

LEGISLATING ADEQUACY: THE IMPACT OF CHILD SUPPORT GUIDELINES

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Three major child support guideline models are currently used in the United States to stimulate adequate levels of child support. To evaluate the effects of these guidelines, we examined cases filed before and after their introduction in three states that enacted different models. Overall, we found a modest increase in child support awards and few differences across models. The most substantial increases occurred in low-income cases in settings in which awards had historically been low. Guidelines also appeared to decrease the likelihood of a zero dollar award in cases that had previously lacked orders: those in which the father was unemployed and in which the obligor was female.

Post-guideline order levels in low-income families still fall short of the best available estimates of expenditures on children in intact households; they match expenditures in intact households in middle- and upper-income families. We consider several factors that may explain the limitations as well as the successes of guidelines in stimulating change.

I. INTRODUCTION

Few areas of law and custom have seen the complete reversals that have characterized divorce law in the past two decades: Fault-based divorce has given way to no-fault criteria in every state. Most states have replaced statutes favoring mothers in the judicial award of child custody with sex-neutral standards that stress the best interests of the child, and thirty-four states have adopted statutes that embrace some form of joint custody. Yet another change has been the introduction of legislation requiring the use of mediation as an alternative to adjudication in contested child custody, visitation, child support, and property division matters.

The most recent target of federal and state legislative activity in domestic relations law and practice has been child support. At the federal level, the Child Support Enforcement Amendments of

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1984 (P.L. 98-378) and the Family Support Act of 1988 (HR 1720) have overhauled systems for establishing and collecting child support from absent parents. Among the provisions contained in these two pieces of legislation is the requirement that states adopt quantitative formulas to determine child support order levels (45 C.F.R. § 302.56). The 1984 law requires states to develop and adopt guidelines for welfare cases on an advisory or presumptive basis, with ineligibility for participation in the federal Aid to Families with Dependent Children program a penalty for states that fail to do so. The 1988 law extends the application of the guidelines to non-welfare cases, with exceptions permitted only if there is a written finding that the guidelines' use will be unjust or inappropriate.

These new child support laws are designed to address the shortcomings of the traditional case-by-case method of setting amounts for child support orders. The old laws had resulted in inadequate levels of child support when compared to the true costs of raising children as measured by economic studies, inconsistent orders that dissimilarly treated people with similar economic and family circumstances, and inefficient processes for determining child support amounts in the absence of uniform standards (Williams, 1987).

The problem of absent or low child support awards has probably received the most attention. Studies show that there is no child support provision in between 11 percent (Melli, 1984; Seal, 1977) and 18 percent (Wishik, 1986) of all divorces. It is estimated that 80 percent of never-married mothers have no child support order (Garfinkel and Wong, 1987). Nationwide, an average of 39 percent of the 8.8 million custodial parents lack a child support order from the non-custodial parent.

Even when child support is ordered, the level is often inadequate. The average child support ordered by courts in 1983 was \$191 per month for 1.7 children (United States Bureau of the Census, 1985). This amounted to only 25 percent of the average estimated expenditure of \$749 for children in a middle-income household (Espenshade, 1984) and only 80 percent of the poverty level for 1983. It also amounted to only 33 percent of the estimated \$585 per month (Williams, 1987) the non-custodial parent would be expected to pay if child support orders reflected the true cost of rearing two children in a middle-income family, and if the non-custodial parent were held responsible for 64 percent of the child-rearing costs.

Perhaps the most compelling argument for implementing child support guidelines to improve levels of awards came from a 1985 study conducted for the United States Office of Child Support Enforcement (Haskins *et al.*, 1985). The investigator estimated that if child support due in 1984 had been set in accordance with guidelines such as the Melson formula in Delaware or the percent-

age of income approach in Wisconsin, \$26.6 billion would have been due as opposed to the \$10.1 billion reported by the Census Bureau. This differential of \$15 billion, termed an "adequacy gap," was more than five times the well-publicized "compliance gap," which was the difference between the \$10 billion in child support reported to be due and the \$7 billion actually collected.

Have newly adopted guidelines had their intended effect and increased the level of ordered support? This article presents the results of the first multi-state evaluation of the impact of guidelines.

II. SETTING

Our study assesses the three most popular child support guidelines in use by states today: the income shares guideline, which has been adopted by twenty-three states; the Melson formula, which has been adopted by three states; and the percentage of income approach, which has been adopted by twenty-one states. The models will be examined in Colorado, Hawaii, and Illinois, respectively.

A. *Colorado: Income Shares Guideline*

The income shares guideline statute of Colorado (H.B. 1275), which became effective on November 1, 1986 and was amended in July 1987, seeks to establish a support award equivalent to what would have been expended on the child had the household remained intact. The calculation of the guideline, which serves as a rebuttable presumption, requires reference to tables showing the amount of child-related expenditures in households with varying combined income levels for both parents. Each parent contributes to the indicated level of child expenditures in proportion to his or her income, using a formula based on the Washington Uniform Child Support Guidelines developed in 1984, and revised in a research and technical assistance project supported by the federal Office of Child Support Enforcement (Williams, 1987).

B. *Hawaii: Melson Formula*

Hawaii adopted a variation of the Melson formula, Guidelines in Determining Child Support, as a rebuttable presumption by judicial order in 1986 and amended it in 1987 (Act 332 § 2, S.L.H. 1986). The Melson formula rests on the premise that obligors are entitled to keep that part of their income that they require to meet their most basic needs but no additional income until they have fulfilled the needs of their dependent children. After subtracting from each parent's gross income an allocation for self-support, the formula calculates a primary support obligation that is prorated between the parents based on their available net income. It then determines how much surplus income each parent has and adds a

proportion of the surplus to each parent's primary support obligation. This standard of living allowance (SOLA) is the only model that allows the child to benefit from an increase in a parent's standard of living.

C. *Illinois: Percentage of Net Income Guideline*

Illinois's Child Support Guideline (H.B. 3068, May 17, 1984) became effective as a rebuttable presumption September 1, 1984. It requires courts to set minimum amounts for child support and maintenance by using guidelines based on the net income of the payor spouse, which is defined as the total gross income minus federal and state income taxes, Social Security deductions, mandatory pension deductions, union dues, dependent and individual health and hospitalization insurance coverage, and business expenses. The amount of ordered support is dependent on the number of children. In cases involving only child support, order levels are set at 20 percent of the obligor's net income for one child; at 25 percent for two children; at 32 percent for three; at 40 percent for four; at 45 percent for five; and at 50 percent for six or more children.

The three models under consideration share a number of similarities. Most importantly, all three states apply the guidelines to both temporary and permanent child support orders, and to both welfare and non-welfare populations. Furthermore, in each of the states, the guidelines are rebuttable presumptions requiring explanations of deviations from the guideline level.

III. HYPOTHESES

To date, only hypothetical data have been used to compare these models. One set of projections based upon a national sample of child support orders estimated that average awards would increase two and one-half times if orders were established in accordance with guidelines (Haskins *et al.*, 1985). Further, simulation-based analysis by Williams (1987) and Brachney (1988) suggested that no single formula would yield consistently higher or lower awards, but that the formulas' effects would depend on income levels. Middle-income awards were highest under the income shares model, followed by the percentage of income and Melson formulas. The Melson formula yielded highest awards in low-income cases, followed by income shares and percentage of income. In high-income cases, the percentage of income approach produced the highest awards, followed by income shares and the Melson formula.

Based upon these results, we can make the following predictions about the impact of child support guidelines on order levels:

Table 1. Description of Samples

Court Site	Pre-Guideline Sample		Post-Guideline Sample	
	Cases (<i>N</i>)	Time Period	Cases (<i>N</i>)	Time Period
Denver	500	1985	503	Aug. 1987– May 1988
Fort Collins	317	1984–85	300	Aug. 1987– May 1988
Honolulu	500	1985	503	1987
Wailuku	294	Jan. 1985– June 1986	200	Jan. 1987– Oct. 1988
Chicago	502	1983	502	1986
Rockford	300	1983	300	1986
Total	2,413		2,308	

1. The use of child support guidelines increases the average order level.
2. Although each study site employs a different guideline, the overall effect of the guidelines is to reduce differences in support levels across states. Thus the frequency of zero dollar orders and the average order levels are more similar across states with guidelines than they were before guidelines were introduced.
3. The decline in variability across states occurs because each guideline distinctively affects particular income groups.
4. Guidelines have their greatest impact in settings and case types in which they have been historically low, such as among unemployed obligors and in paternal custody cases. However, order levels continue to be lower in non-paternal custody cases and in cases in which obligors have high levels of visitation rights.
5. Child support guidelines result in orders that more accurately reflect the true costs of raising children.

IV. STUDY METHODS AND SAMPLE CHARACTERISTICS

We collected data from random samples of 4,721 court cases involving child support orders. Approximately half of our sample cases (2,413) predated the adoption of guidelines; the other half (2,308) contained orders issued after adoption of guidelines. Our samples were both generated from automated docket records and manually drawn from divorce court records in an urban and suburban judicial district within each of the target states. In Colorado, the cases came from the district courts of Denver and Fort Collins; in Hawaii, from Honolulu and Wailuku; and in Illinois, from Chi-

cago and Rockford.¹ As Table 1 shows, the sampling time periods at each site were slightly different to accommodate differences in the dates of guideline implementation and in case volume. Once our samples were identified, on-site data collectors reviewed the case files and put relevant information on standardized data collection forms.

In addition to reviewing case files, we mailed a questionnaire to 3,731 lawyers who belonged to the family law divisions of the Colorado, Hawaii, and Illinois bar associations and to 283 domestic relations court judges who hear support matters in the three states. Ultimately, the response rate for the attorney questionnaire was 30 percent in Colorado, 26 percent in Hawaii, and 15 percent in Illinois. The response rate for the judicial questionnaire was approximately 25 percent in all three states.

Our last data collection strategy was to conduct twenty-five in-depth, semi-structured telephone interviews with attorneys, judges, court administrators, and child support personnel in the three states. We asked questions similar to those covered in the mail survey. Each interview lasted between thirty and sixty minutes.

To determine whether differences in order levels reflected variation in the socio-economic profile of the samples and was not the result of the guidelines, we compared the samples generated in each state at both the pre- and post-guideline phases. The comparison revealed an impressive level of similarity, although some important differences were noted in Illinois (see Table 2). In general, the sample cases in all three states and in both time periods were typical of those found in domestic relations courts rather than in child support enforcement agencies. They generally involved young parents of one or two children who were not receiving public assistance and were dissolving a first marriage that had lasted nine to ten years.

There were some changes in the configuration of custody arrangements over the period we studied. In Hawaii and Colorado, there was a modest decline in sole maternal custody, an increase in joint primary maternal custody, and a slight increase in joint cus-

¹ Missing income information was a problem across the sites, but was particularly acute in Fort Collins, Rockford, and Chicago. As a result, these cases were eliminated from analyses involving parental income. The number of cases with income information was substantially lower in Illinois than in Colorado and Hawaii. This reduced the reliability of our Illinois analyses, particularly when we further reduced cell sizes and considered the experiences of those in specific income categories. The missing data problem in Illinois may also have resulted in certain sample biases that are discussed in the next section of the paper.

Table 2. Selected Family and Employment Characteristics in the Pre- and Post-Guideline Samples by State

Characteristic	Colorado		Hawaii		Illinois	
	Pre-Guideline	Post-Guideline	Pre-Guideline	Post-Guideline	Pre-Guideline	Post-Guideline
	Custody arrangement					
Sole maternal	71%	59%	62%	56%	87%	79%
Sole paternal	7%	6%	12%	11%	5%	4%
Joint/primary maternal	12%	18%	16%	21%	4%	12%
Joint/primary paternal	4%	5%	8%	5%	1%	2%
Joint physical	4%	6%	3%	4%	1%	1%
Split custody	3%	6%	4%	3%	2%	1%
Number of children covered by the order						
One	49%	46%	46%	50%	47%	47%
Two	36%	39%	36%	36%	39%	41%
Three	12%	12%	15%	12%	12%	10%
Four or more	2%	3%	3%	2%	2%	3%
Average net monthly earnings (1987 dollars)						
Fathers	\$1,471	\$1,416	\$1,298	\$1,245	\$ 953	\$1,402*
Mothers	\$ 759	\$ 784	\$ 676	\$ 760	\$ 245	\$ 407*
Mothers as percent of fathers	52%	55%	52%	61%	26%	29%
Percent unemployed						
Fathers	7%	10%	8%	6%	25%	10%**
Mothers	20%	16%	24%	17%	36%	27%**
N	800	778	771	687	797	783

* T-tests reveal that overall pre- and post-guideline differences are significant in Illinois at $p < .05$.
 ** χ^2 -tests reveal that overall pre- and post-guideline differences are significant in Illinois at $p < .05$.

tody. In Illinois, however, both the pre- and post-guideline samples largely involved maternal custody.

Illinois was also the only state in which there were significant economic differences between the pre- and post-guideline samples. Possibly because the pre-guideline sample was drawn during the recession of the early 1980s, its employment and income figures were well below those observed in Colorado and Hawaii.² Unlike in Colorado and Hawaii, where earning and unemployment levels were virtually identical at the pre- and post-guideline phases, mothers and fathers in the post-guideline sample in Illinois showed significant declines in unemployment and increases in earnings relative to their pre-guideline counterparts.

A final problem with the Illinois sample arises because of missing data in both the pre- and post-guideline cases. As noted, income data were frequently missing in the Illinois sample.³ Moreover, the pre-guideline sample included a higher percentage of cases involving low-income obligors (40% of those with income information) than did the post-guideline sample (18% of those cases with income information).⁴ This pattern suggests that different kinds of cases may have lacked income information in the pre- and post-guideline cases in Illinois.

As a result of these factors, we must be cautious about drawing conclusions about the impact of guidelines in Illinois. A large part of any change in average level of child support probably simply reflects the improved economic status of the post-guideline sample rather than the effect of guidelines. Where feasible, in the subsequent analyses of Illinois data we conduct separate analyses for male and female obligors and for various income categories and employment statuses to isolate the impact of guidelines from those of unemployment and earning levels. In Colorado and Hawaii, the similarity of the pre- and post-guideline samples allow us to directly attribute changes in award levels to the impact of guidelines.

² For example, in the 1983 pre-guideline sample in Illinois, the paternal unemployment rate was 25% and the maternal unemployment rate was 36%. In the post-guideline sample of 1986, male and female unemployment rates were 10% and 27%, respectively. These rates were far higher than the census rates of unemployment in Chicago during those years, which show that 10.6% of men and 11.9% of women were unemployed in 1983. By 1986, the figures were 8.8% and 8.6% for men and women, respectively. In contrast, paternal unemployment levels in the Colorado pre- and post-guideline samples were 7% and 10%, respectively, whereas census reports for Denver at those times placed them at 4.9% and 6.8%, respectively.

³ In Illinois, 46% of the pre-guideline cases and 45% of the post-guideline cases lacked income information. In Colorado, the comparable proportions of cases were 33% and 18%, respectively. In Hawaii, these proportions were 33% and 22%, respectively.

⁴ The cases with income information in Colorado and Hawaii showed nearly identical income distributions in the pre- and post-guideline samples.

V. ANALYSIS

A. *The Effect of Guidelines on the Child Support Orders*

Before the guidelines were implemented, researchers projected that they would increase child support orders by a factor of two and one-half (Haskins *et al.*, 1985; Williams, 1987). Our analysis, however, indicates that guidelines had a much more modest effect. Across all sites, income groups, and family sizes, average pre-guideline orders were \$269 per month; post-guideline orders were \$310 per month, an increase of 15 percent.⁵ The increase was significant at the .01 level.

B. *The Effect of Guidelines on Interstate Variability of Child Support Orders*

Average award levels across the three states became more similar with the introduction of guidelines (see Table 3). For example, prior to guidelines, Hawaii had the lowest average order (\$222), only 75 percent of the average order in Colorado, the state with the highest average (\$296). With guidelines in place, these differences across the three states diminished. The average order in Hawaii remained the lowest at \$284, but this represented 85 percent of \$333, the average level in Illinois, which had the highest post-guideline level.

It is important, however, to distinguish between the greater uniformity in the level of average support order after guidelines were adopted and the effect of *guidelines* in changing the level of support orders. The greater uniformity across states was produced by large increases in states with low pre-guideline orders and smaller increases in states with high pre-guideline orders. Thus in Hawaii, which began with the lowest order levels, the improvement was the most striking, with an average increase of 28 percent, from \$222 to \$284. In contrast, Colorado, which began with the highest average order, increased by only 5 percent, from \$296 to \$310.

The average award level in Illinois increased by 16 percent, from \$288 to \$333. However, when we controlled for changes in employment and income patterns in Illinois, the apparent increases disappeared. For example, a comparison of average monthly child support orders as a percentage of obligor's net income for each of the three states (see Table 3) revealed no substantial gains in Illinois, where awards comprised 15 and 16 percent of net income at the pre- and post-phase, respectively. Not surprisingly, in Colorado awards relative to obligor income rose only a small amount, from 19 to 22 percent. As expected, awards

⁵ All figures are presented in 1987 dollars to facilitate comparisons of the 1983 to 1987 data.

Table 3. Pre- and Post-Guideline Final Orders by State

Final Order	Colorado		Illinois		Hawaii	
	Pre-Guideline	Post-Guideline	Pre-Guideline	Post-Guideline	Pre-Guideline	Post-Guideline
Average monthly award (1987 Dollars)	\$296	\$310	\$288	\$333*	\$222	\$284*
<i>N</i>	816	797	796	796	782	693
Average percent of obligor's net income	19%	22%	15%	16%	15%	23%
<i>N</i>	529	632	375	352	491	525

* *T*-tests reveal that pre- and post-guideline averages are significantly different at $p < .05$.

Table 4. Percent of Zero Dollar Final Child Support Orders in Maternal Custody Cases by Father's Employment Status and State

Percent of Cases	Employed		Unemployed	
	Pre-Guideline	Post-Guideline	Pre-Guideline	Post-Guideline
All cases	7%	9%	48%	35%*
Colorado	2%	3%	28%	11%*
Hawaii	11%	7%	54%	28%*
Illinois	5%	10%	52%	28%*

* χ^2 -tests reveal that pre- and post-guideline differences are significant at $p < .05$.

as a percent of obligor income in Hawaii rose significantly, from 15 to 23 percent.

With the introduction of guidelines for child support orders, it was expected that fewer cases would result in zero dollar awards. These expectations appear to have been realized. The incidence of zero dollar awards declined modestly but significantly at both the temporary and final orders phases following the adoption of guidelines. At the temporary order phase, it declined from 87 to 77 percent; at the final order phase, it dropped from 21 to 16 percent. The pattern of the drop, however, suggests that the greatest effects occurred in cases in which orders have been historically absent (see Table 4). The effect was concentrated in cases in which the father was unemployed; no overall drop occurred when the father was employed.

Guidelines also appear to increase the orders imposed on non-custodial mothers. In the pre-guideline cases, zero dollar awards occurred in 70 percent of the sole paternal custody cases; in the post-guideline cases, only 40 percent of the sole paternal custody cases ended with a zero dollar award. To some extent, these patterns may reflect the fact that guidelines in Hawaii and Colorado have minimum order requirements of \$25 and \$20, respectively, which are imposed with greater frequency on the unemployed. These findings may also indicate a heightened consciousness about child support and its consequent imposition on groups that previously escaped this obligation.

C. *The Impact of Guidelines on Order Levels for Various Income Categories*

We anticipated, based on the hypothetical assessments of guidelines, that the Melson formula in Hawaii would yield the highest levels of orders for low-income cases, that the income shares model in Colorado would yield the highest orders for middle-income cases, and that the percentage of net income model in

Illinois would yield the highest orders for upper-income cases. Overall, however, there were no consistent differences by formula type. To test this set of predictions, we grouped cases in our pre- and post-guideline samples according to obligor's net income. We classified cases as "low" if income was below \$10,000, as "low-middle" if income was between \$10,000 and \$20,000, and as "middle" if income was above \$20,000.⁶ The distribution of pre- and post-guideline cases were 29, 53, and 18 percent for low, low-middle, and middle, respectively.⁷ Table 5 summarizes the results of the analysis by income category. For the sake of clarity, we present patterns for income categories for one-child families with maternal custody at each of the three sites during the pre- and post-guideline periods.

Our analysis supports only some of the predictions based on the simulated assessments. Like prior researchers, we found considerable comparability in average awards for the various guidelines at the three income categories. In one-child, low-income households, average awards ranged from \$138 to \$167 per month following the introduction of guidelines. At the low-middle-income level, average awards ranged from \$251 to \$284. At the middle-income level, average awards were between \$444 and \$660. An analysis revealed that none of the differences across sites were statistically significant.

We also found great consistency across sites on the percentage of obligor's income that the order represented. At the low-income level, the percentage ranged from 16 to 24 percent, with no significant differences across sites. At the low-middle-income level, the percentage ranged from 18 to 23 percent, with the lower Illinois percentage falling significantly below the percentage observed for Colorado and Hawaii. At the middle-income level, the percentage ranged from 16 to 22 percent, and *F* ratios revealed no significant differences across sites.

Contrary to the predictions of the simulations, however, we found that the adoption of guidelines significantly increased average order levels at the low-middle-income level in Colorado; at all three income levels in Hawaii; and at the low-income level in Illinois. Order levels in Illinois did not increase at all at the low-mid-

⁶ This classification was designed to track the low-, middle-, and high-income scenarios developed by Williams (1987) and Brachney (1988) in their hypothetical assessments of the impact of various child support guidelines. In those studies, obligor net income was \$9,072 for low-income families; \$13,800 for middle-income families; \$38,316 for high-income families. Our middle-income category includes only a small number of respondents with an annual income of more than \$50,000. We therefore do not treat these respondents separately in a high-income category most of our analyses below.

⁷ Note that the median net income for obligors in the middle category was only \$29,000. We were unable to identify a sizable number of upper-income cases with net income in excess of \$50,000 due to the generally limited financial resources available to families in these samples.

Table 5. Average Pre- and Post-Guideline Monthly Support Orders and Average Percent of Obligor's Net Income by Income Group and State for Single-Child, Sole Maternal Custody Cases

Income Group	Colorado		Hawaii		Illinois	
	Pre-Guideline	Post-Guideline	Pre-Guideline	Post-Guideline	Pre-Guideline	Post-Guideline
Lower income (obligor net income < \$10,000)						
Average award	\$178	\$167	\$133	\$138	\$ 93	\$149*
Average percent of obligor's net income	28%	24%	19%	23%*	7%	16%*
Low-middle income (obligor net income = \$10,000-\$20,000)						
Average award	\$229	\$270*	\$200	\$284*	\$257	\$251
Average percent of obligor's net income	19%	22%*	16%	23%*	20%	18%
Middle and upper income (obligor net income ≥ \$20,000)						
Average award	\$499	\$444	\$359	\$536*	\$648	\$660
Average percent of obligor's net income	18%	16%	15%	19%*	21%	22%
All groups	\$296	\$310	\$222	\$284	\$288	\$333

* T-tests reveal that pre- and post-guideline differences are significant at $p < .05$.

dle-income level, and support as a percentage of obligor income fell slightly.

D. The Impact of Guidelines on Child Support Order Levels for Various Custody and Visitation Categories

Although guidelines have reduced some of the gender bias traditionally associated with the imposition of child support, there continue to be wide differentials in the incidence and level of awards imposed on male and female obligors.

In the post-guideline samples, 30 percent of non-custodial mothers who were employed full-time had no child support obligation (down from 70% in the pre-guideline samples). Moreover, when women were ordered to pay support, they were typically ordered to pay about 40 percent of the amount paid by male obligors. In part this reflects the unfavorable financial status of custodial mothers who earn, on the average, 70 percent of their ex-husband's net income and are nearly three times as likely to be unemployed. But biases are also relevant. On the average, women paid 20 percent while men paid 28 percent of their net income for child support.

While child support was ordered in 90 percent of joint *legal* custody cases and closely resembled patterns observed in sole maternal custody cases, it was only ordered in about half of the cases with joint *residential* custody cases in which the child spends half the time with each parent. There is a certain amount of mystery surrounding the decision to order support in cases with joint residential custody. Unlike previous research on custody arrangements and child support patterns (Pearson and Thoennes, 1985; 1988), we found no evidence that the decision to order support tracked with the mother's earnings either in an absolute sense or in relation to those of her ex-spouse, although mothers with joint residential custody earned significantly more than their counterparts with sole maternal custody. Moreover, the support order tracked only slightly with the income level of fathers, with higher income fathers more likely to have support obligations. It will take additional research with larger samples of joint residential custody cases to sort out these patterns.

Cases with extended visitation arrangements are also of concern to architects of guidelines, advocates, attorneys, and judges. Two of the guidelines, the income shares model and the Melson formula, make adjustments for visitation, and many attorneys (87%) and judges (64%) reported that the guideline had stimulated the demand for lengthy visitation. Fathers were accused of seeking to minimize their support obligations as well as simply wanting "more for their money."

Contrary to these expectations, we found no evidence that obligors were more likely to request lengthy visitation, that guide-

lines produced more disputes over visitation, or that lengthy visitation was being used to avoid child support. At both time points, only about 5 to 6 percent of the cases contained a visitation plan that could be termed "lengthy"; the rest were "reasonable." As to the incidence of visitation disputes, our data collectors identified 10 percent of the pre-guideline cases and 14 percent of the post-guideline cases as containing a dispute over visitation. Finally, the incidence of support in post-guideline cases with extended visitation arrangements increased in all three states, and the incidence of zero dollar awards dropped from 30 to 17 percent.

The data do show, however, that lengthy visitation is associated with a reduction in child support. When support was ordered, obligors with lengthy visitation paid 20 percent less than their counterparts with more traditional visitation arrangements. Looked at another way, we found that the incidence of orders below guidelines was 50 percent in cases with lengthy visitation as opposed to 29 percent in usual visitation cases. This difference was statistically significant at $p = .05$.

E. The Impact of Guidelines on the Adequacy of Awards

Have the changes in order levels following the passage of guidelines been associated with more adequate awards? Our assessment of the adequacy of child support levels comes from comparisons of average post-guideline order levels with estimates of expenditures on a single child in a home with a mother employed part-time at various income levels (Espenshade, 1984; Williams, 1987). Our analysis reveals that while guidelines have increased awards, in particular bringing them closer to expenditure levels in intact families, the resources available for child-rearing remain seriously deficient. For example, Williams (1987) reports that families with a single child and a total net income of \$16,000 or less spent 26 percent of their net income on the child. In our post-guideline sample of cases with a single child and net income of \$16,000 or less, the average order level was only 22 percent of net income. This represented an improvement over the pre-guideline sample, where the average order level was 19 percent of net income, but it still fell short of the expenditure level observed in intact families (see Table 6). More to the point, at this income level the actual dollars expended on the child in both intact and divorced households was probably well below true need. As one Illinois judge put it, "In low-income cases, I might order a non-custodial father to pay 50 percent of his salary and it still wouldn't be enough." The solution for these families lies beyond the manipulation of a child support guideline and requires a more fundamental economic intervention.

In low-middle- and middle-income families, there is a close match between expenditures for children in intact families and or-

Table 6. Comparison of Award Levels and Actual Expenditures on Children in Intact Households at Various Income Levels (Single-Child Families)

Income Level	Percentage of Net Family Income		
	Expenditures in Intact Families	Pre-Guideline Award Averages	Post-Guideline Award Averages
Low income (<\$16,000)			
Colorado	26%	26%	24%
Hawaii	26%	16%	22%
Illinois	26%	11%	19%
Total	26%	19%	22%
Low-middle income (\$16,000–40,000)			
Colorado	23%	19%	22%
Hawaii	23%	20%	20%
Illinois	23%	18%	22%
Total	23%	19%	22%
Upper income (≥\$40,000)			
Colorado	19%	17%	10%
Hawaii	19%	8%	16%
Illinois	19%	19%	22%
Total	19%	16%	13%

der levels in the post-guideline samples (23% versus 22% respectively). The match was closest in Colorado and Illinois, with Hawaii falling somewhat behind. Not surprisingly, most attorneys and judges felt that orders were fair and adequate for these families.

In upper-income cases, some judges and attorneys were concerned that guidelines would create unrealistically large awards. They were most skeptical of the utility of the guideline when combined parental income reached \$40,000 or more per year. This concern appeared justified only in Illinois, where post-guideline expenditures in single-child, high-income households constituted 22 percent of combined parental income compared to 19 percent in intact households. In the remaining states, post-guideline expenditures were actually below those reported for intact homes, and in Colorado the post-guideline figure was lower than the pre-guideline average.⁸

⁸ Average awards in joint residential custody cases in which support was ordered for single-child families were \$294 and \$297 in Colorado and Hawaii, respectively in the post-guideline period. According to projections by Espenshade (1984), this represents 47% of the average monthly expenditures in an intact middle-income household with two working parents. The adequacy of these awards depends upon how child-rearing costs are allocated. If joint

VI. DISCUSSION

This article focused on the extent to which recently adopted child support guidelines have achieved the legislative goals of consistency and adequacy of child support orders. Our study reveals a modest post-guideline increase of 15 percent across all sites, with substantial differences by state, income category, and custody type. Moreover, our findings appear to be consistent with those reached in the few other empirical studies of child support guidelines conducted to date.

For example, one study of the impact of the income shares guideline adopted in New Jersey found that the guideline increased support by approximately 30 percent (New Jersey Administrative Office of the Court, 1987). Although at first glance this appears to be very different from our overall finding of 15 percent, the gap narrows when we consider that orders rose by 26 percent in our sample of low-income cases. Given the fact that the average pre-guideline award level for a single-child household in New Jersey was 12 percent lower than the level in our sample (\$236 versus \$269), more dramatic post-guideline changes in New Jersey would be expected. The two studies look even more similar when we compare the patterns in New Jersey and Hawaii. Both states had comparably low pre-guideline award levels as well as similar average post-guideline increases (30% and 28%, respectively). This suggests that guidelines may have their greatest effect where pre-order levels were extremely low.

Another assessment of the income shares model, as adopted by Arizona, concluded that the overall level of support for shared custody cases increased by 15 percent after the guideline was adopted, which is identical to our finding except that the Arizona pattern is attributed solely to reductions in zero dollar awards. There was no impact on support levels in shared custody cases when zero dollar orders were excluded (Bushard, 1988).

Our overall results are also similar to those reported in a second study of the Arizona guideline conducted by Bay and his colleagues (1988). The authors calculated the guideline for 382 randomly selected divorce cases with orders promulgated shortly before the adoption of the guideline. Their calculations revealed that orders would have been 12 percent higher in these cases had the guideline been in effect.

Clearly, the modest effects of child support guidelines have fallen short of the expectations of advocates and some participants

physical custody fathers also assume about half of the direct costs of child-rearing, these awards are clearly adequate. If, on the other hand, joint physical custody arrangements break down and leave the mother with *de facto* sole custody without the benefit of support, as has been alleged (Ray, 1988), there is reason to be concerned with both the lack of support orders and the level of support found in our joint physical custody subsample.

in the child support system. On the other hand, they have been more pronounced than those observed in many other studies of the legal impact in domestic relations. For example, writing more than a century ago, Wilcox (1897: 23) observed that the “immediate, direct and measurable influence of [divorce] legislation is subsidiary, unimportant, almost imperceptible.” Two studies on the impact of a 1900 German divorce law reached conflicting conclusions, with one investigator finding that the law had produced a plunge in the divorce rate (Glass *et al.*, 1971) and the other finding the opposite (Rheinstein, 1960). In a similar fashion, researchers studying the impact of no-fault divorce laws have reached differing conclusions, with some (Weitzman, 1985; Peters, 1986) maintaining that there have been unanticipated and serious adverse effects for women and another (Jacob, 1989: 96) finding “a lack of discernable impact.” And a study of the impact of “sex-neutral best interest” statutes on custody award patterns found only modest changes in custody award patterns (Pearson *et al.*, 1982).

Moving beyond the family law area, research on legal impact often reveals mixed results. For example, studies have found that laws for the mandatory imprisonment of drunk drivers have yielded high levels of judicial noncompliance (Ross and Foley, 1987); that laws to reduce job discrimination and desegregate schools have had few substantial effects (Lempert and Sanders, 1986); and that efforts to implement extensive legal change and program reform in criminal courts have been largely unsuccessful (Feeley, 1983).

The reasons that such new laws appear to have negligible effects are well documented. Laws often have delayed and diffuse effects (Johnson and Canon, 1984) that only appear gradually (Ross and Foley, 1987). Implementation frequently requires numerous actors and decisionmaking points (Pressman and Wildavsky, 1973), which produce fragmentation (Feeley, 1983) or a lack of agreement on goals or means for achieving goals (Pressman and Wildavsky, 1973). Compliance occurs most often when the private interests of judges, lawyers, and other actors coincide with the objectives described in new law and when there is an oversight system that enables the high court, legislature, or general public to monitor compliance behaviors (Ross and Foley, 1987). The goals of laws are often ahead of private values and behaviors (Goode, 1963). Although they eventually lead to adjustments in the views of others, they are initially resisted or ignored because they conflict with folk practices. Lastly, laws are often inappropriately promulgated to resolve problems that require broader social and economic transformation.

Naturally, many of these impediments to legally induced change are operative in the guideline context. Timing is clearly relevant. The picture we have generated may be only temporary, with full impact requiring a longer implementation phase. The

most dramatic effects of guidelines may only be realized when they are applied to the modification of previously established orders. As specified in the 1988 Family Support Act, states will be required to modify older orders in accordance with child support guidelines. It is probable that the update and modification of old orders will be more potent than the application of guidelines to new ones. It will be necessary to evaluate the impact of the application of guidelines to modification cases to get a complete picture.

Another relevant obstacle to change in the guidelines area is the large number of actors involved with child support decisions and the stereotypes they hold about the true costs of raising children. Most child support decisions are reached by divorcing parties themselves, and researchers have shown that they seriously underestimate the true costs of raising children. For example, one writer estimates that middle-income parents who spend 40.7 percent of their annual income to raise two children estimate their expenses at only 14.7 percent (Sawhill, 1983: 120). In turn, referees and judges are reluctant to overturn agreements between the parties, as suggested by our finding that the incidence of deviations below the guideline is highest when neither party is represented by an attorney. With the passage of time and greater public exposure to order levels established in accordance with guidelines, parents themselves may become more attuned to the true costs of raising children and agree to higher order levels on their own.

A third problem may be the difficulty in monitoring whether child support orders are issued in compliance with the guidelines. The most consistent and dramatic impact of guidelines appears to be reductions in zero dollar awards, a behavior that is potentially the most visible to oversight agents. Other deviations from guidelines are decidedly more subtle and difficult to detect. For this reason, one researcher (Bushard, 1988), who found a deviation of 75 percent in shared custody cases in Arizona following the passage of guidelines,⁹ has recommended that all child support orders be reviewed by a guardian *ad litem*, whose sole concern is enhancing the financial interests of children.

Lastly, guidelines may have limited effects simply because social and economic circumstances for many families following divorce result in inadequate resources for child rearing. In many cases in these samples, the income of non-custodial parents was extremely limited. When permissible considerations and deductions were factored into the formulas, the resulting awards were less than necessary to ensure the financial welfare of children. No guidelines can address the problem of resource inadequacy at the lower- and middle-income levels, especially the need to support two households with resources that were barely adequate to han-

⁹ Approximately 30% of orders in our post-guideline samples fell below levels projected by the guidelines.

dle one. As previous researchers have noted in assessments of the inherent limitations of legislation seeking to redress racial inequality, "equal opportunities in an unequal society do not lead to equal results" (Lempert and Sanders, 1986: 389). The effectiveness of legally induced change clearly depends on the "elasticity, availability, and contingency of the resource being sought" (Lempert and Sanders, 1986: 390) as well as the qualities of the regulation, the regulator, and the regulated.

Because laws fail to have their intended effect for so many reasons, we, like others (Pressman and Wildavsky, 1973), feel compelled to ask why this law is working as well as it is. Our investigation suggests several answers. One is the high level of support for and the lack of opposition toward guidelines in the judicial and legal community. Although many would like to see certain elements added to or deleted from guidelines, judges and attorneys definitely favor them. Since deviation on justifiable grounds is permitted, guidelines are not seen as a challenge to local judicial authority.

A second factor enhancing impact is the strong incentive that judges and attorneys have to use guidelines. The perception is that guidelines speed up case processing; attorneys report that guidelines make it easier for them to handle their clients. No one wants to revert to the pre-guideline era, as the comments of three judges interviewed by telephone in the course of the project amply document:

Judges have to give reasons if they deviate from the guideline, so it's easier to go with the guideline rather than list reasons. . . . The guideline encourages judges to fall into a pattern rather than using discretion. . . . Recent appellate court decisions have made it very clear the court is not going to deviate from the guideline. . . .

Guideline laws also appear to be working because the formulas are simple and easy to use and their adoption involves only incremental change. Prior to the passage of guidelines, many judges used informal formulas to determine support levels. As researchers who have studied the use of teleconferencing techniques in court have noted, implementation works best when the new technology is simple, easy to use, and does not represent a radical departure from prior practice (American Bar Association, 1984).

A fourth and final reason for the success of guideline legislation is that it is consonant with prevailing legal and public culture. In recent years, there has been tremendous media attention to the issue of nonexistent or inadequate child support awards and delinquent payment patterns. Although many legal actors doubtlessly identify with obligors and their plight, growing numbers of women in the bar and judiciary, along with publicity on the desperate financial status of many women and children following divorce,

have created a climate receptive to the changes embodied in the guidelines.

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