

# ESTABLISHING PARENTING TIME IN CHILD SUPPORT CASES: NEW OPPORTUNITIES AND CHALLENGES\*

Jessica Pearson

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Despite dramatic increases in collections, child support frequently fails to be the linchpin to family self-sufficiency that it could be, and many researchers, advocates and policymakers have concluded that future progress in collections will require making the child support system more fair and responsive to its growing poor, never-married caseload. High on the list of suggested reforms is paying more attention to involving poor fathers in the lives of their children. Since the inception of the child support program in 1975, parenting time and child support have been legally distinct issues and activities pertaining to parenting time have not qualified for the 66 percent of funding that the federal government provides to fund the child support program. As a result, few child support programs address parenting time when they establish or enforce child support orders. Public Law 113–183 (2014) includes a provision to encourage the establishment of safe parenting time arrangements in new child support orders, although the activity is voluntary and no new funding is provided. This article describes the treatment of parenting time in the child support program and the approaches that some states and local jurisdictions have adopted to develop and incorporate parenting time responsibilities with family violence safeguards in new child support orders. This includes the use of standard parenting time schedules, self-help resources, mediation or facilitation with a neutral third party, and comprehensive programs that attempt to address multiple barriers.

## Key Points for the Family Court Community:

- Parenting time and child support are legally distinct issues and courts typically order child support for parents of children born out-of-wedlock without simultaneously ordering parenting time arrangements.
- Research shows that addressing parenting time improves parent-child contact and child support payments and that positive paternal engagement improves child outcomes.
- A few state and local child support agencies address parenting time using standard parenting time schedules, self-help resources for parents, mediation or facilitation with a neutral third-party; and comprehensive programs that address multiple barriers.
- Developing a safe, structured approach to parenting time for the child support population will require coordination among courts, domestic violence programs and child support agencies, and allowing these activities to qualify for federal matching funds.

**Keywords:** *Parenting Time; Co-parenting; Unmarried Parents; Access and Visitation; Child Support; and Public Policy*

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## INTRODUCTION

President Obama included a provision in his 2012–2015 budget proposals that would have updated the statutory purposes of the Child Support Program (authorized through Title IV-D of the Social Security Act) to include activities to help parents develop parenting time orders, allocated \$448 million over 10 years for this activity, and required all states, effective FY 2020, to establish access and visitation responsibilities in all initial child support orders with full integration of “domestic violence and abuse victimization approaches” (U.S. Department of Health and Human Services, 2014). However, in September 2014, a less aggressive version of this proposal was enacted by Congress (Section 303 of H.R. 4980) and signed by President Obama. The Sense of the Congress provision treats the incorporation of parenting time with strong family violence safeguards in new child support orders as an “important goal,” but keeps it a voluntary activity with no new funding (Pub. L. 113–183).

Correspondence: [jspearson@centerforpolicyresearch.org](mailto:jspearson@centerforpolicyresearch.org)

Both the new law and the Obama budget proposal underscore that courts typically order child support for parents of children born out of wedlock without simultaneously ordering parenting time arrangements (also termed access and visitation). Currently, there is no systematic, efficient mechanism for families to establish parenting time agreements for children whose parents were not married at the time of their birth. Because child support systems and family law systems are usually distinct, unwed parents with child support cases, in most states, must pursue a separate legal action, often in a different court, and pay a substantial filing fee to obtain a court order for parenting time with their children. To contrast, divorcing parents typically establish parenting time responsibilities as part of their divorce proceedings in a court or tribunal with jurisdiction over all family law issues.

The new law and the budget proposal also reflect the fact that family violence is a serious problem, especially for low-income populations that are likely to be among the unmarried parents served by the child support system. A 2010 national survey found that 35.6% of women reported rape, physical violence, and/or stalking by an intimate partner during their lifetime (Black et al., 2011). More to the point, women in household with incomes below \$7,500 per year are estimated to experience intimate partner violence (IPV) rates of 13 per 1,000, compared with rates of 2 per 1,000 for women in households earning \$50,000 or more (Catalano, 2007).

This article describes the treatment of parenting time in the child support program and the approaches that some states and local jurisdictions have adopted to establish access and visitation responsibilities with family violence safeguards in their child support caseload.

## THE TREATMENT OF PARENTING TIME IN THE CHILD SUPPORT PROGRAM

The child support program was established in 1975, serves approximately 17 million children (one in four), and collects over \$28 billion per year (Office of Child Support Enforcement [OCSE], 2014b). Serving 60% of all children growing up in single parent families and 84% of poor children in single parent families, child support comprises an estimated 10% of family income among poor custodial families (40% among those who receive child support) and is credited with lifting a million people from poverty in 2008 (Sorensen, 2010).

The dramatic gains in child support collection reflect generous federal funding for state programs (66% of allowable IV-D costs plus incentive payment to states for success in meeting child support performance goals) and the passage of several federal laws that vastly expanded the program's power. Nationally, the program has over 54,000 workers and an annual budget that exceeds \$5 billion. State and local child support agencies established more than 1 million new orders in 2013 and handled a caseload that exceeded 15.5 million (OCSE, 2014b). Despite dramatic increases in child support collections (which more than doubled from \$12 billion collected and distributed in 1996 to \$28 billion in 2013; OCSE, 2014b), child support frequently fails to be the linchpin to family self-sufficiency that it could be. Nationally, only 63.6% of the total amount of current support due in FY 2013 was collected (OCSE, 2014b) and data from a 2010 survey by the U.S. Census Bureau show that just 41% of custodial parents due support received the full amount of child support due, while 24% received nothing (OCSE, 2013). The total amount of past due support owed to custodial parents and the state for all fiscal years is now \$116 billion (OCSE, 2014b).

According to many researchers, advocates and policymakers, future progress in collections will require making the system more fair and responsive to its growing poor, never-married caseload rather than obtaining new powers and enforcement remedies. High on the list is paying more attention to involving poor fathers in the lives of their children. Since the inception of the child support program in 1975, parenting time and child support have been legally distinct issues and activities pertaining to access and visitation have not qualified for the 66% of funding that the federal government provides to fund the child support program. As a result, few child support programs address parenting time. For example, the most frequently mentioned actions "usually" taken by 500 surveyed child support

workers in Texas when they hear about access problems is to “tell the parent that child support and visitation are two separate issues” (87%) and that there is “nothing the child support agency can do” (64%; OCSE, 2006).

The legal and fiscal bifurcation of child support and parenting time flies in the face of their many practical interconnections. Thirty-four states have child support guidelines (mathematical formulae that are to be used to determine the amount of support that the obligor pays) that provide an adjustment for the obligor’s parenting time (Venohr, 2013). In most states, the adjustment requires a court-ordered custody or agreed-upon parenting time plan. A growing number of families in the child support caseload have orders addressing financial responsibilities with no attention to access and visitation because of the bifurcated system that never-married parents face. According to surveys conducted with custodial parents by the U.S. Census Bureau in 2010, 40% of custodial parents in the IV-D program were never married, only 33% of noncustodial parents (NCPs; usually fathers) reportedly had a legal visitation agreement, and 35% had no contact with their youngest child in the previous year (Lippold & Sorensen, 2013). Other estimates of these patterns are even higher. For example, in Texas, 67% of cases in the IV-D caseload involved children born out of wedlock (Hayes, 2010). And five years after the birth of their child, 63% of unmarried fathers in the Fragile Families Study were living away from their child (Carlson, McLanahan, & Brooks-Gunn, 2008).

Access and visitation (AV) problems are common. More than three-quarters of surveyed child support workers report that they “often” or “almost always” hear about AV problems when speaking with NCPs, the chief complaints being not being allowed to visit and not having a parenting time order from the court (OCSE, 2006). And although they say that they are too busy to ask parents about their access problems and help them, nearly all surveyed workers (92%) would be willing to refer parents to community services and 78% would like to refer parents with access problems to a specialized worker at the child support agency (OCSE, 2006).

The connections between child support and parenting time that parents report and workers have long suspected have been noted by researchers too. For example, in 1979, David Chambers found that fathers with little or no contact with their children after divorce paid only about 34% of their child support, while fathers in regular contact paid 85%. Since then, many researchers have confirmed the relationship, although there is less agreement on the causal direction. Some researchers contend that paying more support leads to more visitation (Peters, Argys, Howard, & Butler, 2003; Seltzer, McLanahan, & Hanson, 1998; Nord & Zill, 1996) because those who pay feel more invested in their children or mothers who receive some child support may be more supportive of a father who wishes to visit. Another researcher found a significant negative relationship between contact and payment, perhaps indicating that fathers’ time and money may be substitutes for one other (Bitler, 2000). Still others conclude that there is no relationship and that both paternal contact and support are driven by unobserved variables, such as fathers’ desire for involvement (Nepomnyaschy, 2007). To complicate matters even further, data from the Fragile Families and Child Well-Being Study reveal no impact of contact on the payment of formal child support but a strong, positive reciprocal relationship between father–child contact and the likelihood and amount of informal support, with slightly stronger and more consistent effects of contact on payments than of payments on contact (Nepomnyaschy & Garfinkel, 2007).

In addition to a possible causal relationship between parenting time and child support payment, research reveals that child support receipts improve child outcomes. For example, Argys et al. (1988) find that child support receipt has a “positive impact on children’s cognitive test scores that is over and above its contribution to total income.” Other research (Garfinkel, 2001; Knox & Bane, 1994) finds that child support receipt improves higher educational attainment, including higher reading and math scores on standardized tests. And many studies conclude that positive parental involvement is associated with the social and emotional well-being of children (Amato & Gilbreth, 1999; King & Sobolewski, 2006), even among those who have limited contact with their nonresidential fathers (Fabricius, Sokol, Diaz, & Braver, 2012). Based on these and other research findings, there is growing sentiment that the child support agency should support programs to enhance access and visitation.

## EARLY EFFORTS TO ADDRESS ACCESS AND VISITATION IN THE CHILD SUPPORT CASELOAD

Faced with complaints that child support agencies and courts were doing little to address problems with parent–child contact in the child support caseload, the federal OCSE began to fill the gap with some research and demonstration activity. In 1990 and 1991, OCSE funded seven states to experiment with the use of mediation to address access and visitation problems. A 1996 evaluation of these services (OCSE, 1996) confirmed that access and visitation problems are common, with at least half of NCPs at each of the seven research sites initially saying they did not have enough time with the child. In a similar vein, more than half (52%) of the 1,491 never-married NCPs served in OCSE-funded responsible fatherhood programs in seven states characterized themselves as “very dissatisfied” with the frequency of contact they had with their youngest child and wanting help with this issue (Pearson et al., 2003).

In 1996, as part of PRWORA, Congress authorized the State AV Program, which provides total annual grant awards of \$10 million for states to promote various services to alleviate access problems. In FY 2008, the most recent year for which data is available, the program served 85,237 parents, of whom 46% were unmarried and a majority reported yearly incomes of less than \$29,000. The program increased parenting time for approximately 40,000 NCPs, chiefly through the provision of parent education, mediation, and services to develop parenting plans. Other common services included supervised visitation, neutral drop-off services, and counseling (OCSE, 2008).

Studies on the effectiveness of some of the services offered through the AV program using nonexperimental or pre- and postprogram study designs concluded that the services were successful in increasing the payment of child support and increasing parent–child contact (U.S. Office of the Inspector General [OIG], 2002; Pearson, Davis, & Thoennes, 2005). In the OIG study, 61% paid more child support after services and payments rose from 52 to 70% of what was owed. In the Pearson et al. (2005) study, payments for never-married parents rose from 59 to 79% of what was owed and one-third to one-half of NCPs in every program reported increases in parent-child contact following program participation with supervised visitation users, who typically have the lowest levels of parent–child contact, reporting a significant increase in the number of days of contact.

To generate further information on the impact of AV services on parent-child contact and child support payments, OCSE funded several other demonstration and evaluation projects. Conducted by child support enforcement agencies in Colorado, which served 523 parents (Pearson, Thoennes, & Davis, 2007), Texas, which served 646 parents (Pearson & Davis, 2007), and Tennessee which served 1,591 parents, (Davis, Pearson, & Thoennes, 2010), the projects involved multiyear efforts to integrate access and visitation services with regular agency activities. At all three sites, families with open child support cases who had visitation problems were assigned to high- and low-level treatments on a random basis, although random assignment was not strictly enforced in some project settings. Parents in the low-level treatment group received written materials about their rights and community services available to help. The high-level treatment group was offered the opportunity to participate in informal facilitation by a specially trained worker at the child support agency or a free consultation with an attorney and a mediator. The objective of these interventions was to develop a parenting plan that spelled out when the children would spend time with each parent or to resolve a parenting time disagreement. Information on all project participants was collected at intake, when visitation problems were identified at the child support agency, and in telephone interviews conducted with NCPs six months later. Official child support records were checked for payment behavior and enforcement actions taken 12 months prior to and following referral for parenting time services.

The evaluations of the three state programs concluded that visitation assistance was a service that was valued by noncustodial parents and child support workers and could be integrated into child support agencies and courts at all stages of case processing without creating case processing delays. However, many eligible families could not be served either because the noncustodial (33%) or custodial (33%) parent could not be reached to arrange a meeting or failed to appear for scheduled meetings. An additional 10% had domestic violence and other factors that might make parenting time

unsafe. Despite these caveats, the proportion reaching an agreement on visitation ranged from 69% in Tennessee to 74% in Colorado and 81% in Texas. In addition, compared to the low-level treatment groups, members of the high-level treatment group in Tennessee reported statistically significant gains in parent-child contact and nonresident parents in Texas who participated in free attorney consultations or parenting time conferences reported substantial improvements in co-parental relationships. Finally, in two of the three sites (where randomization was more rigorously enforced) child support payments improved significantly following the parenting time intervention. In Tennessee, the percentage of support paid relative to the amount owed rose from 54.2 to 57.6% in the high-level treatment group, compared with 52% at both pre- and postprogram time periods for the low-level treatment group. In Texas, child support payments rose from 73 to 88% in the high-level treatment group, compared with 75 to 78% for the low-level treatment group (McHale, Waller, & Pearson, 2012).

### **APPROACHES TO INCORPORATING ACCESS AND VISITATION INTO A CHILD SUPPORT AGENCY**

Although some states use the modest funding available through the state AV program to support parenting time services for unmarried parents in the child support program (Pearson & Price, 2002), only a handful of jurisdictions have mechanisms to routinely incorporate parenting time agreements into initial child support orders, and most of these programs have been small-scale rather than large, statewide initiatives (OCSE, 2013). To generate more information on how parenting time can be implemented with attention to safety for families that have experienced family violence, OCSE is sponsoring the Parenting Time Opportunities for Children in the Child Support Program grants (PTOC). Now in the third year of their 4-year life, the PTOC awards to five states are piloting and testing strategies to establish parenting time responsibilities as part of new child support orders and fully integrate family violence safeguards and protocols into all grant activities. Each project has a small-scale, independent evaluation, although none involve rigorous experimental designs, with results due in 2016 (OCSE, 2013b).

OCSE also contracted with CPR from 2011 to 2013 to conduct the Child Support Program and Parenting Time Orders Project, the purpose of which was to identify and describe promising ways states and local jurisdictions are establishing parenting time orders for the child support population and addressing family violence safeguards. Based on conversations with state AV coordinators and with input from OCSE, CPR selected five jurisdictions and conducted site visits to each from May 2012 through December 2012: the State of Texas; the State of Oregon; Cuyahoga County, Ohio; Oakland County, Michigan; and DuPage County, Illinois. Each 2-day site visit involved semi-structured interviews and focus groups with approximately 12 to 15 child support, parenting time, court, and domestic violence professionals. The case studies revealed that states or local jurisdictions use one of four main approaches to establishing parenting time:

1. Standard parenting time schedules;
2. Self-help resources for parents;
3. Mediation or facilitation with a neutral third party; and
4. Comprehensive programs that address multiple barriers.

Each approach has certain strengths and limitations and lends itself to a different method of identifying and addressing IPV and safety (Pearson, 2013). (See Ver Steegh & Davis [2015] for a discussion of safety concerns in parenting time processes.)

#### **STANDARD PARENTING TIME SCHEDULE**

Standard visitation schedules are used on a presumptive basis in Texas and some Michigan counties. (See Key [2015] for further information on Texas.) They tend to be a one-size-fits-all

approach, with the standard plan spelling out how the child's time will be divided between each parent during the school year, vacation, and holiday time periods. However, parents are free to adopt any mutually agreed-upon schedule and the standard order only takes effect if parents do not submit a plan of their own or if they do not ask for a court hearing to develop an alternative. Approximately 75% of parents are believed to adopt the visitation schedule embodied in the Texas Standard Possession Order, which was adopted by the Texas legislature in 1989 in connection with the adoption of mandatory child support guidelines. It calls for children to spend the first, third, and fifth weekend of the month with the NCP, along with a midweek overnight visit, divides holidays between the parents and includes extended visitation of 30 days during the summer. There are adjustments for parents who live over 100 miles apart and those with infants and toddlers. Parents who are concerned about domestic violence or have another safety issue must ask the court to intervene. It is estimated that about 15% of the parents who do not use standard possession have safety considerations that require court attention, and the development of plans that are more attentive to safety including the use of step orders, supervised exchanges, and supervised visits.

According to interviewed professionals, a major benefit of standard visitation schedules is that they assist large number of families with virtually no cost or delay. In Texas, standard visitation plans are used in most of the 60,000 new child support orders established by the Office of Attorney General and many of the 40,000 divorce decrees issued by the court each year. Another benefit is that parents are not required to pursue a separate legal action or pay a filing fee because the visitation provision is part of the child support order, which is provided at no cost. Other noted features of standard schedules include being more concrete than visitation orders that call for "reasonable" access, establishing a norm of regular contact with both parents without interfering with plans they develop on their own, sending a message that the child support agency cares about parenting as well as financial responsibilities, and possibly reducing the dangers associated with negotiating about visitation informally. Standard visitation schedules may be implemented at the state level with legislation (as in Texas) or the local/county level with a local rule (as in some Michigan counties) and are not perceived by judges who establish child support orders to add to their work.

There are many critics of standard parenting time schedules. The chief objection is that they are perceived to be a one-size-fits-all approach to parenting time and that more customization and consideration of the specific needs and capabilities of each family would be preferable. Another criticism is that they only address parenting at the time when the child support order is established and that there is no clear and readily accessible mechanism to enforce or change the plan. Indeed, in Texas, parents who are unable to exercise visitation or wish to change their order must file a petition in a non-IV-D district court, which typically involves paying filing fees and hiring a lawyer. Although most states have judicial or quasi-judicial procedures for establishing child support orders, in some states child support orders may be established through an administrative tribunal. Many states' quasi-judicial and administrative tribunals lack the authority under their current statutes or court rules to hear a parenting time matter or issue a parenting time order or a visitation schedule. Finally, there is concern that victims who fail to disclose domestic violence and do not get more individualized treatment by the court will get a standard visitation arrangement that may be inappropriate for them.

States and counties that use standard parenting time schedules typically approach IPV by informing parents about safety issues at multiple points of application, case processing, and inviting victims to disclose. Those who do are scheduled for a court hearing where they can request a safety-focused parenting plan, such as the gradual introduction of a parent into the life of the child over time, supervised exchanges or public exchanges, supervised visits, participation in a battering intervention and prevention program, and no contact orders.

Although universal notification and self-disclosure procedures are viewed as the only realistic ways to provide safety protections in parenting time programs that are impersonal, very large scale, very brief, and/or rely on self-help approaches, there is little research on their effectiveness in detecting IPV. Staff training on IPV is perceived to help because trained professionals will be more encouraging of disclosures at any point in the process of establishing and/or enforcing child support. Jurisdictions can also strengthen their approach to IPV by partnering with local domestic violence

advocacy organizations. For example, the Texas Office of the Attorney General contracts with the Texas Council on Family Violence to review its policies and procedures so that they address family violence, assist with developing online and printed materials for parents, and help create and implement mandatory training on family violence for all child support staff.

## SELF-HELP RESOURCES

Some jurisdictions have developed self-help resources that parents may access on their own to assist them with the development of parenting time plans. For example, Oregon has developed fill-in-the-blank parenting plans that are available on the Judicial Department website and can be downloaded, completed, and filed with the court, along with required legal forms and the payment of a filing fee. There are templates for numerous plan options, including basic schedules for children in various age ranges (i.e., newborns, infants, elementary and middle school aged students, and teenagers) and for children who live more than 60 miles away from one parent. There are also three levels of safety-focused plans: no solo time with the other parent, limited unsupervised time with no overnights, and overnight parenting time with public exchanges. Parents are instructed to answer 13 online safety screening questions to help them select an appropriate plan. As one family law professional explained, “We try to direct the parents to the safety focused plans as much as possible so that they know they are an option.” Oregon hopes to convert the plans into an interactive online format similar to TurboTax. The series of questions would guide parents as they create a parenting plan that they could e-file with the court either by attaching it to the legal action establishing or modifying child support or printing the plan for signature by both parents.

Another self-help resource is the Texas Access and Visitation Hotline. This is staffed by legal aid attorneys who answer questions and provide information and guidance on visitation issues in a general, anonymous fashion to approximately 35,000 callers per year.

The benefits to self-help resources are that they serve large numbers of parents with minimal cost and delays to the both the child support system and the courts. They also require low staffing levels. Another benefit is that they have the capacity to yield detailed and customized parenting plans because parents work through a schedule template and can complete the plan on their own or with minimal guidance.

The drawbacks to relying on these approaches to address parenting time are inherent to all self-help interventions. Parents must access and use these resources on their own and few actually do. As one veteran child support worker in Oregon observed, “I have never seen a parent come in with one of the online parenting plans.” To generate usage, states or local jurisdictions must aggressively outreach to parents about the availability of these services. Self-help resources can be complex. For example, each Oregon parenting plan is 15 pages and has many questions and options. Making it legally enforceable would require filing it with the court, along with a 40-page petition and paying a filing fee of \$260. As to Texas Hotline, while follow-up interviews with callers show that they find the general information and advice they receive to be helpful, most callers want more one-on-one assistance with recommended follow-up actions (Pearson, Thoennes, & Davis, 2004).

Although there are many options for parents with safety concerns who use self-help resources, they must self-identify any issues with IPV and independently choose to take advantage of safety-focused plans or enhancements. It is assumed that parents with IPV issues will select the safety-focused tools or opt not to develop a parenting plan altogether but there are no court or child support agency checks to make sure that parents select an “appropriate” plan. Further, there is no certainty that the services selected to enhance safety (e.g., supervised visitation) will be available and affordable to the parents.

## MEDIATION AND FACILITATION BY A NEUTRAL THIRD PARTY

A larger number of sites—such as DuPage County, Illinois; Oakland County, Michigan; Cuyahoga County, Ohio; and various counties in Colorado—offer neutral, third-party assistance to help

never-married parents in the child support program create parenting plans. These facilitators and mediators can be based at the court, the child support agency, or at a community-based organization. In DuPage County, mediators attend daily sessions of the Parentage Court where child support matters are heard to provide on-the-spot assistance to parents who lack parenting plans (Dudgeon, 1999).

There is a voluminous literature on the benefits of third-party dispute resolution processes like mediation and facilitation (see summary in Kourlis, Taylor, Shepard, & Pruett, 2013), but its effectiveness among unique subpopulations, including unmarried parents in the child support system, has not been extensively evaluated. The limited evidence available, however, suggests that unmarried parents in the child support system also benefit from third-party dispute resolution processes. Plans that are developed in mediated settings are customized to each family's situation. Parents understand parenting plans better with a third-party explanation and ambiguities that might be the source of future problems can be identified and corrected before the plan goes into effect. As with divorcing parents, most never-married parents who attempt mediation/facilitations are successful in producing a parenting plan, with many reaching agreement in a single, brief session and reporting strong satisfaction with the process and outcome. And depending on the jurisdiction, the parenting plan often can be combined with the child support order and filed without a separate filing fee. In other jurisdictions, there must be a separate motion for visitation and a filing fee.

One drawback to using mediation or facilitation for child support populations is cost. In DuPage, mediation is free to families but a 3-hour session costs the Parents and Kids Program approximately \$400 (Murphy-Russell, 2012). Identifying those parents who want and need parenting time help and educating them about mediation are also challenging. In DuPage County, the judge asks parents about parenting time when they appear to get a child support order, suggests that they meet with a mediator available at the court and briefly explains the process. In many other settings, the screening and referral process would fall to child support workers who work on establishing new child support orders. Given high child support caseloads, short timeframes for order establishment, the frequent nonappearance of one or both parents at child support meetings, and the historical prohibition about addressing visitation issues in child support settings, this may be an unrealistic or difficult additional duty to impose on a child support establishment worker. In addition, mediation and facilitation are unfamiliar to workers and clients in the child support program and there are few built-in opportunities to educate parents about the concept and the process. Once referred to mediation, many parents do not follow through or refuse to participate. Unlike divorcing parents who often must prove that they attended a parent education class or an orientation to mediation to obtain a court hearing and a decree, there is no practical way to compel a parent in the child support program to respond to a mediation referral. Existing court and community-based mediation programs—the logical partners for child support agencies that want to serve interested parents in their caseload—are typically oversubscribed and underfunded. Finally, some critics disapprove of the regular use of mediation because it promulgates inappropriate expectations for co-parental communication, cooperation, and compromise in IPV cases (see the special issue of *Mediation Quarterly* edited by Girdner, 1990).

To address IPV, mediators and facilitators follow practices recommended in various guidelines adopted by leading organizations such as the American Bar Association, the Association of Family and Conciliation Courts, the National Council of Juvenile and Family Court Judges, and interdisciplinary conferences (Ver Steegh & Dalton, 2008). This involves actively screening for safety and IPV in every case, assessing for domestic abuse throughout the mediation process, conducting mediation with attention to safety, and using safety-oriented parenting time practices. Mediators contact each parent individually to discuss safety and determine whether to move forward with mediation. During the mediation, they look for power imbalances or intimidation by one parent. If there is a safety concern, mediators may use shuttle techniques or telephone formats so that the parents are kept apart. Mediators can stop the session at any time, and a survivor of IPV can choose not to mediate and/or not to reach an agreement about visitation. Finally, mediated or facilitated parenting plans can include provisions for supervised visits, neutral exchanges, and/or step visitation plans that begin with limited, supervised contact and gradually introduce fewer restrictions and more access.



As with screening processes in family courts (Ver Steegh, Davis, & Frederick, 2012), screening for IPV with child support populations is challenging. Programs must make numerous decisions including how a screening will be administered (e.g., a written self-administered screening or a staff member asking parents questions), what types of IPV to ask about (e.g., emotional or physical abuse), and what time period to cover (e.g., the entire length of a relationship versus the past year). There are few practical instruments available for use in court and child support agency settings, especially with large numbers of clients and few screening resources (Ellis & Stuckless, 2008). Research suggests that most tools fail to detect some IPV (Center for Families, Children and Courts, 2002). Nor is there research on longer-term safety and parenting outcomes for victims and their children.

Safety practices like supervised visitation and neutral or monitored exchange services are also difficult to implement. At a minimum, they require a court order to activate and can be expensive, unavailable in many geographical settings, require trips back to court to modify or suspend the order, and do not protect against all types of IPV (e.g., emotional abuse and control issues).

### COMPREHENSIVE SERVICES

A few sites offer comprehensive parenting time services to parents. The sites typically involve short-term, grant-funded programs that combine help with parenting time with help with employment, education, and co-parenting skills. The grant-initiated Minnesota Co-Parent Court offers comprehensive services to never-married parents, including a four-session parent education course, intensive case management, referrals to a wide array of service providers (including domestic violence resources), help with employment, and mediated parenting plans. (See Marczak et al. [2015] for more information on the Co-Parent Court.) Genesee County, Michigan, also received funding from OCSE and conducted a demonstration project that involved creating a detailed parenting time plan as soon as the child support order was developed, in combination with offering families job training, parenting skills development, drug treatment, GED, and other proactive services in paternity and new child support cases.

Like problem solving courts in the criminal court arena (Porter, Rempel, & Mansky, 2010), comprehensive programs try to address the underlying problems of unmarried parents by simultaneously working on their economic problems as well as their parenting skills, parental relationships and paternal participation. The Co-Parent Court utilizes “navigators” who identify parental needs and make appropriate social services referrals, a wide array of community partners that can deliver needed services, parental education to teach parents how to parent together even though they are not in a relationship, and conflict resolution and mediation services to develop a parenting plan. The evaluation shows that a majority of parents completed the parent education component of the program and agreed to a parenting plan.

Comprehensive, multiservice programs are costly, serve only a few families, and rely heavily on short-term grant funding although Hennepin County made a public commitment to the Co-Parent Court following the end of grant funding. Comprehensive, multisession programs experience challenges recruiting parents who are willing to enroll and often confront high levels of attrition. A holistic program must build a strong network of community-based referrals so that parents can receive needed assistance.

Programs offering comprehensive services to parents often use intensive screening and assessment tools for all types of problems and needs, including IPV, and have a strong network of partners to whom they can refer IPV survivors. Of the 214 mothers enrolled in the Co-Parent Court, 14 (6.5%) were referred to domestic violence services. The Genesee County project screened for domestic violence and would not serve families in which there was a history or indication of IPV.

### CONCLUSION

There is currently no systematic mechanism for families to establish parenting time agreements for children whose parents were not married at the time of their birth. Unlike parents who divorce,

parenting time is not addressed at the time their child support order is established. To expedite the establishment of a child support order, most IV-D agencies use court or tribunals whose jurisdiction is limited to child support issues. Hence, parents with parenting time or child access issues typically must file an action with another court with jurisdiction beyond child support, a process that may be time consuming, complex, and expensive.

Addressing this unmet need for parenting time orders among parents of out-of-wedlock children will be challenging. More than 1 million new child support orders are established each year, many for low-income and vulnerable families. Child support programs are large, complex, highly automated, and use a variety of judicial, administrative, and hybrid procedures that do not lend themselves to standardization. The natural entities for child support to partner with to serve unmarried families—family courts and their education, mediation, facilitation, and pro se services—are oversubscribed and underresourced. The seriousness of family violence and the safety risks that arise for victims present service delivery challenges.

At the same time, researchers, child support workers, and parents themselves acknowledge that fathers who are involved with their children are more likely to pay support and that fathers who pay support are more likely to stay involved in their children's lives. More to the point, children usually benefit from the positive involvement of their nonresidential fathers, while those who lack contact suffer cognitive, social, and emotional deficits.

Developing a safe, structured approach to parenting time for the child support population will require a number of critical steps. These include coordinating new parenting time interventions with existing programs funded by AV grants in order to leverage the resources of both; funding new parenting time services as was planned in the Administration's FY 2012–2014 budget proposals (but not incorporated into Pub. L. 113–183) and allowing states to draw down 66% matching funds to support this new activity (which was not included in a notice of proposed rulemaking that limits federal matching funds to *de minimis* costs associated with the inclusion of parenting time provisions entered as part of a child support order (OCSE 2014a)); developing meaningful collaborations among courts, domestic violence programs and child support agencies; engaging in discussions about new policy that consider a broad range of issues including accessibility to the unmarried child support population, ease of use, understandability, cost, time factors, as well as family violence safeguards; and conducting rigorous empirical research to resolve some concerns and debates about parenting time such as father–child engagement, custodial parent safety, and child wellbeing.

## NOTE

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*Dr. Pearson is Director of the Center for Policy Research (CPR), a private, nonprofit research agency in Denver, Colorado, that she founded in 1981 to conduct evaluation research on issues that affect low-income families. Her research includes some of the first national studies of mediation in custody and visitation disputes, parent education, and supervised visitation. She and her colleagues at CPR have also done leading, national evaluations of new initiatives in the child support program including hospital-based paternity, family-centered services, early intervention strategies, methods of avoiding and addressing child support debt, methods of identifying and addressing domestic violence in the child support caseload, incarceration and child support, responsible fatherhood, and parenting time. Her work on parenting time includes multi-state evaluations of mediation in the child support caseload; projects funded under the Access and Visitation Grant Program; projects to integrate parenting time interventions in child support agencies in Colorado, Texas, and Tennessee; and projects to explore how state and local child support agencies implement parenting time in new child support orders with attention to safety. She is currently co-directs the Fatherhood Research and Practice Network (FRPN), a HHS-funded initiative (9OPR0006) to generate rigorous evaluation research and build evaluation capacity among fatherhood programs.*