

**General awareness and perceptions**

The first set of findings in this section focuses on the total sample from the general population. In addition to tapping whether respondents had at least heard of the Child Support Scheme (CSS) or Child Support Agency (CSA), these results identify those who had ever had contact with the Agency. The second set of results outlines separated parents’ overall evaluations of how well the scheme was working, and its level of fairness to parents.

**How well known is the Scheme?**

Figure 3.1 depicts the patterns of responses for women and men in the general population about their awareness of the Scheme, and contact with the Agency.

![Figure 3.1](image)
Overall, around three-quarters (77 per cent) of respondents had heard of the Scheme: 22 per cent reported having had contact with the Agency, while 55 per cent had only heard of the Scheme. Close to one-quarter had not heard of the Scheme. Patterns of responses for women and men were similar.

**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 3.2 shows the pattern of responses of resident mothers and non-resident fathers.

**Figure 3.2** Do you think that overall, the child support system is working well? Attitudes of separated parents with at least one dependent child

<table>
<thead>
<tr>
<th></th>
<th>Resident mothers (n=222)</th>
<th>Non-resident fathers (n=136)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>30</td>
<td>40</td>
</tr>
<tr>
<td>No</td>
<td>60</td>
<td>58</td>
</tr>
<tr>
<td>Sometimes</td>
<td>10</td>
<td>12</td>
</tr>
</tbody>
</table>

Notes: Response options were not offered; $\chi^2(2) = 9.56, p<.01$

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 next asked whether they thought the Scheme was fair to both parents. Their responses are summarised in Figure 3.3. 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 had 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.

The public–private compact

One of the key principles behind the introduction of the Child Support Scheme was that parents should support their children according to their capacity to do so, regardless of whether or not they are living with their children. That is, support should remain in the private realm as much as possible. By contrast, prior to the Scheme, much or all of the financial support that would have been provided by the main breadwinner in the family before separation (typically the father) was often taken over by government after separation – unless the resident mother had repartnered or was financially independent at the outset.

Respondents were asked three questions regarding the issue of public versus private transfers to tap their views on: the right “balance” of these transfers; how child support should be treated for mothers on government income support; and the objective of the Scheme that should be given primacy.

This and the remaining analyses focus on four groups: non-separated women and men from the general population, and resident mothers and non-resident fathers from the Caring for Children after Parental Separation sample (see Chapter 2 for a description of the derivation of these groups).

Whose responsibility: Parents, government, or both?

Figure 3.4 shows the views of the four groups regarding who should bear the main responsibility for financial support for children after separation – parents, government or both.

![Figure 3.4](image-url)

**Figure 3.4** When couples separate, do you think the main responsibility for financial support of their children should lie with the parents, the government, or both?

<table>
<thead>
<tr>
<th>Group</th>
<th>Parents</th>
<th>Government</th>
<th>Both</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women (n=407)</td>
<td>30%</td>
<td>65%</td>
<td>5%</td>
</tr>
<tr>
<td>Men (n=348)</td>
<td>32%</td>
<td>64%</td>
<td>4%</td>
</tr>
<tr>
<td>Resident mothers (n=236)</td>
<td>28%</td>
<td>62%</td>
<td>10%</td>
</tr>
<tr>
<td>Non-resident fathers (n=149)</td>
<td>34%</td>
<td>60%</td>
<td>6%</td>
</tr>
</tbody>
</table>

Notes: GP non-separated = general population non-separated sub-sample; CFC separated = Caring for Children after Parental Separation sample comprising separated/divorced parents with at least one child under 18; $\chi^2(3) = 13.17, p<.01$ (based on two categories of response: parents and both).
Almost no-one claimed that such responsibility should rest entirely with the
government. Most non-separated women and men, and most non-resident
fathers, argued that parents should retain the main responsibility for supporting
their children (60–66 per cent). On the other hand, resident mothers were evenly
divided in their views as to whether parents alone should assume the main
responsibility or whether such responsibility should be shared between parents
and the government. This dichotomy may partly result from the relatively high
proportion of resident mothers in the sample on government income support (45
per cent). These mothers were less likely than mothers whose main source of
income was earnings to believe that parents alone should be largely responsible
for supporting their children financially (43 per cent compared with 58 per cent)
(data not shown).

How much should child support affect resident mothers’ benefits?

The second question relating to the public–private compact tapped views about
the treatment of child support for mothers on government income support. Figure 3.5 presents the relevant responses.

![Figure 3.5](image)

If mothers are on government income support payments, should their
government payments be reduced by the total amount of child support,
just some of it, or should they be able to keep all of it?

Notes: GP non-separation = general population non-separated sub-sample;
CFC separation = Caring for Children after Parental Separation sample comprising separated/divorced parents with at
least one child under 18; $c^2(6) = 29.01, p<.001$.

Only a minority of respondents in each group felt that government income sup-
port payments should be reduced by the total amount of child support (that is,
total “clawback”). Nevertheless, this view was at least twice as likely to be
expressed by non-resident fathers than by other groups (23 per cent compared
with 6–12 per cent).

In other words, most respondents argued in favour of mothers keeping all or some
of the government payments, with some reduction tending to be the more pop-
ular of these alternatives. The non-separated parents were the most likely to prefer
“some” over “no” reduction (women: 49 per cent compared with 39 per cent;
men: 52 per cent compared with 41 per cent), while resident mothers in particu-
lar tended to be evenly divided on this issue (49 per cent favoured some
reduction; 45 per cent favoured no reduction). Resident mothers on government income support did not differ markedly from those whose main source of income was earnings (data not shown).

**What’s the main aim of the Scheme?**

The third question relevant to the “public versus private” transfers issue elicited views about whether helping children, fairness to both parents, or reducing government expenditure should be the main priority behind the Scheme (Figure 3.6).

![Figure 3.6 Do you think the main priority of the Child Support Scheme should be towards: helping children, being “fair” for both parents, or reducing the amount the Government has to spend on benefits?](image)

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; combined categories were not offered but were volunteered by respondents; \( \chi^2(9) = 19.30, p<.05 \) (based on the following categories of responses: helping children, fairness for both parents, reducing government expenditure, and helping children together with fairness for both parents).

By far the most common response to this question across all the groups was that helping children should be the main priority of the Scheme. Nevertheless, while this view was endorsed by close to 60 per cent of the non-separated groups and resident mothers, just under half the non-resident fathers (47 per cent) held this view.

Some respondents volunteered that two or all three of these options should be priorities, with helping children and fairness being the most commonly mentioned joint priorities (reported by 18 per cent of the non-resident fathers and by 8–12 per cent in the other groups).

Taken together, helping children was considered a top priority, alone or in combination with one or both other alternatives, by 75 to 80 per cent of respondents in all groups. These results support one of the key objectives of the Scheme – that meeting the children’s financial (and other) needs should be of paramount concern.

However, nearly half the non-resident fathers (48 per cent) and roughly one-third of respondents in the other three groups (32–36 per cent) emphasised fairness to parents – either alone (mentioned by 14–20 per cent in each group) or along with one or both other alternatives. The greater tendency for non-resident fathers to emphasise this issue was linked to their belief that the system was not fair in this respect. The small
group who felt the system was fair (see Figure 3.3) were no more likely than other groups to emphasise fairness to parents as a priority; however, 52 per cent of the non-resident fathers who considered the Scheme to be unfair emphasised the importance of fairness to parents (alone or in combination with other priorities) (data not shown).

It is worth noting that only 4 to 5 per cent of respondents in each group believe that the main priority should be to reduce government expenditure. Such a priority was endorsed alone or in combination with other alternatives by only 12 to 15 per cent.

In summary, most respondents endorsed the primacy of children’s wellbeing in relation to child support. Compared with other groups, a higher proportion of those most likely to be directly and negatively affected by the Child Support Scheme and to see the system as unfair to both parents (that is, non-resident fathers) emphasised the need for the Scheme to be fair to both parents.

Income, capacity to pay, and the costs of children

Prior to the introduction of the Scheme, many parents received no regular financial support for their children from the non-resident parent, and payments, when they occurred, tended to be set at a low “going rate” despite the high level of judicial discretion available at the time. The Scheme was introduced to combat child poverty and burgeoning welfare costs, and to ensure that children whose parents had separated should themselves have a standard of living that reflected that of both their parents, not just the one with whom they usually lived.

Nevertheless, some non-resident parents have little if any capacity to pay child support. Indeed, a disproportionate number of relationship endings occur in the context of financial difficulties (see, for example, Bradbury and Norris 2005; Conger, Reuter and Elder 1999). Should non-resident parents on very low incomes be expected to pay any child support? Is it reasonable to apply a blanket expectation that all parents share their incomes with their children, even if these incomes are derived solely from government support?

On the other hand, if payments are determined by the non-resident parent’s capacity to pay, should there be a ceiling beyond which higher earnings are not taken into account in the setting of child support? At present, there is such a ceiling (set at 2.5 times average weekly earnings for persons in Australia) – but what do separated parents and non-separated women and men think about this approach?

Again, should payments also take into account the earnings of resident parents, even though these parents provide most of the “in-kind” financial support for the children, with many experiencing opportunity costs in doing so – costs that many would have already been accumulating prior to separation? Under the present system, the income of the resident parent is taken into account when it exceeds the average weekly earnings for all employees.

Finally, should child support payments be based on income before or after tax is taken out? At present child support payments are based on income before tax is removed, but people may feel more comfortable about a system that takes account of how much disposable income the non-resident parent has rather than how much the parent earns in total.22

Respondents’ views on these income-related issues are examined in this section.

22 More accurately, the Scheme is based on “taxable” income which, for the purposes of the Child Support Agency, includes rental losses, exempt foreign employment income and Reportable Fringe Benefits (Child Support Agency 2004: 3).
Should non-resident parents always pay?

Figures 3.7a and 3.7b refer to the general principle regarding whether or not non-resident parents (fathers or mothers respectively) should always be made to pay child support.

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 two figures do not show the consistency of responses to both questions. Resident mothers were the most likely to be consistent in the answers they gave for each gender of non-resident parent (80 per cent), followed by non-separated women (68 per cent), and non-separated men (66 per cent), then non-resident fathers (60 per cent). The relationship between consistency of responses and group membership was statistically significant ($p < .001$).

Nevertheless, 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 payment should depend on other factors.

The two groups of women were less likely than the two groups of men to reject the idea that child support should always be paid by non-resident fathers (9–12 per cent compared with 20–26 per cent), while only 2–9 per cent rejected the notion of universal payment by non-resident mothers.

The difference 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).

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 and/or to a view that mothers who relinquish the primary care of their children either voluntarily or by force are “bad” mothers. Society expects mothers to be the main nurturers and carers of children – but not the main breadwinner.

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 (Herrerias 1995). According to the Australian Bureau of Statistics (ABS 2004), non-resident mothers are much more likely to rely on government benefits or allowances (58 per cent compared with 16 per cent in 2003) and to be lone parents (33 per cent compared with 6 per cent).

23 Of the resident mothers, 78 per cent said “yes” to both questions; less than one per cent said “no” to both questions; and 2 per cent “it depends” to both questions. The proportions of non-separated women providing the consistent response of “yes”, “no”, or “it depends” to both questions were 63 per cent, 2 per cent, and 3 per cent respectively; the proportions for non-separated men were 60 per cent, 3 per cent, and 3 per cent respectively; and the proportions for non-resident fathers were 51 per cent, 6 per cent and 2 per cent respectively.

24 According to the Caring for Children after Parental Separation study, non-resident fathers were twice as likely as non-resident mothers to pay child support.
**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? The figures 3.8a and 3.8b summarise the patterns of responses for non-resident fathers and mothers respectively.

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**Figure 3.8a** Do you think a father who does not usually live with his children should pay some child support even if his earnings are very low or he only receives government income support?

<table>
<thead>
<tr>
<th></th>
<th>GP non-separated</th>
<th>CFC separated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women (n=391)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men (n=338)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resident mothers (n=234)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-resident fathers (n=147)</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; \( \chi^2(6) = 19.74, p<.01 \).

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**Figure 3.8b** Do you think a mother who does not usually live with her children should pay some child support even if her earnings are very low or she only receives government income support?

<table>
<thead>
<tr>
<th></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=345)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resident mothers (n=233)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-resident 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; \( \chi^2(6) = 21.65, p<.01 \).

---

25 Of course, some respondents who argued that non-resident parents should always be made to pay child support may have felt under pressure to exhibit consistency by also arguing that payments should be made regardless of a non-resident parent’s financial circumstances.
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 “backlash” 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.

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. Once again, the consistency of responses was significantly related to respondent group ($p<.01$). Resident mothers were the most consistent (89 per cent), followed by non-separated women and non-separated men (82 per cent and 79 per cent respectively), then non-resident fathers (76 per cent) (data not shown). These levels of consistency are greater than those that occurred for the question on whether non-resident parents should always pay child support.

**Should child support only reflect the basic costs of children?**

While expenditure on children generally increases in unison with increases in income, it nonetheless tends to plateau at relatively high income levels (Joint Select Committee 1994). That is, the higher the income, the more discretionary is such spending. At the same time, any estimation of the basic costs of children is replete with subjectivity. For example, many of yesterday’s luxuries may be seen as today’s necessities.

Should the child support formula be based on some estimate of the basic costs of children, or on the non-resident parent’s capacity to pay? The latter alternative (which is a key feature of the current scheme) is based on the principle that children should share in the income of both their parents. On the other hand, a formula based on meeting the basic costs of children (assuming such “costs” could ever be determined) would mean that child support payments would amount to a far greater proportion of the incomes of low- rather than high-income non-resident parents. Respondents’ views on this issue, which focused exclusively on payments by non-resident fathers, are set out in Figure 3.9.

The majority of non-separated women and men (57–61 per cent) and resident mothers (69 per cent) maintained that the level of payment should depend on the father’s income rather than the basic costs of children. However, non-resident

26 The difference between the patterns of responses of non-resident fathers and other groups was small, however, in relation to whether or not non-resident mothers should always be made to pay child support.

27 Of the resident mothers, 70 per cent said “yes” to both questions, 18 per cent said “no” to both questions, and less than 1 per cent said “it depends” to both questions. The proportions of non-separated women answering “yes”, “no” or “it depends” to both questions were 66 per cent, 13 per cent, and 3 per cent respectively; the proportions for non-separated men were 60 per cent, 16 per cent, and 4 per cent respectively; and the proportions for non-resident fathers were 49 per cent, 24 per cent and 3 per cent respectively.
fathers were fairly evenly divided on this issue (41 per cent opted for the “basic costs” model and 42 per cent opted for the “earning capacity” model). It should be pointed out, however, that some respondents may have interpreted the concept “basic” to denote a level that borders on poverty. But this is speculation.

Father’s income or both parents’ incomes?

The preceding question led a small minority of respondents to volunteer that the incomes of both parents should be taken into account. This idea was tested directly, as shown in Figure 3.10.

**Figure 3.9** Do you think child support payments should just cover the basic costs of children or should fathers who earn more, pay more than this?

**Figure 3.10** 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?

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 16;
\( \chi^2(12) = 48.37, p<.001 \).
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. As the Scheme currently stands, this already occurs where the resident parent’s income exceeds the average weekly earnings for all employees. It also occurs where each parent has the children for at least 30 per cent of nights.

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.

**Net – not gross?**

While the child support formula is currently based on gross rather than net income, parents’ expenditure on their children depends on their “take home pay” (that is, net income). However, as spelled out by the 1994 Joint Select Committee on Certain Family Law Issues and its predecessors, application of the formula to gross income treats child support, like taxation payments, as a basic responsibility. It also increases opportunities for non-resident parents to work out their liability before their tax assessment is completed, and is more sensitive to the circumstances of low-income non-resident parents in that a greater proportion of their income is not taxed. None of these issues, of course, could be discussed with respondents in the limited time available for interview. Rather, respondents were simply asked whether payments should be based on a percentage of the non-resident parent’s income before or after tax (Figure 3.11).

**Figure 3.11 Should child support payments be based on a percentage of the parent’s income before tax or after tax?**

<table>
<thead>
<tr>
<th>Category</th>
<th>Gross</th>
<th>Net</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women (n=392)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men (n=336)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resident mothers (n=222)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-resident fathers (n=143)</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; $c^{2}(3) = 15.05, p<.01$.

28 The importance of contextual prompts is evident in the shift in responses regarding the universality of payments when the condition of low income was added (Figures 3.7 and 3.8).
Most respondents in all groups maintained that child support payments should be based on net rather than gross income. This view was expressed by 87 per cent of non-resident fathers and by 71 to 79 per cent of women and men in the other three groups.

**What is the minimum amount that should be paid?**

Currently, all non-resident parents are expected to pay a minimum of $260 per year in child support (that is, around $5 per week). The Ministerial Taskforce on Child Support has been asked by the Australian Government to explore whether this should be increased to $10 per week. Would such an increase be in line with public attitudes?

Table 3.1 sets out the different amounts that respondents believed to be an appropriate minimum amount of child support to be paid.\(^{29}\) It is worth noting at the outset that this was the only issue for which more than 10 per cent of respondents volunteered that they were unable to answer (reported by 16–17 per cent of non-separated women and men and around 7 per cent of the separated groups). In addition, 16 to 20 per cent volunteered “it depends”. In total, then, around one third of the non-separated groups and roughly one quarter of the separated groups were unable to suggest a minimum amount.

### Table 3.1 What do you think should be the absolute minimum amount of child support that a father should pay regardless of his income or the number of children he is supporting? Would it be: Nothing, $5 a week, $10 a week, $15 a week, $20 a week, or some other amount?

<table>
<thead>
<tr>
<th></th>
<th>GP Non-separated women (n=407)</th>
<th>GP Non-separated men (n=350)</th>
<th>CFC Resident mothers (n=236)</th>
<th>CFC Non-resident fathers (n=149)</th>
<th>All (N=1142)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nothing</td>
<td>20%</td>
<td>22%</td>
<td>22%</td>
<td>33%</td>
<td>23%</td>
</tr>
<tr>
<td>Pay something</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$5 per week</td>
<td>2%</td>
<td>2%</td>
<td>4%</td>
<td>7%</td>
<td>3%</td>
</tr>
<tr>
<td>$10 per week</td>
<td>4%</td>
<td>3%</td>
<td>7%</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>$15 per week</td>
<td>1%</td>
<td>2%</td>
<td>2%</td>
<td>3%</td>
<td>2%</td>
</tr>
<tr>
<td>$20 per week</td>
<td>16%</td>
<td>11%</td>
<td>17%</td>
<td>9%</td>
<td>14%</td>
</tr>
<tr>
<td>$21-$49 per week</td>
<td>4%</td>
<td>3%</td>
<td>5%</td>
<td>3%</td>
<td>4%</td>
</tr>
<tr>
<td>$50 per week</td>
<td>11%</td>
<td>13%</td>
<td>11%</td>
<td>7%</td>
<td>11%</td>
</tr>
<tr>
<td>$51-$99 per week</td>
<td>1%</td>
<td>0%</td>
<td>1%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>$100 per week</td>
<td>5%</td>
<td>4%</td>
<td>6%</td>
<td>3%</td>
<td>4%</td>
</tr>
<tr>
<td>$100+ per week</td>
<td>3%</td>
<td>4%</td>
<td>2%</td>
<td>1%</td>
<td>3%</td>
</tr>
<tr>
<td>Total</td>
<td>47%</td>
<td>42%</td>
<td>55%</td>
<td>41%</td>
<td>47%</td>
</tr>
<tr>
<td>It depends</td>
<td>16%</td>
<td>20%</td>
<td>15%</td>
<td>20%</td>
<td>17%</td>
</tr>
<tr>
<td>Can’t say</td>
<td>17%</td>
<td>16%</td>
<td>8%</td>
<td>6%</td>
<td>13%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</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 16; “can’t say” includes three respondents who declined to respond to this issue. Respondents were first asked whether they thought that a father who does not usually live with his children should pay some child support even if his earnings are very low or he only receives government income support (see Figure 3.8a). The response “no” to this question was coded as “nothing” in this table. Responses “it depends” and “can’t say” from that question are also represented in the above table, together with any such answers volunteered when the minimum child support amount was asked.

29 Respondents who answered “yes” or who volunteered “it depends” to the question “Do you think a father who does not usually live with his child or children should always be made to pay child support?” (see Figure 3.7a) were asked to nominate the absolute minimum payment that should be made. At this point, a few of these respondents indicated that the minimum should be zero payment. For those who rejected the notion that fathers should always be made to pay child support, the minimum payment amount was set to zero.
Clearly, views about minimum payment varied considerably. Only 41 to 55 per cent of respondents nominated some payment. But given the relatively high rates of “can’t say” and “it depends” responses, paying nothing was only recommended by around 20 per cent of the resident mothers and the non-separated women and men, and by 33 per cent of non-resident fathers. Thus, this question did not yield any clear, consistent message from respondents. Of course, this is not an easy question to answer. Given this variability, it is unclear how respondents would have answered a direct question on increasing the minimum amount from $5 to $10.

**Cap or no cap?**

As mentioned earlier, non-resident parents’ earnings that are in excess of 2.5 times average weekly earnings for persons in Australia are not taken into account in the current formula on the grounds that there is a certain income level beyond which parents’ expenditure on their children tends to plateau. Figure 3.12 shows the extent to which the idea of an income cap on payments is supported. The idea received much support.

![Figure 3.12 Should there be a maximum amount of child support payable for high-income fathers?](chart)

Most respondents in the four groups supported the idea that there should be a cap on the amount of child support a high-earning non-resident father should pay. Nevertheless, non-resident fathers were considerably more likely than all other groups to endorse the notion of a cap (79 per cent compared with 56–61 per cent). It is noteworthy that this policy was not supported by 35 to 37 per cent of non-separated women and men and by 41 per cent of resident mothers – but by only 19 per cent of non-resident fathers.

**Age of children**

Thus far, all the factors examined have revolved around issues that are part of the Scheme as it stands. 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.

Dependent young adult children who are studying full-time or have special needs because of a disability complicate these considerations further. Public attitudes towards these issues are examined in this section.

**Should age of children count?**

Figure 3.13 shows the level of support for the idea that children’s ages should be taken into account in setting child support liability. Support is high for this idea.

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.

**Should any children over 18 continue to receive support?**

Under the Family Law Act (Cth), children aged 18 years and over who have a disability or who are studying full-time are eligible to receive child maintenance. Attitudes to the financial support of young adult children have not been studied very much in Australia, although Smyth’s (2000) research suggested that most eligible children 18 and over rarely receive child support. Figure 3.14 provides a snapshot of attitudes to payment of child support for such children.

The general consensus was that children over the age of 18 with a disability should continue to receive financial support, with a sizeable proportion of respondents also believing that full-time students over 18 should be covered. Resident mothers were the most likely of all groups to maintain the view either that support should be provided for children with a disability only, or that support...
should be provided for these children as well as those who are full-time students (88 per cent). Such views were expressed by 73 to 79 per cent of non-separated women and men, and by 60 per cent of non-resident fathers.

Women were more likely than men to maintain that child support should be paid for both students and children with a disability (47–63 per cent compared with 23–36 per cent), with this view being expressed most commonly by resident mothers and least by non-resident fathers (63 per cent compared with 23 per cent).

Nearly 30 per cent of non-resident fathers, but only 9 per cent of resident mothers, believed that child support should not be paid for young adult children who have a disability or who are studying full-time. This divergence of opinions is consistent with that reported by Smyth (2000).

Non-compliance

This section examines respondents’ views about issues related to child support compliance – namely, whether fathers would pay without government involvement; and whether non-payers (male or female) should face a penalty.

Would fathers pay without government involvement?

As noted earlier, the Scheme was designed to overcome the tendency for many children to lose much if not all of the financial support from their non-resident parent, and for resident parents to be faced with many practical hurdles in seeking payment. Figure 3.15 shows respondents’ perceptions about whether government involvement is necessary for compliance.

Not surprisingly, views on this issue varied according to gender and residency status. In terms of gender, women were more sceptical than men, with most women...
(61–74 per cent) maintaining that fathers would not pay without government involvement, and more than half the men maintaining that they would pay without government intervention. This pattern was especially pronounced for separated parents: 74 per cent of resident mothers thought that payment would not be forthcoming; 59 per cent of non-resident fathers believed that it would.

**Should non-payers be penalised?**

Figures 3.16a and 3.16b (overleaf) summarise respondents’ views about whether non-resident parents (male and female respectively) should be penalised if they do not pay child support.

With the exception of non-resident fathers, over 70 per cent of respondents in each group maintained that non-resident mothers and fathers should face a penalty for non-payment of child support. Close to half the non-resident fathers believed that non-paying fathers should face a penalty, and a higher proportion (58 per cent) felt that non-paying mothers should face a penalty. Thus the gender of the non-resident parent made more of a difference in the pattern of non-resident fathers’ answers than was the case for other groups.

Those who did not endorse the notion of penalising fathers for non-payment tended to be evenly divided on whether imposing a penalty should occur under some circumstances (that is, “it depends”) or under no circumstances.

One-quarter of the non-resident fathers volunteered that a penalty for non-resident fathers would depend on other factors (they may have been thinking of a lack of money or obstruction as mitigating circumstances for non-payment). Sixteen per cent said this in relation to non-resident mothers.

Once again, the consistency of responses was significantly related to respondent group ($p < .01$). The level of consistency of responses to both questions was very
similar for three groups: resident mothers (89 per cent), non-separated women (88 per cent) and non-separated men (87 per cent). Nevertheless, around three quarters (76 per cent) of non-resident fathers responded in a consistent manner.  

30 Of the resident mothers, 69 per cent said “yes” to both questions, 14 per cent said “no” to both questions, and 6 per cent said “it depends”. The proportions of non-separated women answering “yes”, “no”, or “it depends” to both questions were 71 per cent, 9 per cent, and 8 per cent respectively; the proportions for non-separated men were 66 per cent, 11 per cent, and 9 per cent respectively; and the proportions for non-resident fathers were 42 per cent, 21 per cent, and 13 per cent respectively.
Summary

Several clear findings emerged. First, most respondents in all groups believed that all non-resident parents (male or female, rich or poor) should pay something toward the financial support of their children. Second, a main priority – and for most groups, the main priority – of the Scheme should be helping children. There was less support for the notion of fairness to parents when juxtaposed against children’s needs. Third, there was widespread support for the idea that children with a disability should continue to receive financial support after they turn 18 years. Resident mothers, in particular, broadened the idea of ongoing support for young adult children to include full-time students. Fourth, most respondents believed that there should be a cap on the amount of child support payable by high-earning fathers – suggesting that fairness to fathers was important to them. Fifth, there was strong support for basing payments on net rather than gross income. Sixth, most respondents in all groups believed that the age of children should be taken into account in the formula.

While most respondents favoured the use of both parents’ incomes to calculate child support payments, it is unclear why this was the case. The intuitive fairness of such an approach in the abstract may have underpinned responses. Had respondents been reminded of the “opportunity costs” and “in-kind” financial contributions involved in the everyday care of children, their responses may have differed. It is also possible that some respondents were supporting the status quo, insofar as each parent’s income is already taken into account under certain conditions for example, where the children spend at least 30 per cent of nights with the non-resident parent or the resident parent’s earnings are above average weekly earnings).

Non-separated women and men, and non-resident fathers were inclined to believe that parents alone should shoulder the main responsibility for the financial support of the children. By contrast, resident mothers were evenly divided between this view and the view that the main responsibility should lie with parents together with the government.

However, in most cases where marked differences in views emerged between groups, it was typically non-resident fathers’ views that diverged (even from the non-separated men). In the context of what the Scheme’s priorities should be, “fairness to parents” was more commonly mentioned by non-resident fathers than other groups.

Related to perceptions of fairness, non-resident fathers tended to be evenly divided as to whether the Scheme should be based on the “basic costs” of children or on a non-resident father’s earning capacity. Other groups favoured earning capacity.

Finally, it is worth noting that non-resident fathers believed that men would pay for their children without government intervention. Women, most particularly resident mothers, disagreed while non-separated men were fairly evenly divided.

These views of non-resident fathers may help explain their belief that the child support system was not working well and, most particularly, was not “fair”. While resident mothers were evenly divided on these issues, the views of non-separated groups were not sought. Indeed, the above findings are imbued with strong undercurrents about “fairness to children” and “fairness to each parent” – competing interests that are inextricably linked and not easy to reconcile in practice.
New partners, second families and parent–child contact
This chapter examines several frequently cited “special factors” that have been long-standing thorny issues for the Child Support Scheme: new partners of resident mothers, second families of non-resident fathers, and the financial costs of contact to non-resident parents. The chapter seeks to identify the particular circumstances that respondents believe should lead to a reduction or withdrawal of child support, those that are deemed irrelevant to the payment of child support, and those where beliefs are equivocal.

As in Chapter 3, the precise wording of each survey question is presented as the title for each figure or table.

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: (1) where the resident mother remarries; (2) where the non-resident father has stepchildren; and (3) 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”.

Scenario 1: Where the resident mother remarries

Chapter 3 showed that, in the absence of any prompts about “opportunity costs” incurred and “in-kind” financial contributions made by resident mothers in caring for their children, most respondents in each group argued 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. Indeed equivalence scales are predicated on this assumption. But the extent to which sharing occurs in the case in stepfamilies is unclear. Under this assumption, the only way for many children and their mothers to overcome financial deprivation is for the mother to repartner (Smyth and Weston 2000; Weston 1993). But if she does so, should her new partner’s income determine whether the children continue to receive child support?

Figure 4.1 summarises the views on this issue expressed by the four groups: non-separated women and men, resident mothers, and non-resident fathers.

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).

Less than 15 per cent in any group believed that payments should cease, and less than 10 per cent volunteered that payment should depend on other factors.

### 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 4.2 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 response to the scenario where the resident mother repartners 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

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**Figure 4.1** Suppose the mother remarries or starts living with a new partner. Should the father be expected to keep paying child support; stop paying; or should payment depend on the new partner’s financial situation?

<table>
<thead>
<tr>
<th></th>
<th>GP non-separated</th>
<th>CFC separated</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Per cent</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Women</strong> (n=401)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continue</td>
<td>65</td>
<td>75</td>
</tr>
<tr>
<td>Stop</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Depends on his</td>
<td>25</td>
<td>20</td>
</tr>
<tr>
<td>Depends on other</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Men</strong> (n=349)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continue</td>
<td>60</td>
<td>70</td>
</tr>
<tr>
<td>Stop</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Depends on his</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Depends on other</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td><strong>Resident mothers</strong> (n=235)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continue</td>
<td>70</td>
<td>80</td>
</tr>
<tr>
<td>Stop</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Depends on his</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>Depends on other</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Non-resident fathers</strong> (n=147)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continue</td>
<td>45</td>
<td>50</td>
</tr>
<tr>
<td>Stop</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>Depends on his</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Depends on other</td>
<td>10</td>
<td>0</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; \( \chi^2(9) = 96.32, p<.001 \).
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.31

The responses to these two scenarios may seem inconsistent, particularly for the non-separated sample. Most non-separated women and men 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.32

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).

31 While the former question mentioned remarriage (see Figure 4.1), and the latter repartnering (which may or may not imply remarriage) (Figure 4.2), it seems unlikely that the differences in patterns of results could be largely explained by this variation in wording.

32 Of course, it could be that assessment of the stepfather’s financial situation took into account any child support payments that he was making.
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, new children are partly taken into account in the Australian Scheme: the amount of income exempted in calculating child support liability is increased where new children are present.33 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 for encouraging paternal irresponsibility. Non-resident fathers held the opposite view. Is this the case in Australia? Figure 4.3 depicts the views of the four groups of survey participants on this issue.

Figure 4.3 Do you think that if the father has another child with a new partner (not stepchildren), he should be allowed to pay less child support for the children he does not live with?

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 he has a child with another partner while nearly one-quarter felt that he 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.34

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 had, but that the continuation of payments should depend on the financial status of the first family’s stepfather.35 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.36 For instance, resident mothers supported the notion that payments should not 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 tap an undercurrent of concerns about (a) financially “strapped” non-resident fathers having to support former partners with wealthy husbands (see examples of this line of thought in Chapter 5), 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.37

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

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34 A third 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.

35 It needs to be emphasised that there is a discrepancy in the wording of the questions on this issue – the first scenario involved payments stopping versus continuing while the other scenarios were about paying less. This difference magnifies the importance attributed to the financial circumstances of the resident mother’s new partner.

36 This statistical pattern emerged even though there were very few repartnered mothers or fathers with new or stepchildren in the sample.

37 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.
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. Five scenarios are examined: (1) where a non-resident parent is not interested in contact with his or her children; (2) where a resident parent is preventing contact; (3) where a resident mother moves interstate; (4) where a resident mother moves overseas; and (5) where children stay overnight with their non-resident father. The first two scenarios offered non-resident mother and non-resident father variants. (The non-resident mother questions were asked towards the end of the interview as a discrete series.)

**Scenario 1: Where the non-resident parent lacks interest in contact**

Figures 4.4a and 4.4b set out respondents’ views about whether non-resident fathers or mothers (respectively) should be required to pay child support if they are not interested in maintaining contact with their children.

Most respondents in all groups indicated that non-resident parents, whether male or female, should pay child support regardless of their interest in maintaining contact with children. For each variant (taken separately), these views were expressed by close to 90 per cent of all groups except for non-resident fathers, where the non-resident parent was a father (79 per cent believed that he should pay; Figure 4.4a). Not surprisingly, respondents were highly consistent in the way they answered each question. Levels of consistency ranged from 85 per cent for non-resident fathers to 94 per cent for resident mothers (91 per cent of both non-separated women and men provided consistent responses).³⁸

**Scenario 2: Where the resident parent is preventing contact**

The question as to whether child support should be paid if the resident parent is preventing contact also offered two gender variants (Figures 4.5a and 4.5b on p. 50).

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

³⁸ The proportions answering either “yes” to both questions, “no” to both questions, or “it depends” to both questions were as follows: non-resident fathers (78 per cent, 6 per cent, and 1 per cent respectively); resident mothers (88 per cent, 5 per cent, and 1 per cent respectively); non-separated women (84 per cent, 6 per cent, and 1 per cent respectively); and non-separated men (87 per cent, 3 per cent, and 1 per cent respectively).
safety often underpinned these responses, although such issues were not raised by the interviewers themselves. The level of consistency across both questions was high for all groups (85–90 per cent).³⁹

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³⁹ The proportions answering either “yes” to both questions, “no” to both questions, or “it depends” to both questions were as follows: non-resident fathers (32 per cent, 51 per cent, and 3 per cent respectively); resident mothers (37 per cent, 42 per cent, and 10 per cent respectively); non-separated women (39 per cent, 40 per cent, and 7 per cent respectively); and non-separated men (39 per cent, 39 per cent, and 8 per cent respectively).
### Scenario 3: Where the resident mother moves interstate

The first two scenarios involved either a clear intention to avoid contact or prevent it on the part of the non-resident or resident parent. However, with respect to a resident mother’s relocation (contact scenarios 3 and 4), the intention remains ambiguous. Where a resident mother moves interstate, face-to-face contact would generally be possible although it may be considerably constrained and expensive. But where she moves overseas, face-to-face contact may be out of the
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 minority 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 4: 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 4.7).

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. Of course, all of this is merely 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 5: Where children stay overnight**

As noted by Fehlberg and Smyth (2000), there has been increasing emphasis on the need to recognise the financial costs of contact to non-resident parents who have on-going 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, and if so, the minimum number of nights that should take place before child support payments should be reduced. Respondents’ answers to the first of these questions are presented in Figure 4.8.

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.

Table 4.1 unpacks the minimum number of nights that respondents thought should count for a reduction in payments.40

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40 The proportions of respondents who say “no nights should count” in Figure 4.8 and Table 4.1 differ slightly because of the way the answers to both questions were combined. Specifically, respondents were first asked whether they thought that frequent overnight stays with the non-resident father should be taken into account when calculating his child support payments (see Figure 4.8). The response “no” to this question was coded as “Overnight stays should not count” in Table 4.1 and combined with those who indicated this when asked about the minimum number of nights that should lead to a reduction in child support payments. Responses “it depends on number of nights” and “it depends on other things” from the former question are also represented in the above table where the respondents concerned did not proceed to suggest a minimum number of nights.
Non-resident fathers were the most likely to suggest that child support liability should take into account overnight stays amounting to fewer than 52 nights per year (for example, one night per fortnight or month) (22 per cent compared with 3–7 per cent). While responses varied markedly, there was nonetheless some clustering around 52 or 104 nights per year (that is, one or two nights each week).

Table 4.1 What is the minimum number of overnight stays you think should be required before child support payments can be reduced?

<table>
<thead>
<tr>
<th>Responses</th>
<th>GP Non-separated women (n=363)</th>
<th>GP Non-separated men (n=322)</th>
<th>CFC Resident mothers (n=223)</th>
<th>CFC Non-resident fathers (n=139)</th>
<th>All (N=1047)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overnight stays should not count</td>
<td>21</td>
<td>30</td>
<td>31</td>
<td>12</td>
<td>25</td>
</tr>
<tr>
<td>Minimum number nights per year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-51</td>
<td>3</td>
<td>7</td>
<td>5</td>
<td>22</td>
<td>7</td>
</tr>
<tr>
<td>52</td>
<td>15</td>
<td>21</td>
<td>14</td>
<td>22</td>
<td>17</td>
</tr>
<tr>
<td>53-103</td>
<td>4</td>
<td>2</td>
<td>7</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>104</td>
<td>28</td>
<td>20</td>
<td>15</td>
<td>15</td>
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<tr>
<td>105-155</td>
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<td>14</td>
<td>12</td>
<td>9</td>
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<td>157+</td>
<td>7</td>
<td>4</td>
<td>9</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>72</td>
<td>66</td>
<td>60</td>
<td>82</td>
<td>69</td>
</tr>
<tr>
<td>It depends on number of nights (unspecifed)</td>
<td>6</td>
<td>1</td>
<td>8</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>It depends on other things</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</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. \( \chi^2(9) = 55.78, p < .001 \).
Overnight stays can be quite costly for non-resident fathers (see, for example, Henman and Mitchell 2001; Woods and Associates 1999). This is especially the case where overnight stays take place on a weekly basis rather than in blocks of time (such as school holidays), where “roughing it” by sleeping on a couch, for instance, may be more tolerable than otherwise. But fathers may have to create the infrastructure (including at least one separate bedroom) to enable children to stay overnight more regularly in this, their other home.

Should child support be reduced if fathers have to establish new housing to enable his children to stay overnight? Patterns of responses to this issue are set out in Figure 4.9.

![Figure 4.9](image_url)

**Figure 4.9 Should child support be reduced where a father has to set up new housing specifically for his children to stay overnight?**

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; $\chi^2(6) = 58.98, p < .001$.

Most non-separated men and women (58–60 per cent), and particularly non-resident fathers (72 per cent), believed that the set up costs for new housing to accommodate children’s overnight stays should be taken into account in the setting of child support payments. Only one-third of the resident mothers felt this way.

**Summary**

This chapter focused on respondents’ views about child support liability where parents’ new pathways involve repartnering and stepchildren or new biological children, and the circumstances surrounding parent–child contact (including overnight stays) which might lead them to accept or reject eliminating or reducing child support liabilities.

Views about whether re-formed families should affect child support liability varied according to whether it was the mother or father who repartnered. Most non-separated respondents believed that continuation of child support liability should depend on the income of a resident mother’s new partner, but that a second family (involving step or new children) of a non-resident father should have no bearing on his child support liability.
While non-resident fathers maintained that a father’s new children should be taken into account, they nonetheless agreed that the continuation of support to their first family should be contingent on the financial circumstances of their former partner’s new husband. Resident mothers were evenly divided on the latter issue but gave primacy to continued support for “first families” regardless of a non-resident father’s new responsibilities.

This pattern of results gives rise to some interesting positions on stepfathers and new biological children. From the perspective of non-separated women and men, money coming into the stepfather’s household should depend on his financial situation but money going out should not. Nor should money going out depend on a non-resident father’s responsibilities to new biological children.

There was some support for the idea that “seeing” and “paying” should be linked (the so-called “contact–child support nexus”). However, the vast majority believed that a non-resident parent’s (father or mother) lack of interest in maintaining contact with children should have no bearing on the duty to support children financially.

Most also believed that a move interstate by a resident mother should not affect child support liability. However, there was far less agreement about the continuation of child support where the resident mother had moved overseas and where the resident parent (mother or father) was preventing contact. In these areas, where some groups were evenly divided, resident fathers were inclined to maintain that child support should discontinue.

There was much support across all groups for the idea that overnight stays should be taken into account in the calculation of child support. Most respondents also supported the notion that child support should be reduced where a father has to set up new housing to accommodate overnight stays, although resident mothers were inclined to disagree with this proposition.

Taken together, these results suggest that people tend to believe that (a) family reformation should only affect child support where a resident mother repartners with a wealthy man, and (b) seeing and paying should be linked – except where a non-resident parent lacks interest in maintaining contact with the children, or where a resident mother moves interstate. Some of these views were not shared by non-resident fathers.
5
Suggested changes to the Scheme
This chapter examines the things that respondents would like to see changed about the Child Support Scheme. These suggestions provide an (albeit crude) experiential context in which to make better sense of the broad empirical findings in the preceding two chapters.

Respondents’ suggestions were generated by a final open-ended question asked of all separated/divorced parents in the Caring for Children after Parental Separation sample (n=620), and all respondents in the general population who either (a) had a child under 18 with a parent living elsewhere at the time of interview; (b) had ever paid or received any child support; or (c) had at least heard of the Child Support Scheme or Child Support Agency (n=766; 77 per cent of respondents in the general population sample).

Respondents were asked: “Finally, is there anything that you’d like to see changed about the Child Support Scheme as it currently stands?”

Of the 620 separated/divorced parents in the Caring for Children after Parental Separation sample, 72 per cent (n=447) suggested changes to the Child Support Scheme or made a related comment. By contrast, 57 per cent (n=441) of the 766 respondents in the total general population sample suggested changes or made a comment about the child support system. A much higher proportion of respondents in the general population sample than in the separated parent sample maintained that they did not have enough knowledge of the Scheme to comment (20 per cent compared with 3 per cent).

In other words, as might be expected, separated parents were far more likely than those in the general population to suggest a change to the Scheme, or to be in a position to make a comment about the child support system more broadly.

The proportions of women and men who made a comment were similar in the general population sample (54 per cent compared with 48 per cent). In contrast, non-resident fathers were more likely than resident mothers to suggest a change (79 per cent compared with 65 per cent).

Several issues should be borne in mind. First, the comments of respondents presented here should not be seen as representative of the views of all respondents in either sample. They nonetheless provide insight into the reasons behind some of their suggestions to the Scheme.

41 Place names have been changed to protect the identity of all participants and their significant others.

42 Another 23 per cent (n=143) of respondents did not have any suggestions; 3 per cent (n=20) of respondents did not have enough knowledge of the Scheme to comment; 2 per cent (n=9) of respondents “couldn’t say”, and one other respondent declined to answer the question.

43 Another 21 per cent (n=157) of respondents did not have any suggestions; 20 per cent (n=155) of respondents did not have enough knowledge of the Scheme to comment; 1 per cent (n=10) of respondents “couldn’t say”, and less than 1 per cent (n=3) of respondents declined to answer the question.
the responses given in chapters 3 and 4, and related issues. Of course, the richness and depth of respondents’ individual views can never be fully represented by a brief telephone interview.

Second, many of the changes suggested by respondents are likely to have been triggered by the survey questions asked during the course of the interview. This means that responses are not from a tabula rasa. For this reason, where possible, links between the quantitative and qualitative data are made.

Third, the general population sample referenced in this chapter differs from that referenced in earlier chapters, which focused on those who had not experienced separation. The comments of all of those who had heard of the Scheme are examined here.

Fourth, while some respondents (including separated parents) appeared to have little awareness of the current Scheme, most respondents had little difficulty suggesting improvements to its operation. This is perhaps unsurprising – child support issues are often underpinned by a deeply engendered sense of justice regarding procedures and outcomes, and can act as a “lightning rod” for much pent-up anger, grief and disappointment surrounding relationship breakdown and the loss of everyday family life for those who have experienced parental separation personally or indirectly among kin or friends (Joint Select Committee 1994: 11).

In the remainder of this chapter, the comments of respondents are contextualised by reference to the sample from which the respondents were drawn, and by their gender, age, partnering status, and family type (based on the presence of children under 18 in the household or living elsewhere). No mention of family type indicates that there were no such children.

“Fairness”

As noted in Chapter 1, balancing the complex and competing needs of children, resident parents, non-resident parents, and the State, creates a series of interlocking conundrums for child support policy reform. It also means that different views of fairness tend to pervade people’s views of child support. In the present study, fairness of outcomes, processes and interpersonal treatment acted as the central thread running through virtually all respondents’ comments.

Fairness to children

Some respondents, both female and male, were adamant that the Scheme should be child-focused and fair for children:

“The Child Support Scheme should be aimed at helping all children.” (Partnered male, 24, general population sample)

44 Almost 70 respondents were offered a follow-up telephone interview with one of the researchers in an attempt to allow those who had strong views or a lot to say to be heard. Most respondents took up this offer.

45 This not only applied to respondents in the general population but also to some in the separated parent sample whose children had turned 18 by the time of the second survey. It should also be noted that separated parents with 50/50 shared care of dependent children are not identified by the survey tool. The parents’ resident status is ambiguous in this instance.
“The emphasis of the Child Support Scheme should be on the welfare of the children.” (Partnered male, 51, general population sample)

“There needs to be a better focus on the children. We have to make sure people realise that children are a big responsibility and that there are associated costs to them.” (Partnered female, 38, blended family, separated parent sample)

Some parents believed that factoring the age of children into child support payments would be a significant improvement to the Scheme:

“Maintenance should be worked out depending on the child’s age.” (Partnered male, 33, stepfamily, separated parent sample)

“I would include in the formula . . . the age of the youngest child.” (Single non-resident father, 46, separated parent sample)

The needs of children aged 18 and over who were full-time students were also highlighted:

“Kids still studying over 18 should still get support.” (Partnered female, 44, stepfamily, separated parent sample)

“Just because a child turns 18 doesn’t necessarily mean that financial responsibility for that child will stop.” (Partnered female, 39, blended family, separated parent sample)

But some non-resident fathers disagreed. One father maintained that:

“After the children reach 18 years, payments should not be required. They [the children] are independent regardless of education or not.” (Single male, 54, separated parent sample)

Consistent with Figure 3.14, the ongoing special needs of young adult children with a disability were also emphasised by some mothers:

“I have a child with a disability and he needs a lot of extra needs and requirements. He goes to a special school . . . and has [special] medication . . . which isn’t [on] a government subsidy. I think the other parent should help pay for these things.” (Sole mother, 38, separated parent sample)

“There has to be some sort of financial assistance dedicated to the [disabled] child . . . that has to be legally enforceable.” (Single non-resident mother, 40, separated parent sample)

**Fairness to mothers**

Non-compliance, income minimisation, and arrears recovery were some of the most common issues raised by women when asked what should be changed about the Scheme46:

“I’d just like to see more compliance.” (Single female, 62, general population sample)

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46 Enforcement issues were also found to be highly salient mothers in a survey of Child Support Agency clients (Child Support Agency 1997).
“People do all kinds of things to avoid payment.” (Partnered female, 58, family type indeterminate, general population sample)

“Too many men are able to ‘bluff’ income.” (Partnered female, 61, family type indeterminate, general population sample)

“Fathers shouldn’t be able to hide income.” (Sole mother, 46, general population sample)

“Too many fathers get away with not paying.” (Partnered female, 47, general population sample)

“I’ve been waiting [for payment] for over 13 years.” (Sole mother, 34, general population sample)

“He has owed us thousands for some years now, and there does not seem to be any means of retrieving that debt.” (Single female, 53, youngest child just turned 18, separated parent sample)

Interestingly, a number of non-resident fathers who were paying child support perceived non-paying fathers as their foes. As one father put it:

“I pay lots for my kids. Happy to pay (but I pay too much).... The Child Support Agency should follow up on non-custodials who don’t pay up, or those who earn cash to get out of it.” (Partnered non-resident father, 39, separated parent sample)

Another father concurred:

“Those fathers who are getting away without paying their child support . . . need to be brought up to speed. They should be chased every time – not just once a year [at tax return time].” (Single male, 48, youngest child just turned 18, separated parent sample)

Penalties for non-compliance surfaced in this context, especially in the general population sample.47 One mother said:

“There needs to be tougher penalties on parents who don’t pay.” (Single female, 56, youngest child just turned 18, separated parent sample)

Another stated:

“I would like to see . . . a much harsher penalty . . . I am owed $10,000 but haven’t received it.” (Sole mother, 34, separated parent sample)

Ideas for penalties included fines, “interest payments that go to children”, the loss of a driving license or passport, deductions from superannuation, or non-paying parents being made to do community service.

One male suggested a “carrot–stick” approach to the issue of non-compliance:

“The government could use the Scheme to pressure or compel the parents to cooperate for the children’s benefit . . . with a carrot–stick

47 The survey included a question on whether non-payers should be penalised (Figure 3.16) but no questions about reciprocal issues – such as penalties for obstruction or the denial of contact – were asked.
approach. If they don’t cooperate, they could have some kind of financial penalty – but [the government] would have to make sure that this didn’t cause the children financial hardship. They perhaps should get some kind of benefits or further concessions on services for parents who cooperate.” (Single male, 54, general population sample)

Some resident mothers believed that the minimum amount of $260 per year (that is, $5 a week) was not enough:

“They minimum amount is far too low.” (Sole mother, 56, separated parent sample)

“The amount needs to be increased as the minimum is not enough to support the children.” (Sole mother, 48, separated parent sample)

Fairness to fathers

Many issues cut to the heart of fairness for fathers – particularly for those fathers who did not have children in their care for much of the time. Issues included: the need to take account of both parent’s incomes; the perceived harshness of the formula; net rather than gross income; controlling how child support is spent; payments based on children’s costs rather than on capacity to pay; counting a (mother’s) new partner’s income; and the contact–child support nexus. Some women were also concerned about fairness to fathers.

One or both incomes?

Some respondents suggested that both parents’ incomes should be taken into account in the assessment of child support liability, not just their income:

“Child support should be worked out from the income of both parents.” (Single non-resident father, 55, separated parent sample)

“Child support should be based on both [parents’] incomes.” (Partnered male, 34, new biological child in household, child living elsewhere, separated parent sample)

“The earnings of the custodial parent should [also] be taken into account.” (Single non-resident father, 36, separated parent sample)

“Both parents’ level of income needs to be considered in calculating the child support payment.” (Partnered female, 35, biological children, general population sample)

One mother pointed to the perceived merits of counting both incomes, as currently adopted by the majority of American states:

“The way they calculate payments at the moment I find extremely confusing and inequitable. In the [United] States, they take both parents’ income and add them together to make a combined income. They then work out the percentage of this combined income, which is the cost of the children. Both partners have to pay this cost determined on the percentage of their income, which makes the combined income. I find this to be a much better system.” (Partnered female, 37, stepfamily, separated parent sample)
Figure 3.10 suggests that many women also favoured taking both incomes into account. While this approach has intuitive appeal because on the surface it appears to treat parents equally, none of the comments on this issue suggested any consideration of “in-kind” payments linked with unpaid work or of the “opportunity costs” of caring for children when one parent performs much of the care of children.

The perceived harshness of the formula
Some separated parents (mainly fathers) believed that the current percentages were too high:

“I’d like to see the [percentage] rates brought down to a more reasonable rate.” (Single non-resident father, 48, separated parent sample)

“Thirty-four per cent [for four children] is too much. It makes it too difficult for the paying parent to survive.” (Single non-resident father, 36, separated parent sample)

“The amount for the paying parent who doesn’t have the children doesn’t allow them to get on with their lives. It can be too crippling.” (Partnered male, 47, stepfamily, separated parent sample)

“I think they have the percentages wrong . . . I see a lot of people paying a large amount of money out for maintenance and after they have paid that and rent, they can’t afford to have their kids come over.” (Partnered female, 47, stepfamily, separated parent sample)

“I’m finding that sometimes when I have the children, I can’t afford to do anything with them. Things are even tight with food.” (Single non-resident father, 36, separated parent sample)

Net rather than gross income?
Consistent with Figure 3.11, which showed that 75 per cent of non-separated men and 87 per cent non-resident fathers favoured the calculation of payments on net rather than gross income, some respondents expressed a sense of unfairness about the use of gross income:

“I’d like them to take it on net income rather than gross because you don’t get your gross so it’s ridiculous to pay 18 per cent on that.” (Sole mother, 29, with primary care of one child and another child living elsewhere, separated parent sample)

“Everything the government does is before tax, so it should be done after tax because before tax isn’t a true representation of what you’ve earned.” (Single male, 56, general population sample)

“It should be after tax as it’s not a percentage of your disposable income as it stands.” (Partnered female, 60, general population sample)

“Payments should be calculated on an after-tax system, and be reduced to 10 per cent for the first child, down from 18 per cent.” (Single non-resident father, 45, separated parent sample)

“Payments should be calculated from earnings after tax – not before tax – so long as it stays at the same percentage rate and doesn’t go
On face value, shifting from gross to net income may be perceived by many separated parents to be reasonably straightforward. But some may favour net on the assumption that the percentages would remain unchanged – leading to lower payments – as alluded to in the last quote above.

Implicit in some of the other quotes is the view that child support should be taken from what’s left of income because this is all that can be distributed across households. Perhaps it is this latter view that appealed to many of the women who also favoured net over gross, as indicated in Chapter 3 (Figure 3.11 – 71 per cent of the resident mothers and 79 per cent of the non-separated women). But this is speculation. Some of the women’s comments on other issues nonetheless leave no doubt that they were keen for their former partners not to be unfairly penalised by the Scheme – that the Scheme had to be fair for everyone:

“If my ex-husband falls on hardship, which occurred, there is no way he can meet the child support payments that are based on when he had a high-paying job. It’s unfair on him.” (Partnered female, 32, blended family, separated parent sample)

Some separated mothers expressed similar concerns in relation to fathers with second families to support:

“Make it a bit fairer for the men. It’s difficult when they’ve got another family to look after.” (Sole mother, 45, separated parent sample)

“If the father has another family of his own, you should be able to pay less because you’ve got to be fair to that family as well.” (Sole mother, 28, separated parent sample)

Controlling how the money’s spent
Some non-resident fathers also believed that it was unfair that they had no say in how the money that they provided was spent – with the perception that child support was essentially a hidden form of spousal support (and also support for her new partner) that was typically being frittered away on “lifestyle” choices:

“The father should have some input into where his money is going.” (Single non-resident father, 48, separated parent sample)

“The money I pay goes toward paying my ex-partner and her new husband’s Foxtel payments and lifestyle generally. My ex’s partner doesn’t work. I’m financing his lifestyle.” (Single non-resident father, 56, separated parent sample)

“Child support is an additional income for the parent rather than support for the child. It should go into a separate bank account for the child and be used only for the child’s needs. There should be a yearly assessment on . . . whether or not the money is being used correctly.” (Partnered male, 38, biological children, general population sample)

“I would like to see child support paid into a government bank and then a debit card issued to receivers of child support and the only
way money can be drawn on the debit card is through recognised agencies like electricity accounts, petrol accounts, and shopping outlets – to avoid parents spending money that’s meant for children on alcohol and drugs and being whistled away.” (Partnered male, 43, stepfamily and children elsewhere, separated parent sample)

Some women in the general population agreed:

“The system should try and make sure the money goes directly to benefiting the children – not the mothers.” (Partnered female, 28, general population sample)

“At the moment the [resident] parents are spending it on themselves.” (Partnered female, 31, biological children, general population sample)

A number of the comments about making resident parents accountable for the child support referred to the need for “trust funds”, “receipts”, “documentation”, “supermarket accounts” and “separate bank accounts” in order to ensure that the payments were not used as spousal support. With little often left to divide after relationship breakdown, the loss of economies of scale, and the possible duplication of the costs of children, it is understandable that both parents are keen to maximise their children’s wellbeing while minimising the impact of the financial aftermath on themselves.

The basic “cost” of a child

A variant on the “greater accountability” issue, albeit conceptually more significant, was the perception that child support payments should be based on a set amount, namely the (fixed) “cost of a child”. The following comments give the flavour of this belief system:

“Base the system on what it costs to raise a child.” (Single non-resident father, 46, separated parent sample)

“You should be charged per kid – not what you earn.” (Single male, 41, family type indeterminate, separated parent sample)

“Payments should not be based on the father’s income. They should just figure out how much it costs each week to raise a child and the payments should be 50 per cent of that. It should be a flat rate.” (Partnered female, 33, biological children, general population sample)

“I’d like a set figure per child . . . based on how much it costs to support each child.” (Partnered non-resident father, 40, general population sample)

It is important to note, however, that non-resident fathers were evenly divided on whether child support payments should be based on the basic costs of children or the non-resident father’s income level (see Figure 3.9). There is a solid body of economic data that show there is no single absolute “cost” of a child. Rather, up to a point, expenditure on children tends to rise with increasing income. This no doubt would reflect different values about what children “need” and consumption values overall, although of course many high earning parents may be well aware that a proportion of their child-related “expenses” are discretionary (such as overseas trips, or the latest top-of-the-range mountain bike or jet ski).
Counting a (mother’s) new partner’s income

Consistent with the view articulated by the majority of non-resident fathers and non-separated women and men (see Figure 4.1), some men considered that the Scheme was unfair in its failure to take account of their former spouse’s new partner’s income:

“If the partner remarries, the father shouldn’t have to pay anything.” (Partnered non-resident father, 30, general population sample)

“The custodial parent’s new partner should take more responsibility for the children. It’s ‘a package’.” (Partnered male, 44, biological children, general population sample)

But while many of these comments referred only to women repartnering, some respondents were gender neutral in their views:

“If either parent remarries . . . some level of financial responsibility should shift to the new partner.” (Partnered male, 51, biological children, general population sample)

The general flavour of these comments revolved around a reduction rather than discontinuation of child support. (Figure 4.1 taps the repartnering scenario but focuses on discontinuation of payment rather than reduction.)

The contact–child support nexus

The tendency for separated parents to link seeing children and paying for them has been well documented in Australia and elsewhere (Fehlberg and Smyth 2000; Seltzer, Schaffer and Charn 1989; see also Ellman 2004b). Chapter 4 showed that non-resident fathers tended to believe that payment of child support should be predicated on the ability to see children (the “seeing–paying” relation) (see Figures 4.5–4.7). This view surfaced in some of the recommendations for change:

“When males aren’t given reasonable access to their children, I don’t think they should pay the full amount of child support.” (Partnered male, 64, general population sample)

“The CSA should restrict monies when access to the child is denied when access has been granted by the Court.” (Partnered female, 55, general population sample)

“If there’s no contact with the children then the father shouldn’t have to pay child support.” (Single non-resident father, 51, separated parent sample)

Several respondents cited the relocation of a mother as a form of contact denial, and considered this grounds for non-payment:

“If a mother denies access to the child’s father, they should not have to pay child support. If the mother takes the child interstate or overseas without an agreement from the father, the father should not have to pay child support.” (Single female, 36, separated parent sample)

“Now that she and the kids are in another state, my child support should be reduced to nothing.” (Partnered male, 39, blended family and children living elsewhere, separated parent sample)
“I don’t think it’s fair that I have to pay child support to my ex- in [another state] when I don’t see the children and haven’t for many years. My child suffers.” (Sole father, 35, with primary care of one child and others living elsewhere, separated parent sample)

However, some women commented on the flip side of this – when fathers moved and avoided child support:

“Child support payments should be compulsory if they [non-resident fathers] move overseas. My husband moved overseas in a previous relationship and didn’t have to pay child support.” (Single female, 45, general population sample)

“Non-custodial parents who move overseas should be tracked down and made accountable . . . The father of my grandchild is overseas and doesn’t pay a cent.” (Partnered female, 56, general population sample)

“My husband lives overseas. The Australian Government can’t get child support from fathers living in that country. This is wrong.” (Sole mother, 38, separated parent sample)

Some respondents maintained that child support should continue when a parent moves, but that the costs of contact be recognised or shared:

“The cost of travelling should be incurred by the partner who moves, or maybe it’s a case of paying half the travel costs each.” (Single non-resident father, 30, separated parent sample)

“I think it’s very difficult for parents when the other parent takes the children interstate or away. This should factor into payments, and possibly even reduce them for the parent left behind, as they now have to pay travel costs etc just to see their children.” (Partnered female, 37, biological children, general population sample)

**Shared care**

Despite the survey’s focus on child support, some fathers raised the issue of 50/50 shared care and children’s living arrangements when asked what they would like to see changed about the Child Support Scheme. This probably reflects the close but complex links between money and parenting time.48

As one father said:

“The starting point for care and financial arrangements at the start of a separation should be 50/50 rather than solely to one parent.” (Partnered male, 44, new biological child in household and children living elsewhere, separated parent sample)

Another father agreed:

“I’d like to see each parent get 50/50 custody of children, and I would like to see the government be able to enforce this.” (Single non-resident father, 54, separated parent sample)

48 As outlined in Chapter 4, questions about payments where there were overnights were asked of respondents (Figures 4.8 and 4.9, and Table 4.1).
Another father argued that:

“It should be 50/50 . . . Under the current Scheme, when you have your own child with you you’re paying for that and also paying the child support.” (Partnered male, 42, stepfamily with children elsewhere, general population sample)

The idea that parenting time and money ought to be related was raised by a number of other respondents:

“There should be some way of linking contact to the amount payable.” (Single non-resident father, 50, separated parent sample)

“If a parent has no contact with their child, they should be paying higher child support. But parents who see them and are involved with them should be on a lesser rate of child support.” (Repartnered male, 43, blended family and children elsewhere, separated parent sample)

“You shouldn’t have to pay for the time you have the kid.” (Single non-resident father, 44, separated parent sample)

Some fathers saw shared care as having intrinsic benefits:

“Parents need to be encouraged to share the role of parent more.” (Single male, 44, family type indeterminate, separated parent sample)

“I would like to see that both parties straight away after the break-up of the marriage initially start with equal custody of the children so that they [children] can’t be used as a tool for manipulation.” (Partnered father, 46, new biological children in household, separated parent sample)

The above quotes suggest that keeping money and the arrangements for caring for children as separate issues may be difficult for some parents.

**Fairness to government**

Consistent with Figure 3.4, some respondents were also mindful of the need for the Scheme to be fair to government and taxpayers:

“The main responsibility should fall with the parents.” (Partnered female, 30, general population sample)

“We have to make parents accountable and responsible for the upbringing of their children. The government shouldn’t be responsible for paying wholly for children.” (Partnered male, 44, general population sample)

“The government’s role should be only as a fallback and [it should only] step in when needed.” (Single non-resident father, 38, separated parent sample)

“Every case is different …”

One suggested way of making the Scheme fairer was for liability to be assessed on a case-by-case basis – an issue not prompted by any of the survey questions:
“Each situation needs to be judged on an individual situation. Percentage brackets are crazy . . . You need to assess each situation on the whole facts – not just a few criteria related to finance.” (Sole father, 37, separated parent sample)

“Every case has its own circumstances that should be taken into account and dealt with accordingly.” (Single non-resident father, 43, separated parent sample)

“It should be looked at on an individual basis rather than the mass equation they have now.” (Repartnered female, 42, stepfamily and children elsewhere, separated parent sample)

“Sometimes the situation requires a case-by-case basis, as the standard arrangements seem harsh sometimes.” (Partnered male, 44, general population sample)

On the issue of greater discretion case-by-case, some respondents indicated that they wanted “fault” brought back into legal decision-making – again, this was not prompted by the survey questions:

“There is always a victim – whether it is the mother or the father. I don’t think the victim should have to pay. For example, you have a nice father whose wife runs off with another man. He still has to pay. I don’t think he should have to.” (Partnered male, 47, general population sample)

“If the mother leaves the father because of another partner, there should be less responsibility on the father [to pay child support].” (Partnered male, 61, general population sample)

**Relationship counselling and mediation**

Although no questions were asked about mediation or counselling, some respondents suggested a strong need for the couples to sort out their problems before things worsened:

“What’s needed is more of couples being able to sit down and talk about it.” (Single female, 49, youngest child aged 18, separated parent sample)

“I’d like to see it as a system of last resort. I’d like to see parents meeting to sort things out before the system was needed . . .” (Single male, 54, youngest child aged 18, separated parent sample)

“There is a brick wall between how [my former husband] sees child support and how I see it. We all need to sit down and work it out.” (Sole mother, 31, separated parent sample)

Others specifically mentioned the need for more therapeutic approaches to achieve this:

“When it [separation] first happens, I think they need people to go and get counselling . . . before they get to child support . . . It’s a sensitive time when parents separate and they need sensitive counselling to agree to what is required in terms of their responsibilities.” (Sole mother, 35, general population sample)
“Child support should be tied in with mediation for marriage support – trying to prevent the separation because it is far too easy to separate at the moment.” (Partnered male, 50, biological children, general population sample)

“The government should work harder at mediating between partners and not creating conflict. There needs to be a more holistic approach to the circumstances.” (Partnered male, 36, stepfamily, separated parent sample)

This last quote gets to the heart of much of the timbre of the most recent round of family law reforms. The soon-to-be-established network of Family Relationship Centres aims to help families avoid conflict, and support them in a child-focused, dignified and relatively inexpensive manner where parental separation cannot be avoided (Moloney and Smyth 2004).

One of the Child Support Taskforce’s Terms of Reference is to provide guidance on the extent to which Family Relationship Centres can or should help separating couples resolve differences relating to child support issues. Thus while it will be important for professionals at the new Centres to provide customised packages of support to help parents reach their own parenting agreements, the extent to which disputes over child support might be mediated at Family Relationship Centres is less clear. (This issue is discussed more fully in Chapter 6.)

For some parents, mediation may be seen as one way of achieving a more individualised outcome, as raised by some respondents in the present study:

“I find it a demeaning thing [formulaic administrative assessment] in . . . the way it’s worked out. You really need some good mediation in these things where the amount you have to pay can be worked out sensibly.” (Partnered non-resident father, 59, separated parent sample)

“I think a better agreement could be reached between parents if a mediator was involved.” (Non-resident mother, 44, separated parent sample)

It is worth noting that a small group of respondents emphasised the importance of parenting programs and parental education in relation to child support issues:

“Parents post-separation should do a course on parenting after separation, like Mums and Dads Forever put on by Anglicare.” (Partnered female, 37, general population sample)

“Make every separated parent watch a video about the mental anguish and confusion that children suffer when fighting over them [like the Children In Focus video].” (Partnered male, 33, stepfamily and children elsewhere, separated parent sample)

“There needs to be more education in parenting and responsibilities before children appear.” (Partnered female, 54, general population sample)

**Administrative issues and assessment processes**

One of the key aims behind the introduction of the Child Support Scheme, particularly administrative assessment and collection, was to improve the working relationship between parents by reducing conflict between parents over money.
By converting a private transfer to a debt to the State, the bargaining and some of the associated acrimony should be deflected onto those charged with administering and collecting that money. The Agency is thus likely to bear much of the brunt of any acrimony around money. Indeed some might say that it is better that a government agency absorbs the force of any parental conflict over money than parents (and children) themselves.

Administration and operational issues formed one of the most commonly mentioned areas for change flagged by separated parents.

People want to talk to people

Given the often emotionally-charged context and highly complex issues surrounding separation, it is not surprising that a number of respondents suggested that staff at the Child Support Agency adopt a more therapeutic approach with clients:

“There should be much more mediation between the Agency and the parents. We were told what to do and pay. This created unnecessary conflict between me and my ex. It was a cold and pushy experience.” (Partnered female, 37, biological children, general population sample)

“They should take time to sit down with the parents and train people from the Child Support Agency so they are better equipped to handle situations.” (Sole mother, 52, separated parent sample)

“They should make someone from the Child Support Agency available to sit down with the spouse who’s paying, and discuss [any] financial difficulties that they might be having. Some of the letters can trigger anger in fathers who feel threatened in the early stages of the separation. If there was a person who could explain it, it might take some of the edge off the situation.” (Sole mother, 41, separated parent sample)

“I understand that it’s hard for an agency to work on formulas with so many people, but it was a lot easier to feel that you were being understood when you had a caseworker. It is disconcerting to call and have someone new every time who knows nothing about your family and your situation. It is my family, and it is personal. Of course, it is upsetting, and it is just a little thing but it makes it a lot easier to feel like you are being listened to.” (Sole father, 49, separated parent sample)

The need to be heard and understood underpinned the comments of a number of other fathers. One father made this point somewhat bluntly:

“Everything is so cold and financial to them.” (Partnered male, 39, new biological child and children elsewhere, separated parent sample)

Two mothers with safety concerns also pointed out the benefits of being able to meet in person with Agency staff with the appropriate skills and expertise:

“High levels of emotion and fearfulness about what might happen if child support contact the other partner . . . made it so that I did not pursue child support at the time because of fear of repercussions
– especially on the children. If I could have seen someone face-to-face, this might have helped me to talk more freely . . .” (Partnered male, 33, stepfamily and children elsewhere, separated parent sample)

“Every time the Child Support Agency contacted my ex-husband, he would threaten me violently and mentally through his friends and himself. The Child Support Agency should listen to the woman and give her time to explain this . . . They need someone to be able to interview a woman who’s been through violence – someone who’s trained to do this.” (Sole mother, 39, separated parent sample)

**Operational issues and assessment processes**

Many separated parents also pointed to a range of operational issues in the Agency’s handling of cases:

“I don’t see the Agency as having any power. They seem ineffectual because they can’t get people to make the payments.” (Partnered female, 49, stepfamily and children elsewhere, separated parent sample)

“More staff are needed to follow up and enforce payments.” (Sole mother, 41, separated parent sample)

“The system should be less confrontational. The letters I get from them are very confrontational when I consider that the relationship between me and the other parent is cooperative.” (Non-resident mother, 45, separated parent sample)

“The Agency should make sure that the couple cannot arrange the child support situation themselves before interfering and pushing a prefabricated model on them.” (Sole father, 39, separated parent sample)

“They need a more efficient database so when you make calls, they are noted.” (Single female, 46, separated parent sample)

“I find it really hard to get through to them.” (Partnered female, 35, stepfamily and children elsewhere, separated parent sample)

“They need a better system between child support, Centrelink, and the taxation office. They need to correlate their information better.” (Sole mother, 53, separated parent sample)

A number of respondents also wanted to see assessment processes improved:

“Payment of support on the ability to earn an income [‘capacity to earn’] should be abolished and based on current income.” (Single non-resident father, 39, separated parent sample)

“Child support payments shouldn’t be based on the previous year’s income because circumstances change.” (Sole father, 30, separated parent sample)

“The Family Tax Benefit should not be tied in with the Child Support Scheme. The pressure it put on my ex-husband really deteriorated the
relationship that we had tried to maintain for the kids, when I was having to prove via the Child Support Agency that the payments weren’t enough. He didn’t have any more to give, and I knew that, but the burden of proof needed in order to get an exemption and access the Family Tax Benefit was very confrontational and accusatory. That is how the system is geared.” (Sole mother, 40, separated parent sample)

“You can only change your income assessment so many times a year. What if your job changes more often than that? . . . They need to understand that that is people’s reality, and not an attempt to cheat the system.” (Partnered non-resident father, 45, separated parent sample)

These and other problems have been well documented over the years (see, for example, Joint Select Committee 1992, 1994; Commonwealth of Australia 2003). But not every respondent was critical. One mother said:

“The child support people are very helpful, and my case worker is a gem.” (Sole mother, 45, separated parent sample)

Of course, satisfied respondents are likely to be hidden in this analysis because respondents were asked what would they like to see changed.

**Should everyone pay?**

The issue of non-resident parents’ “capacity to pay” child support surfaced in a number of different ways. Consistent with Figure 3.7, several respondents endorsed the principle that parents have a duty to support their children financially:

“People should all have to pay some money…” (Partnered male, 42, biological children, general population sample)

“Parental responsibility should never cease. It’s not a matter of income or situation.” (Partnered male, 51, biological children, general population sample)

But unlike most respondents (Figure 3.8), some articulated the view that unemployed or poor fathers should not have to pay child support:

“People on pensions shouldn’t have to pay.” (Single non-resident mother, 42, general population sample)

“There is no point in someone paying a negligible amount, such as $5 a week. They should only start paying child support when they have a more solid income.” (Partnered male, 37, blended family, general population sample)

“It’s a waste of time sending a notice to somebody on the dole or who is earning very little to pay their $5, or whatever, a week. They shouldn’t have to pay child support unless they’re earning more than $10,000 a year.” (Single non-resident father, 64, separated parent sample)

“The requirement for low-income earners to pay child support needs to be addressed. The level of income for people on government support is already on the poverty line. An additional $5 a
week taken from that really does impact on their ability to survive, let alone provide a home for their kids to visit.” (Single non-resident father, 46, separated parent sample)

At the other end of the financial spectrum, a number of fathers re-affirmed the need for an income cap on child support payments – an issue that was supported by most respondents (Figure 3.12):

“There should be a maximum amount of child support to be paid because it unfairly penalises medium-to-high-income earners.” (Partnered male, 58, general population sample)

“Child support should be capped for high-income parents because, while children are more expensive at different ages, they do not increase in cost to such a great extent as proportionally with income.” (Partnered female, 37, stepfamily and children elsewhere, separated parent sample)

“High-income earners should only have to pay up to a certain amount. It should be about providing a living allowance – not extras.” (Single male, 23, general population sample)

“There should be a cut-off point so that those who want to work harder or get a better job aren’t penalised.” (Partnered female, 50, partner’s children living elsewhere, separated parent sample)

**Summary**

It is must be reiterated that the comments outlined in this chapter should not be seen as representative of the views of all respondents in either sample, and that no single issue dominated respondents’ recommendations.

When asked what they would like to see changed, women’s and men’s responses differed in some ways. The women who suggested changes to the Scheme wanted to see child support paid (even if fathers moved overseas), arrears collected, and income minimisation itself minimised. By contrast, the men wanted: (a) both parents’ 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 exempted or reduced where contact is thwarted because of relocation or denial (“no-see, no-pay”).

There was nonetheless common ground between women and men on several issues, including: (a) the need and importance of mediation, relationship counselling, and parenting programs; (b) perceived problems with administrative and assessment processes; and (c) the need to ensure that the Scheme was fair for children (young and old, disabled or otherwise), resident parents, non-resident parents, and government.

These comments and views are largely consistent with those put forward to the many government inquiries on family law matters held over the past decade (see also similar findings by Atkinson and McKay 2005 in the United Kingdom). This is not surprising given that it is these very views that were being probed by the survey, with the survey questions themselves possibly bringing these issues to the forefront of respondents’ minds rather than other issues.
6 Conclusion
Conclusion

The Australian Institute of Family Studies’ *Attitudes to Child Support Study* sought to map perceptions of fairness by charting attitudes to child support in Australia. The study 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, 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; an argument could be made either way for whether they perceived their glass to be “half full” or “half empty”.

**Broad principles**

Respondents were asked a number of questions about the broad principles underpinning the Child Support Scheme. While these principles 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;
payments should be based on net rather than gross income; there should be an upper limit on the amount of support payable by high-earning fathers; the age of children should be taken into account; and children with a disability should continue to receive child support after they turn 18 years.

Although a majority of respondents in all groups held the above views, resident mothers were: (a) the least likely to agree that children’s ages and both parents’ incomes should be taken into account; and (b) the most likely to maintain that child support should be paid not only to children over 18 who either had a disability, but also to those who were full-time students.

On the other hand, non-resident fathers were: (a) the most likely to support the notion of a ceiling placed on child support liability for high income payers; and (b) the least likely to maintain that low income parents (male or female) should have to pay child support, and that children over 18 years old should receive financial support. But most non-resident fathers were in favour of supporting children with a disability.

There was a consistent majority view for three of the four groups on several issues. Most groups were inclined to believe that:

- helping children should be the main priority of the scheme – but non-resident fathers tended to support either the objective of helping children, or “fairness to parents”, or both (with helping children being the more common response);
- child support should be based on the non-resident father’s capacity to pay (that is, “fathers who earn more should pay more”) rather than on the “basic costs” of children – but non-resident fathers were fairly evenly divided on this issue; and
- parents alone should hold the main responsibility for the financial support of the children – but resident mothers were evenly divided between this view and the view that the main responsibility should rest with parents together with the government (a trend that was related to the disproportionate number of resident mothers and children reliant on government support).

Women and men differed markedly on the extent to which they thought that fathers would pay child support without government intervention: women (especially resident mothers) believed government involvement was necessary; men (especially non-resident fathers) did not.

Finally, a mixed pattern of results emerged about whether resident mothers on government income support should be able to keep some or all of their child support payments. Overall, little more than half the respondents in any group argued in favour of one of these alternatives, although most opted for the non-resident mothers keeping some or all payments, rather than not keeping any.

**New partners, second families**

While there was some inconsistency, most groups were inclined to believe that:

- where a resident mother remarries, continuation of child support should depend on the new partner’s financial situation – but resident mothers were divided on this issue;
- where a non-resident father repartners and has stepchildren, child support liability should not be reduced – but non-resident fathers were slightly more likely to argue in favour of some rather than no reduction; and
where a non-resident father has a child born of a new relationship, child support liability should not be reduced – but most non-resident fathers disagreed.

Parent–child contact

There was much agreement across the groups on two issues related to parent–child contact. Most respondents in all groups believed that:

- a non-resident parent’s (father or mother) lack of interest in maintaining contact with children should have no bearing on the duty to support children financially; and
- overnight stays should be taken into account in the calculation of child support.

Nevertheless, non-resident fathers were less likely than other groups to agree that fathers who lacked interest in having contact should pay support. They were also more inclined to believe that overnight stays should be taken into account, while resident mothers were the least supportive of this proposition. In addition, most non-separated women and men, and particularly resident fathers, believed that child support should be reduced where a father has to set-up new housing for his children to stay overnight – but most resident mothers disagreed with this proposition.

Non-resident fathers tended to differ from one or more groups on scenarios that alluded to potential obstruction of parent–child contact:

- non-resident 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;
- most groups argued that, where a resident mother moves interstate, child support payments should still continue – but only half the non-resident fathers agreed; and
- most non-resident fathers maintained that child support should not be paid if the resident mother moved overseas – but resident mothers and non-separated women were more inclined to say support payments should continue, while the non-separated men 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 possibilities also exist (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 is 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 to build

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49 The reciprocal, where non-resident fathers moved, was not explored.
cooperative parenting arrangements after separation. To this end, the following reflections are offered.

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) 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. (p. 300)

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. (p. 301)

Identity (individual, group or community) is thus likely to influence perceptions of justice; and, 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 (Harrison 1986; 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 (1988; 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; Greif 1995, Hawthorne 2005; 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

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50 The four groups examined are gender-based and the less common resident father and non-resident mother groups are not shown. Thus there is no way of teasing out the often-complex interplay between gender and the residence status of parents. In other work (Smyth & Weston 2004), it was the residence status of parents rather than gender that appeared to exert the more powerful effect on attitudes. In other words, it was the presence or absence of children in a respondent’s household that is likely to reflect the view they hold on issues around post-separation parenting.

51 The majority of fathers in Jordan’s study expressed an “intense attachment and interest as fathers”, pointing to the importance of fatherhood to men (Jordan 1996: 56). Many fathers’ love for their children, and the loss of daily contact with children, can be devastating and appears to have a deep emotional impact on them post-separation (see, for example, Jordan 1996; McMurray & Blackmore 1993; Weston 1986a).
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.52

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, have lost seeing a parent daily, or are caught in the middle of their parents’ conflict. Resident mothers can also suffer, emotionally, socially and financially.53 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 (see Braver 1999; Finnie 1993; Jarvis and Jenkins 1997; Kelly and Harding 2005; Peterson 1996; Pulkingham 1995; Smock, Manning and Gupta 1999; 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 husband’s career continues 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 them 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 non-resident fathers’. Women may have a higher degree of “collective awareness” than men, as suggested by Brickman, Bolger, Goode and Schul (1981) and, as a consequence, be inclined to see things from multiple perspectives when weighing up “fairness”.54 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

52 This may also partly explain the rapid rise in grass roots “fathers’ rights” groups around the world, in which “personal troubles” are unified and reinforced by group concerns (see Coltran & Hickman 1992; Flood 2003).
53 Domestic violence and concerns for their children’s safety can also loom large for some women (see, for example, McInnes 2004).
54 According to Gilligan (1982), women are also more inclined than men to assess fairness from the perspective of a network of relationships and to focus on an “ethic of care” (fostering harmonious relationships and taking responsibility for others).
1982; Sloan in press). 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.

Implications for policy, practice and research

At least four implications for policy, practice and research flow out of the above findings.

The need for education

The inherent complexity of child support policy, with its basis in family econometrics, and its complex inter-relations with government income support, tax law and family law, make it somewhat impenetrable – even for experts. Some of the findings of the Attitudes to Child Support Study presented here suggest that parts of the Scheme as they stand appear to run counter to public opinion about how it should operate. The tendency for respondents to believe that, where a resident mother remarries, continuation of child support should depend on the new partner’s financial situation, is one such example. Under the current provisions of the Scheme, a new partner’s income does not affect child support liability. There is likely to be much value in separated parents being informed about the basic principles and rationale underpinning the Scheme, and how these principles are operationalised. A set of responses to Frequently Asked Questions may help in this regard: “Why should I pay?” “Why should I have to pay when I can’t see my child?” “Why should I have to take reasonable action to obtain child support?” “Why is the Scheme based on gross and not net income?” And so forth.

Of course, some areas of broad discontent may suggest that an aspect of policy may itself need to be changed.

The need for a more therapeutic process

Marlow (1985: 5) has argued that separation is first and foremost a “personal event” and “only secondarily a legal event”. Marlow maintains that legal answers do not exist to personal questions. This has relevance for child support policy.
The divorce mediation literature suggests that there is a need to provide for both the emotional and legal needs of clients. Respondents’ comments in Chapter 5 point to the need for the child support system and broader family law to offer a more therapeutic approach to parents who are separating.

As noted earlier, there is emerging evidence that concerns about one’s own identity can be the primary motive for concern about unfair treatment and processes, and the way that people are treated can affect their perceptions of the fairness of an outcome. Respectful processes can go some way to helping people deal with outcomes perceived as “bad”. This points to the potential importance of the way in which the Child Support Agency and other parts of the family law system interact with separated parents. There are clear signs that much change is in progress across the family law system at present in a bid to improve “procedural” and “interactional” justice. The Child Support Agency is itself involved in a number of groundbreaking initiatives (O’Hanlon 2005). However, the soon-to-be established network of Family Relationship Centres is arguably one of the clearest signs of a shift to therapeutic process – although their role in relation to child support issues remains unclear. This issue is now briefly discussed.

The work of Family Relationship Centres

As a visible single entry point, the network of community-based Family Relationship Centres would help guide families towards child-focused, conflict resolution processes in a way that takes account of local needs. Families would receive support in a variety of ways, including information and advice, assistance in the development of parenting plans, three hours of free dispute resolution, and referrals (Prime Minister, Commonwealth of Australia 2004).

Some of the comments presented in Chapter 5 suggest that mediation, and no doubt similar services at future Family Relationship Centres, would be seen by some clients as offering an alternative to using a child support formula. It should be noted that financial counselling (not the same as mediation) is currently offered by a number of community-based family service organisations and might also become a feature of Family Relationship Centres.

These services are able to assist separating couples to understand the rationale that underpins property distribution and child support. They provide information rather than advice – an especially important service for former partners struggling to adjust financially to the demands of helping to maintain two households. At best, these services attempt to help create an atmosphere within which former partners come to appreciate the dilemmas associated with the diminished living standards that may be facing both of them. A key aim is to set the scene for mediation and/or for the acceptance of the principles that inform financial arrangements post-separation.

But what is meant by mediation in this context?

For some years, family law mediators have accepted that they cannot be strictly neutral with regard to the content of matters discussed by separating couples. For example, they are enjoined to assist couples to act in the best interests of children by remaining child-focused in their discussions about parenting. With respect to financial arrangements, they also begin from the principles outlined in the legislation. A strength of mediation is that within these guidelines arrangements can be agreed upon that meet the particular needs of a family or a child.

With respect to child support, a standard formulaic assessment would normally be the starting point, in both financial counselling and mediation, for clarifying the various
balance points in terms of adequacy and equity issues. Any proposal to move away from the formula – as suggested by a number of respondents in the present study – would need to consider carefully the capacity of both parents to represent themselves.

Where the State requires some reimbursement of government income support, the capacity to mediate an arrangement outside the formula would clearly be limited. In all cases, parents would need to be made fully aware, usually via the seeking of independent advice, of the consequences of pursuing non-standard arrangements. Service providers, too, recognise that child support policy is an inherently technical area that requires high levels of knowledge about family finances, government income support, and post-separation financial living standards and patterns of parenting.

At the same time, there is a very different way of considering the child support issue. One of the key aims behind the introduction of the Child Support Scheme – particularly administrative assessment and collection – was to improve the working relationship between parents by reducing the strain of “bargaining” over money. This was meant to be achieved through the conversion of a private obligation into a debt owed to the government (Harrison 1994).

These different ways of approaching the question of child support raise a dilemma that will require a policy-based resolution. It may be that the default position remains the application of the formula, but that under specified conditions, a combination of financial counselling and/or mediation services would be seen as potentially useful for some separating couples (as is already provided by some services).

**The need for research**

It is hoped that the Institute’s *Attitudes to Child Support Study* will stimulate further research in Australia on attitudes to child support. Any work that can shed light on why respondents supported certain propositions and not others is likely to attract much interest from policy makers, practitioners, and parents themselves. An examination of any possible links between property division and child support on the one hand, and perceptions of fairness, on the other, is also likely to be useful.

More importantly perhaps, there is hardly any information in Australia on children’s views about the child support that they do or do not receive. There is much irony in this given that the Scheme aims to ensure that the best interests of children remain paramount. Children’s views are likely to call some parents – particularly those enmeshed in conflict – back to reality. Poverty has an ugly face, especially for children. Sadly, heightened distress and conflict between parents can generate such a strong self-focus that some parents will be oblivious to their own children’s experiences.

**A “tangled terrain”?**

Many of the key issues raised by this study are not new. Indeed, that most of these issues have changed little since the Scheme’s inception some 15 years ago attests to the difficulties of balancing the diverse desires and needs of all family members and the State in relation to the financial support of children after parental separation. In this respect, child support shadows broader family law issues as a “confused and tangled terrain of conflicting ideas and tendencies”, as described by Dewar (2000: 60).

It is hoped that the voices of those who are caught in this terrain, as presented here, urge those charged with reforming child support policy in Australia to do what they can to improve the perceived fit between adequacy and equity issues, be this through education, policy refinement, or both.


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

Kiernan, K. (1992), “Men and women at work and at home”, in Social and Community Planning Research (Great Britain), British social attitudes: The 9th report (pp. 89-112), Dartmouth, UK.


Woods & Associates (1999), The behaviour and expenditures of non-resident parents during contact visits, Policy Research Paper No. 75, Department of Family and Community Services, Canberra.
Appendix 1

ATTITUDES TO CHILD SUPPORT

Separated Parent Sample (Callbacks)

Informed consent

Good [afternoon/evening]. My name’s [SAY NAME] and I’m calling from the Wallis Group on behalf of the Australian Institute of Family Studies. May I please speak to [%target respondent’s name]?

IF NECESSARY ADD: The Institute is a national, independent body established to monitor the wellbeing of Australian families.

IF UNCONTACTABLE, END INTERVIEW:
Thank you for your time and assistance.

We spoke to you about a year ago about parenting after divorce and you agreed at that time to being contacted for some further research. The Child Support Scheme is currently being reviewed, and we hope to include your views in the review process. This will take about 10 to 15 minutes.

Can we talk now?
1. Yes
2. No – make appointment
3. No – refused

IF REFUSED, SAY:
On behalf of the Australian Institute of Family Studies, thanks for your time.

The information you provide remains strictly anonymous and confidential. If I come to any question you prefer not to answer, just let me know and I’ll skip over it or you can stop at any time.

We can arrange the interview at a time to suit you – either on this number or a number of your choice. If you have any queries about this study, you can contact the Project Manager for the cost of a local call [1800 . . . . .].

SECTION 1: General perceptions
I’d like to start by asking you how well you think the existing child support system is working.

DA1. Do you think that overall, the child support system is working well?
1. Yes
2. No
3. SOMETIMES (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

DA2. Do you think that the child support system is “fair” for both parents?
1. Yes
2. No
3. SOMETIMES (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED
SECTION 2: Attitudes to child support

I’d now like to ask you about whether you think child support should be paid under different situations. Let’s start with the most common situation – where children live with their mother most of the time, and their father lives elsewhere.

DB3. Do you think a father who does not usually live with his child or children should ALWAYS be made to pay child support?
   1. Yes
   2. No
   3. IT DEPENDS (DON’T READ)
   4. CANT SAY/DON’T KNOW
   5. REFUSED

DB1. Do you think MOST fathers would pay child support without any government involvement?
   1. Yes
   2. No
   3. CANT SAY/DON’T KNOW
   4. REFUSED

DB4. Do you think the amount of child support that a father pays for his children should depend on:…..(READ OUT)
   1. How much HE earns
   2. How much the mother earns, or
   3. BOTH their incomes
   4. CANT SAY/DON’T KNOW
   5. REFUSED

DB6. … And should the amount depend on the children's ages?
   1. Yes
   2. No
   3. CANT SAY/DON’T KNOW
   4. REFUSED

DB5. If mothers are on government income support payments, should their government payments be reduced by the total amount of child support, just some of it, or should they be able to keep all of it?
   1. Reduce by total child support
   2. Reduce by some of it
   3. Keep it all
   4. Can’t Say
   5. Refused

DB7. Do you think that if the father has ANOTHER child with a new partner, he should be allowed to pay less child support for the children he does not live with? This doesn’t include step-children.
   1. Yes
   2. No
   3. IT DEPENDS (DON’T READ)
   4. CANT SAY/DON’T KNOW
   5. REFUSED

DB8. If the father has re-partnered and now has STEP-CHILDREN to support, should he be allowed to pay less child support for the children he does not live with?
   1. Yes
   2. No
   3. IT DEPENDS (DON’T READ)
   4. CANT SAY/DON’T KNOW
   5. REFUSED

DB9. DELETED

DB10. Suppose the mother remarries or starts living with a new partner. Should the father be expected to keep paying child support; stop paying; or should payment depend on the new partner’s financial situation?
   1. Continue to pay
   2. Stop paying
   3. Depends on financial situation
   4. Depends on other circumstances
   5. CANT SAY/DON’T KNOW
   6. REFUSED
DB11. Do you think child support payments should just cover the basic costs of children OR should fathers who earn more, pay more than this?
1. Cost of children
2. Father’s income
3. COMBINATION OF BOTH (DON’T READ)
4. BASED ON EARNINGS OF FATHER AND MOTHER (DON’T READ)
5. IT DEPENDS
6. CAN’T SAY/DON’T KNOW
7. REFUSED

DB12. Do you think a father who does not usually live with his children should pay some child support even if his earnings are very low or he only receives government income support?
1. Yes
2. No GO TO DB13
3. IT DEPENDS (DON’T READ) GO TO DB13
4. CAN’T SAY/DON’T KNOW GO TO DB13
5. REFUSED GO TO DB13

DB2. What do you think should be the ABSOLUTE MINIMUM amount of child support that a father should pay regardless of his income or the number of children he is supporting? Would it be…[READ OUT]
1. Nothing
2. $5 a week
3. $10 a week
4. $15 a week
5. $20 a week
6. Or some other amount
7. IT DEPENDS (DON’T READ)
8. CAN’T SAY/DON’T KNOW
9. REFUSED

IF “SOME OTHER AMOUNT” (CODE 6 AT DB2), ASK:

DB2b How much should the minimum be each week? ______

DB13. And should there be a maximum amount of child support payable for high income fathers?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

DB14. Do you think a father who does not usually live with his children should FACE A PENALTY (such as a fine) if he fails to make his child support payments?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

DB15. Do you think a father should have to pay child support if he’s NOT INTERESTED in having any contact with his children?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

DB16. What about if the mother MOVES INTERSTATE with the children. Should the father have to pay child support?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED
DB17. And what if the mother moves OVERSEAS with the children. Do you think that a father should have to pay child support?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

DB18. Should a father have to pay child support if he WANTS contact with his children but the mother is PREVENTING it?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

DB19. Should child support be paid for a child aged 18 or over who is … (READ OUT)
1. a full-time student still living at home
2. a disabled child,
3. both of these, or
4. neither of these
5. IT DEPENDS (DON’T READ)
6. CAN’T SAY/DON’T KNOW
7. REFUSED

DB20. When children OFTEN stay overnight with their father, should this be taken into account when calculating his child support payments?
1. Yes
2. No
3. IT DEPENDS ON THE NUMBER OF NIGHTS (DON’T READ)
4. IT DEPENDS ON OTHER THINGS (DON’T READ)
5. CAN’T SAY/DON’T KNOW
6. REFUSED

[INTERVIEWER NOTE: NEXT QU ASKS HOW OFTEN]

IF OVERNITES SHOULD BE TAKEN INTO ACCOUNT (CODE 1, 3 OR 4 AT DB20) ASK:

DB21. What is the minimum number of overnight stays you think should be required before child support payments can be reduced?
Response given as Nights per week
Response given as Nights per fortnight
Response given as Nights per month
Response given as Nights per year
NUMERIC RESPONSE _____________________ (ALLOW UP TO 300)
(999 = Don’t know)

DB22. Should child support be reduced where a father has to set-up new housing specifically for his children to stay overnight?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

SECTION 3: RESIDENT FATHERS

Now thinking of the less common situation where children live with their father for most of the time and their mother lives elsewhere.

DC1. Do you think that a mother who does not usually live with her child or children should ALWAYS be made to pay child support?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED
DC2. Do you think that a mother who does not live with her children should pay some child support even if her earnings are very low or she only receives government income support?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

DC3. Do you think a mother who does not usually live with her children should FACE A PENALTY (such as a fine) if she fails to make her child support payments?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

DC4. Do you think a mother should have to pay child support if she’s NOT INTERESTED in having any contact with her children?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

DC5. Should a mother have to pay child support if she WANTS contact with her children but the father is PREVENTING it?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

SECTION 4: POLICY ISSUES
And finally, thinking about broader policy issues...

DD1. When couples separate, do you think the main responsibility for financial support of their children should lie with the parents, the government, or both?
1. Parents
2. Govt
3. Both parents and government
4. CAN’T SAY
5. REFUSED

DD2. Do you think the main priority of the Child Support Scheme should be towards: helping children, being “fair” for both parents, or reducing the amount the Government has to spend on benefits? (ACCEPT MULTIPLES)
1. Helping children
2. Being fair for both parents
3. Reducing government expenditure
4. CAN’T SAY/DON’T KNOW
5. REFUSED

DD3. DELETED

DD4. DELETED

DD5. Should child support payments be based on a percentage of the parent’s income BEFORE tax or AFTER tax?
1. Before tax (GROSS)
2. After tax (NET)
3. CAN’T SAY/DON’T KNOW
4. REFUSED
Section 5: Demographics

Finally, to make sure that we have a true cross-section of people, I’d like to ask you a few questions about yourself. We asked you some of these questions last time we spoke but your circumstances may have changed since then.

DE1. What is your marital status?  Are you currently … (READ OUT)
   1. Married  GO TO DE4a
   2. In de facto relationship  GO TO DE4a
   3. Separated (including trial separation)
   4. Divorced
   5. Widowed
   6. Never been married
   7. REFUSED  GO TO DE4a

DE2. Are you currently in an ongoing relationship with someone?
   1. Yes
   2. No  GO TO DE4a
   3. CAN’T SAY/DON’T KNOW
   4. REFUSED

DE3. Do you live with that person?
   1. Yes
   2. No
   3. CAN’T SAY/DON’T KNOW
   4. REFUSED

DE4a. Are there any children under 18 living with you for at least 50% of the time?
   1. Yes
   2. No  GOTO DE4i
   3. CAN’T SAY/DON’T KNOW  GOTO DE4i
   4. REFUSED  GOTO DE4i

DE4b. How many?  |  |  |
   CODE REFUSED AS 99  GOTO DE4i

IF 1 CHILD AND RESPONDENT NOT PARTNERED, ASK:

DE4c. Is this your child?
   1. Yes  GOTO DE4i
   2. No  GOTO DE4i
   3. CAN’T SAY/DON’T KNOW
   4. REFUSED

[Interviewer note: Include “adopted” children and biological children]

IF 1 CHILD AND RESPONDENT PARTNERED, ASK:

DE4d. Was this child born to:
   1. you and your current partner,  GOTO DE4i
   2. you and a previous partner, or  GOTO DE4i
   3. is this your partner’s child?  GOTO DE4i
   4. NONE OF THE ABOVE (DO NOT READ)  GOTO DE4i
   5. CAN’T SAY/DON’T KNOW
   6. REFUSED

IF >1 CHILD & NOT PARTNERED ASK:

DE4e. How many of these children are your children?  |  |  |
   CODE REFUSED AS 99  GOTO DE4i

IF LIVING WITH A PARTNER, ASK:

DE4f. How many of these children under 18 are children that you and your current partner have had together?  |  |  |
   CODE REFUSED AS 99  GOTO DE4i

IF DE4b = DE4f, GO TO DE4i.
ELSE CONTINUE

DE4g. How many are YOUR children but NOT your partner’s child?  |  |  |
   CODE REFUSED AS 99  GOTO DE4i

IF DE4b = DE4g+DE4f, GO TO DE4i.
ELSE CONTINUE

DE4h. How many are YOUR PARTNER'S children but NOT your child?  |  |  |
   CODE REFUSED AS 99
ASK EVERYONE:

DE4i. Do you have any children under 18 who live with their other parent for at least 50% of the time?
   1. Yes
   2. No
   3. CAN’T SAY/DON’T KNOW
   4. REFUSED

IF PARTNERED, ASK:

DE4j. Does your partner have any children under 18 who live with their other parent for at least 50% of the time?
   1. Yes
   2. No
   3. CAN’T SAY/DON’T KNOW
   4. REFUSED

DE5. Are you currently in paid-employment?
   IF YES ASK: Is that full-time for 35 hours or more a week, or part-time?
   1. Yes — Full-time
   2. Yes – Part-time
   3. No
   4. CAN’T SAY/DON’T KNOW
   5. REFUSED
   [Interviewer note: If working more than one job, code total hrs]

   IF NOT IN PAID-WORK (CODE 3 AT DE5) ASK:

DE5b. Are you currently looking for paid work?
   1. Yes
   2. No
   3. CAN’T SAY/DON’T KNOW
   4. REFUSED

   IF DE5b ANSWERED OR DE5 =2, ASK DE6
   ELSE GO TO DE7

DE6. People often get income from a number of sources. Is your MAIN source of income … (READ OUT)
   1. Earnings
   2. Gov’t income support
   3. Or something else
   4. CAN’T SAY/DON’T KNOW
   5. REFUSED

   To better understand your circumstances, it be would useful to get an estimate of income.

DE7. What is your HOUSEHOLD’S TOTAL annual income from all sources before tax? Please include all wages, salaries, pensions, family benefits, child support, and any other income.
   For a year, do you think it would be … READ OUT
   1. Less than $20,000
   2. $20,000 to less than $50,000
   3. $50,000 to less than $80,000
   4. $80,000 to less than $100,000
   5. $100,000 or more
   6. CAN’T SAY/DON’T KNOW
   7. REFUSED

DE8. DELETED

DE9. DELETED

DE10. DELETED

DE11. Last time we spoke about (%name target partner). Would you describe your current relationship with (%name target partner) as co-operative, distant, lots of conflict or fearful?
   1. Co-operative
   2. Distant
   3. Lots of conflict
   4. Fearful
   5. CAN’T SAY/DON’T KNOW
   6. REFUSED
DE14. Are you CURRENTLY PAYING OR RECEIVING any REGULAR child support for any children? (By regular payments we mean regular weekly, fortnightly or monthly payments).
1. Yes PAY
2. Yes RECEIVE
3. Yes — PAY & RECEIVE
4. No
5. CAN’T SAY/DON’T KNOW
6. REFUSED

DE16. Finally: Is there anything that you’d like to see changed about the Child Support Scheme as it currently stands?
1. Yes
2. No
3. Don’t know enough about scheme to comment
4. CAN’T SAY/DON’T KNOW
5. REFUSED

DE16b. What’s the MAIN change you would make? ___________________

Permission to re-contact
THANKS Thank you. That’s the end of our child support questions.

INTERVIEWER NOTE:
IF RESPONDENT INDICATES THAT THEY HAVE ISSUES THEY WOULD LIKE TO TALK THROUGH IN MORE DETAIL ASK DE17 – ELSE RECORD NO AT DE17

DE17 Are there particular issues you would like to raise with one of the principal researchers?
1. Yes
2. No

DE17a We’ll get someone to call you back. Is this the best number to contact you on? (DISPLAY NUMBER)
1. Yes
2. No

DF1. But, finally, could I have your permission to call you back at some time in the future? Researchers at the Institute may want to talk further with some people.
1. Yes
2. No

DF2. Is this the best number to contact you on? (DISPLAY NUMBER)
1. Yes
2. No

DF3. NEW PHONE NUMBER: __________________________

CLOSE: On behalf of the Australian Institute of Family Studies I would like to thank you very much for all you have done in this study. If you would like further information about this work please call 1800 …….
ATTITUDES TO CHILD SUPPORT

General Population Sample

Informed consent

Good [afternoon/evening]. My name’s [SAY NAME] and I’m calling from the Wallis Group on behalf of the Australian Institute of Family Studies. We’re conducting an important study about child support. May I please speak to the youngest male in the household aged between 18 and 64?

IF NO MALES AVAILABLE – ASK FOR THE YOUNGEST FEMALE (18-64) AT HOME

IF NECESSARY ADD: The Institute is a national, independent body established to monitor the wellbeing of Australian families.

WHEN SPEAKING TO SELECTED RESPONDENT

We’re conducting a short survey about people’s views on financial support for children after divorce or separation. The Child Support Scheme is currently being reviewed, and your views will help with this review. This short interview will take about 10 minutes.

IF NECESSARY ADD: We want to speak to people regardless of their marital status or whether they have children

Can we talk now?

1. Yes
2. No – make appointment
3. No – refused

IF REFUSED, SAY:

On behalf of the Australian Institute of Family Studies, thanks for your time.

The information you provide remains strictly anonymous and confidential. If I come to any question you prefer not to answer, just let me know and I’ll skip over it or you can stop at any time. We can arrange the interview at a time to suit you – either on this number or a number of your choice. If you have any queries about this study, you can contact the Project Manager for the cost of a local call [1800 … …].

RECORD SEX OF RESPONDENT (DO NOT ASK):

1. Male
2. Female

SECTION 1: General perceptions

Child support refers to financial support paid by one parent (usually the father) to the other parent to help support any children that they’re not living with.

PA1. Can I start by asking you whether you’ve ever heard of the Child Support Scheme or the Child Support Agency?

1. Yes
2. No
3. CAN’T SAY/DON’T KNOW
4. REFUSED

GO TO PRE SECTION 2

PA2. Have you ever had any contact with the Child Support Agency?

1. Yes
2. No
3. CAN’T SAY/DON’T KNOW
4. REFUSED

GO TO PRE SECTION 2

PRE SECTION 2:

Just to clarify: Under the Child Support Scheme, parents not living with their children pay a certain proportion of their income to the other parent – depending on the number of children they have.
SECTION 2: Attitudes to child support

I’d now like to ask you about whether you think child support should be paid under different situations. Let’s start with the most common situation after separation – where children live with their mother most of the time, and their father lives elsewhere.

PB3. Do you think a father who does not usually live with his child or children should ALWAYS be made to pay child support?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

PB1. Do you think MOST fathers would pay child support without any government involvement?
1. Yes
2. No
3. CAN’T SAY/DON’T KNOW
4. REFUSED

PB4. Do you think the amount of child support that a father pays should depend on:… (READ OUT)
1. How much HE earns
2. How much the mother earns, or
3. BOTH their incomes
4. CAN’T SAY/DON’T KNOW
5. REFUSED

PB6. … And should the amount depend on the children’s ages?
1. Yes
2. No
3. CAN’T SAY/DON’T KNOW
4. REFUSED

PB5. If mothers are on government income support payments, should their government payments be reduced by the total amount of child support, just some of it, or should they be able to keep all of it?
1. Reduce by total child support
2. Reduce by some of it
3. Keep it all
4. CAN’T SAY/DON’T KNOW
5. REFUSED

PB7. Do you think that if the father has ANOTHER child with a new partner, he should be allowed to pay less child support for the children he does not live with? This doesn’t include step-children.
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

PB8. If the father has re-partnered and now has STEP-CHILDREN to support, should he be allowed to pay less child support for the children he does not live with?
1. Yes
2. No
3. IT DEPENDS (DON’T READ)
4. CAN’T SAY/DON’T KNOW
5. REFUSED

PB9. DELETED

PB10. Suppose the mother remarries or starts living with a new partner. Should the father be expected to keep paying child support; stop paying; or should payment depend on the new partner’s financial situation?
1. Continue to pay
2. Stop paying
3. Depends on financial situation
4. Depends on other circumstances
5. CAN’T SAY/DON’T KNOW
6. REFUSED
PB11. Do you think child support payments should just cover the basic costs of children OR should fathers who earn more, pay more than this?
1. Cost of children
2. Father's income
3. COMBINATION OF BOTH (DON'T READ)
4. BASED ON EARNINGS OF FATHER AND MOTHER (DON'T READ)
5. IT DEPENDS
6. CAN'T SAY/DON'T KNOW
7. REFUSED

PB12. Do you think a father who does not usually live with his children should pay some child support even if his earnings are very low or he only receives government income support?
1. Yes
2. No GO TO PB13
3. IT DEPENDS (DON'T READ) GO TO PB13
4. CAN'T SAY/DON'T KNOW GO TO PB13
5. REFUSED GO TO PB13

PB2. What do you think should be the ABSOLUTE MINIMUM amount of child support that a father should pay regardless of his income or the number of children he is supporting? Would it be...[READ OUT]
1. Nothing
2. $5 a week
3. $10 a week
4. $15 a week
5. $20 a week
6. Or some other amount
7. IT DEPENDS (DON'T READ)
8. CAN'T SAY/DON'T KNOW
9. REFUSED

IF "SOME OTHER AMOUNT" (CODE 6 AT PB2), ASK:

PB2b How much should the minimum be each week? ______

PB13. And should there be a maximum amount of child support payable for high income fathers?
1. Yes
2. No
3. IT DEPENDS (DON'T READ)
4. CAN'T SAY/DON'T KNOW
5. REFUSED

PB14. Do you think a father who does not usually live with his children should FACE A PENALTY (such as a fine) if he fails to make his child support payments?
1. Yes
2. No
3. IT DEPENDS (DON'T READ)
4. CAN'T SAY/DON'T KNOW
5. REFUSED

PB15. Do you think a father should have to pay child support if he's NOT INTERESTED in having any contact with his children?
1. Yes
2. No
3. IT DEPENDS (DON'T READ)
4. CAN'T SAY/DON'T KNOW
5. REFUSED

PB16. What about if the mother MOVES INTERSTATE with the child or children. Should the father have to pay child support?
1. Yes
2. No
3. IT DEPENDS (DON'T READ)
4. CAN'T SAY/DON'T KNOW
5. REFUSED

PB17. And what about if the mother moves OVERSEAS with the children. Should the father have to pay child support?
1. Yes
2. No
3. IT DEPENDS (DON'T READ)
4. CAN'T SAY/DON'T KNOW
5. REFUSED
PB18. Do you think a father should have to pay child support if he WANTS contact with his children but the mother is PREVENTING it?
   1. Yes
   2. No
   3. IT DEPENDS (DON’T READ)
   4. CAN’T SAY/DON’T KNOW
   5. REFUSED

PB19. Should child support be paid for a child aged 18 or over who is … (READ OUT)
   1. a full-time student still living at home
   2. a disabled child,
   3. both of these, or
   4. neither of these
   5. IT DEPENDS (DON’T READ)
   6. CAN’T SAY/DON’T KNOW
   7. REFUSED

PB20. When children OFTEN stay overnight with their father, should this be taken into account when calculating his child support payments?
   1. Yes
   2. No
   3. IT DEPENDS ON THE NUMBER OF NIGHTS (DON’T READ)
   4. IT DEPENDS ON OTHER THINGS (DON’T READ)
   5. CAN’T SAY/DON’T KNOW
   6. REFUSED

(IF OVERNITES SHOULD BE TAKEN INTO ACCOUNT (CODE 1, 3 OR 4 AT PB20) ASK:

PB21. What is the minimum number of overnight stays you think should be required before child support payments can be reduced?
   Response given as Nights per week
   Response given as Nights per fortnight
   Response given as Nights per month
   Response given as Nights per year
   NUMERIC RESPONSE _____________________(ALLOW UP TO 300)
   (999 = Don’t know)

PB22. Should child support be reduced where a father has to set-up new housing specifically for his children to stay overnight?
   1. Yes
   2. No
   3. IT DEPENDS (DON’T READ)
   4. CAN’T SAY/DON’T KNOW
   5. REFUSED

SECTION 3: RESIDENT FATHERS

Now thinking of the less common situation where children live with their father for most of the time and their mother lives elsewhere

PC1. Do you think that a mother who does not usually live with her child or children should ALWAYS be made to pay child support?
   1. Yes
   2. No
   3. IT DEPENDS (DON’T READ)
   4. CAN’T SAY/DON’T KNOW
   5. REFUSED

PC2. Do you think a mother who does not usually live with her children should pay some child support even if her earnings are very low or she only receives government income support?
   1. Yes
   2. No
   3. IT DEPENDS (DON’T READ)
   4. CAN’T SAY/DON’T KNOW
   5. REFUSED
PC3. Do you think a mother who does not usually live with her children should FACE A PENALTY (such as a fine) if she fails to make her child support payments?
   1. Yes
   2. No
   3. IT DEPENDS (DON’T READ)
   4. CAN’T SAY/DON’T KNOW
   5. REFUSED

PC4. Do you think a mother should have to pay child support if she’s NOT INTERESTED in having any contact with her children?
   1. Yes
   2. No
   3. IT DEPENDS (DON’T READ)
   4. CAN’T SAY/DON’T KNOW
   5. REFUSED

PC5. Should a mother have to pay child support if she WANTS contact with her children but the father is PREVENTING it?
   1. Yes
   2. No
   3. IT DEPENDS (DON’T READ)
   4. CAN’T SAY/DON’T KNOW
   5. REFUSED

SECTION 4: POLICY ISSUES
And finally, thinking about broader policy issues...

PD1. When couples separate, do you think the main responsibility for financial support of their children should lie with the parents, the government, or both?
   1. Parents
   2. Govt
   3. Both parents and government
   4. CAN’T SAY
   5. REFUSED

PD2. Do you think that the main priority of the Child Support Scheme should be towards: helping children, being “fair” for both parents, or reducing the amount the Government has to spend on benefits? (ACCEPT MULTIPLES)
   1. Helping children
   2. Being fair for both parents
   3. Reducing government expenditure
   4. CAN’T SAY/DON’T KNOW
   5. REFUSED

PD3. DELETED

PD4. DELETED

PD5. Should child support payments be based on a percentage of the parent’s income BEFORE tax or AFTER tax?
   1. Before tax (GROSS)
   2. After tax (NET)
   3. CAN’T SAY/DON’T KNOW
   4. REFUSED

Section 5: Demographics
Finally, to make sure that we have a true cross-section of people, I’d like to ask you a few questions about yourself.

P1. How old are you? | | | |
IF REFUSED: Well, could you tell me approximately? Are you (READ OUT)
   1. 18-24
   2. 25-34
   3. 35-44
   4. 45-54
   5. 55-64
   6. REFUSED
P2. What is the highest level of education or training you have completed?
1. Year 9 or below
2. Year 10, form 4, intermediate
3. Year 11, form 5, leaving
4. Year 12, form 6, matriculation, HSC
5. Trade/apprenticeship
6. Certificate (business college, TAFE)
7. Diploma (business college, TAFE)
8. Degree (bachelor)
9. Post-graduate (PhD, masters, post-grad dip.)
10. Other (Specify____________________________)
11. CAN'T SAY/DON'T KNOW
12. REFUSED

PE1. What is your marital status? Are you currently … READ OUT
1. Married GO TO PE4a
2. In de facto relationship GO TO PE4a
3. Separated (including trial separation)
4. Divorced
5. Widowed
6. Never been married
7. REFUSED GO TO PE4a

PE2. Are you currently in an ongoing relationship with someone?
1. Yes
2. No GO TO PE4a
3. CAN'T SAY/DON'T KNOW
4. REFUSED

PE3. Do you live with that person?
1. Yes
2. No
3. CAN'T SAY/DON'T KNOW
4. REFUSED

PE4a. Are there any children under 18 living with you for at least 50% of the time?
1. Yes
2. No GOTO PE4i
3. CAN'T SAY/DON'T KNOW GOTO PE4i
4. REFUSED GOTO PE4i

IF YES ASK:
PE4b. How many? ___ |
CODE REFUSED AS 99 GOTO PE4i

IF 1 CHILD AND RESPONDENT NOT PARTNERED, ASK:
PE4c. Is this your child?
1. Yes GOTO PE4i
2. No GOTO PE4i
3. CAN'T SAY/DON'T KNOW
4. REFUSED
[Interviewer note: Include "adopted" children and biological children]

IF 1 CHILD AND RESPONDENT PARTNERED, ASK:
PE4d. Was this child born to:
1. you and your current partner, GOTO PE4i
2. you and a previous partner, or GOTO PE4i
3. is this your partner's child? GOTO PE4i
4. NONE OF THE ABOVE (DO NOT READ) GOTO PE4i
5. CAN'T SAY/DON'T KNOW
6. REFUSED

IF >1 CHILD & NOT PARTNERED ASK:
PE4e. How many of these children are your children? ___ |
CODE REFUSED AS 99 GOTO PE4i

IF LIVING WITH A PARTNER, ASK:
PE4f. How many of these children under 18 are children that you and your current partner have
had together? ___ |
CODE REFUSED AS 99 GOTO PE4i
IF PE4b = PE4f, GOTO PE4i.  
ELSE CONTINUE

PE4g.  How many are YOUR children but not your partner's child? | | |  
CODE REFUSED AS 99  GOTO PE4i

IF PE4b = PE4g+PE4f, GOTO PE4i.  
ELSE CONTINUE

PE4h.  How many are YOUR PARTNER'S children but not your child? | | |  
CODE REFUSED AS 99

ASK EVERYONE:

PE4i.  Do you have any children under 18 who live with their other parent for at least 50% of the time?  
1. Yes  
2. No  
3. CAN’T SAY/DON’T KNOW  
4. REFUSED

IF PARTNERED, ASK:

PE4j.  Does your partner have any children under 18 who live with their other parent for at least 50% of the time?  
1. Yes  
2. No  
3. CAN’T SAY/DON’T KNOW  
4. REFUSED

PE5.  Are you currently in paid-employment?  
IF YES ASK: Is that full-time for 35 hours or more a week, or part-time?  
1. Yes — Full-time  
2. Yes – Part-time  
3. No  
4. CAN’T SAY/DON’T KNOW  
5. REFUSED

[Interviewer note: If working more than one job, code total hrs]

IF NOT IN PAID-WORK (CODE 3 AT PE5) ASK:  
PE5b.  Are you currently looking for paid work?  
1. Yes  
2. No  
3. CAN’T SAY/DON’T KNOW  
4. REFUSED

IF PE5b ANSWERED OR PE5 = 2, ASK PE6  
ELSE GO TO PE7

PE6.  People often get income from a number of sources. Is your MAIN source of income ...(READ OUT)?  
1. Earnings  
2. Gov’t income support  
3. Or something else  
4. CAN’T SAY/DON’T KNOW  
5. REFUSED

To better understand your circumstances, it be would useful to get an estimate of income.

PE7.  What is your HOUSEHOLD’S TOTAL annual income from all sources before tax? Please include all wages, salaries, pensions, family benefits, child support, and any other income. For a year, do you think it would be … READ OUT  
1. Less Than $20,000  
2. $20,000 to less than $50,000  
3. $50,000 to less than $80,000  
4. $80,000 to less than $100,000  
5. $100,000 or more  
6. CAN’T SAY/DON’T KNOW  
7. REFUSED

PE8.  DELETED

PE9.  DELETED

PE10.  DELETED
IF RESPONDENT HAS CHILD <18 IN HH WITH CHILD’S OTHER PARENT LIVING ELSEWHERE, OR HAS A CHILD <18 LIVING WITH OTHER PARENT (DERIVE VAR FROM PE4 SERIES) CONTINUE ELSE GO TO PRE PE16:

PE11. Would you describe your current relationship with your (child’s/children’s) (mother/father) who lives elsewhere as co-operative, distant, lots of conflict or fearful.
1. Co-operative
2. Distant
3. Lots of conflict
4. Fearful
5. CAN’T SAY/DON’T KNOW
6. REFUSED
[Interviewer note: If more than one such parent, refer to the parent with the youngest child]

PE14. Are you CURRENTLY PAYING OR RECEIVING any REGULAR child support for any children? (By regular payments we mean regular weekly, fortnightly or monthly payments).
1. Yes PAY GO TO PE15
2. Yes RECEIVE GO TO PE15
3. Yes — PAY & RECEIVE GO TO PE15
4. No
5. CAN’T SAY/DON’T KNOW GO TO PE15
6. REFUSED GO TO PE15

PE14a. Have you EVER paid or received any REGULAR child support for any children?
1. Yes
2. No
3. CAN’T SAY/DON’T KNOW
4. REFUSED

PRE PE16 IF HAVE HEARD OF THE CHILD SUPPORT SCHEME OR CSA (CODE 1 AT PA1) ASK:

PE16. Finally: Is there anything that you’d like to see changed about the Child Support Scheme as it currently stands?
1. Yes
2. No GO TO THANKS
3. Don’t know enough about scheme to comment GO TO THANKS
4. CAN’T SAY/DON’T KNOW GO TO THANKS
5. REFUSED GO TO THANKS

PE16b. PCSCHNG. What is the MAIN change you would make?   ___________________

Permission to re-contact
THANKS: That’s the end of our questions. On behalf of the Australian Institute of Family Studies I would like to thank you very much for all you have done in this study.

ASK EVERYONE:
VALIDATION Just in case my supervisor needs to check the validity of this interview, can I have your first name?
1. Given - Record first name   _____________
2. Refused GO TO CLOSE

CLOSE: Thank you once again for your time and assistance. We will keep your name and phone number together with your survey answers for about three weeks. After we have processed the information we will delete your contact details and will no longer be able to identify you or your own responses. If you would like further information about this study please call The Institute of Family Studies on 1800 … … .