

GUEST EDITOR'S NOTE

PARENTING TIME AND CO-PARENTING FOR UNMARRIED PARENTS

Jessica Pearson

This Special Issue focuses on parents who were not married at the time of their child(ren)'s birth. Because their relationships are not covered by marital family law, they do not have the clearly established rights and responsibilities that divorcing parents have following their breakup. Nor do they have clear pathways to the legal proceedings that formalize issues such as custody and parenting time and structured access to the mediation, parent education, facilitation, and other services that are essentially standard for divorcing parents to help them plan for the future of their families.

The articles in this issue examine the special challenges that unmarried parents face, why it is important to address their parenting and co-parenting situation, and the approaches that child support agencies, courts, and federally funded programs have developed to meet their needs. The issue begins with an article by Cynthia Osborne and Nora Ankrum that provides an overview of the increased prevalence of unmarried families, their relationships and parenting dynamics, the rapid disengagement of many fathers, the effects on child well-being, and the importance of quality parental relationships in keeping fathers engaged and reducing negative influences on children. Claire Huntington's article explores the legal status of unmarried parents with respect to their children and focuses on how marital family law fails to address their situation or promote co-parenting. She proposes a new legal framework that grants all parents, regardless of marital status, a legally significant designation of co-parent at the birth of a child. My article provides an overview of the bifurcation of child support and parenting time in the federal and state child support system, which is often called the IV-D system because its authorization comes from Title IV-D of the Social Security Act. My article also explores why and how the federal Office of Child Support Enforcement (OCSE) and some state and local child support agencies have begun to address visitation rights and parenting time using standard parenting time schedules, self-help resources, mediation and facilitation by a neutral third party, and comprehensive services to address multiple barriers. Alicia Key's article describes how Texas establishes parenting time presumptively in all divorce and child support cases using standard parenting time schedules and the additional parent education and safety measures that the state has developed. Mary Marczak and her colleagues describe outcomes of a quasi-experimental study of the Co-Parent Court, a comprehensive program for unmarried parents in the child support system in Hennepin County, Minnesota, that includes parenting plan development along with education, case management, and referral services. Nancy Ver Steegh and Gabrielle Davis discuss the need for strong family violence safeguards and the importance of ensuring that unmarried parents in the child support system are able to make informed and voluntary choices about parenting time. The article by Robin Dion, Heather Zaveri, and Pamela Holcomb describes the Parents and Children Together (PACT) Evaluation and selected characteristics of fathers who participate in the four fatherhood programs being studied, the services that the programs provide, and the challenges that nonresident fathers face in gaining access to their children. Jay Fagan and Rebecca Kaufman conclude the Special Issue with a look at how unmarried nonresident fathers view parental engagement and co-parenting and the implications of their views for future research on fatherhood and the development of effective outcome measures.

The impetus for this Special Issue is the tremendous increase in nonmarital births, rising from 11 to 41% from 1970 to 2010 and standing at more than 60% among women between the ages of 20 and 24 (Hamilton, Martin, Osterman, & Curtin, 2014); the dramatic dropoff in unmarried father

involvement soon after the birth of their children (Carlson, McLanahan, & Brooks-Gunn, 2008; Lerman, 2010) despite their desire to provide for their children financially and be involved in their lives (Edin & Nelson, 2013); the fivefold higher rate of poverty for children who live with a single parent as compared with children who live with their married parents (U.S. Census Bureau, 2012); the serious emotional, developmental, and educational disadvantages that they face (Carlson & Magnuson, 2011); and the studies showing that children benefit when they have warm and positive relationships with their nonresident fathers (Amato & Gilbreth, 1999; Carlson, 2006; Fabricius, Sokol, Diaz, & Braver, 2012). This Special Issue acknowledges the considerable challenges to greater unmarried father involvement that result from the structure of family law (Huntington, 2014), as well as the demographics of unmarried fathers who are frequently young, poorly educated, unemployed, and encumbered with prison records (Cherlin, 2010). Another concern is the high level of domestic violence among unmarried, separated, and divorced couples, particularly among low-income populations (Catalano, 2007), and the need to specifically address safety considerations in crafting parenting time opportunities and policies. Many of the principles established at the Wingspread Conference on Domestic Violence and Family Court in 2007 and other formal dialogues on how to better serve families experiencing domestic violence are salient for the unmarried population (Ver Steegh & Dalton, 2008).

To date, the public response to the dramatic rise in nonmarital childbearing has largely focused on economic issues and, in particular, making sure that parents assume responsibility for the financial support of their children. Federal legislation mandates that states develop legally binding mechanisms to establish paternity on a voluntary basis in hospital settings and birthing facilities and, if necessary, through judicial procedures (Harris, 2007). Once legal parentage is established, states are required to establish and vigorously collect child support from nonresident parents (also referred to as noncustodial parents or NCPs). Recognizing that continued progress in child support collections will require making the system more responsive to its growing caseload of poor, unmarried parents, child support agencies have begun to adopt family-centered approaches and services (OCSE, 2011) that include services ranging from employment assistance to mediation of child access disputes. Based on promising experiments that provided workforce services to NCPs to increase their employment and their ability to pay child support, a large-scale, rigorous, experimental study known as CSPED (the Noncustodial Parent Employment Demonstration Project) is currently underway in eight states. In addition, OCSE recently proposed that the cost of providing workforce services to child support populations be allowable for 66% federal reimbursement (FFP) like other core child support activities dealing with paternity, order establishment, and order enforcement (OCSE, 2014).

Although OCSE has highlighted strategies that child support programs have begun to use to help parents establish parenting time agreements (OCSE, 2013), it prohibits expenditures for this purposes. With the proposed exception of *de minimis* costs associated with the inclusion of a parenting time provision entered as part of a child support order (OCSE, 2014), child support agencies may not obtain FFP for activities pertaining to parenting time. Indeed, the only explicit source of funding for parenting time services for the child support program's 15 million cases is the State Access and Visitation (AV) Grant Program, which consists of annual awards of \$10 million per year (most states get \$100,000) to promote various services to alleviate access problems such as supervised visitation, parent education, mediation, and parenting plan development (OCSE, 2008). More to the point, while Public Law 113–183, enacted in September 2014, includes a provision (Section 303) that creates the goal of establishing voluntary parenting time arrangements accompanied by strong family violence safeguards in child support orders, it offers no funding or access to FFP. This unfunded congressional aspiration coincides with severe cuts to many state court budgets and the consequent dismantling of existing parenting services for separating and divorcing parents (Kourlis, Taylor, Schepard, & Pruett, 2013) that would otherwise be the natural entities to serve the new, unmarried parents in the child support system.

Over the past decade, the federal government has experimented with programs to help at-risk fathers become more financially and emotionally engaged with their children. Per the Deficit Reduction Act of 2005, the Department of Health and Human Services (HHS) has made annual awards of

\$75 million per year since 2006 for responsible fatherhood programs (and \$75 million for healthy marriage projects). Because there have been very few rigorous studies of these programs, it is difficult to draw conclusions about their success in promoting effective parenting and co-parenting outcomes and HHS has taken several steps to begin to fill this gap. In 2011, it funded Mathematica Policy Research (MPR) to conduct the Parents and Children Together (PACT), a rigorous impact and process study of four responsible fatherhood and three health marriage programs. In 2013, it funded Temple University and the Center for Policy Research to start the Fatherhood Research and Practice Network (www.FRPN.org), which is sponsoring practitioner–research teams to conduct small-scale, rigorous evaluations of fatherhood programs and to develop more nuanced measures of father engagement that can be used with nonresident fathers. In 2013, HHS also funded MPR to conduct the Fatherhood and Marriage Local Evaluation & Cross-Site Project, which will provide technical assistance to future HHS-funded fatherhood programs to improve the quality of their outcome tracking and assessment. And in 2014, HHS funded MDRC to conduct the Building Bridges and Bonds Project, which will do reliable studies of recruitment, retention, and program services in six fatherhood programs. Hopefully, these efforts will inform fatherhood practice and make it more effective.

This Special Issue is intended to further the growing dialogue in the family court community on how to serve the growing numbers of unmarried parents and maximize the likelihood that their children will have meaningful relationships with both parents and be protected from physical and emotional harm. It complements Maldonado's (2014) commentary about the AFCC Think Tank Final Report and recommendation that future reports address the "obstacles to shared parenting faced by the growing percentage of parents who were never married and for whom there were few legal or social mechanisms to facilitate shared parenting" (p. 632). Hopefully, the Think Tank's proposed review of the adequacy and quality of court and community resources available to separating and divorced families (Kourlis et al., 2013) will be expanded to include unmarried families and consider their numbers and needs in any effort to generate and fund relevant services.

REFERENCES

- Amato, P., & Gilbreth, J. G. (1999). Nonresident fathers and children's well-being: A meta-analysis. *Journal of Marriage and the Family*, *61*, 557–573.
- Carlson, M. J. (2006). Family structure, father involvement, and adolescent behavioral outcomes. *Journal of Marriage and Family*, *68*, 137–154.
- Carlson, M. J., & Magnuson, K. (2011). Low-income fathers' influence on children. *The Annals of the American Academy of Political and Social Sciences*, *635*, 95–116.
- Carlson, M. J., McLanahan, S. S., & Brooks-Gunn, J. (2008). Coparenting and nonresident fathers' involvement with young children after a nonmarital birth. *Demography*, *45*, 461–488.
- Catalano, S. (2007). *Intimate partner violence in the United States*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Cherlin, A. J. (2010). *The marriage-go-round: The state of marriage and the family in America today*. New York: Random House.
- Edin, K., & Nelson, T. (2013). *Doing the best I can: Fatherhood in the inner city*. Berkeley, CA: University of California Press.
- Fabricius, W. V., Sokol, K. R., Diaz, P., & Braver, S. L. (2012). Parenting time, parent conflict, parent-child relationships, and children's physical health. In K. Keuhnle & L. Kdrozd (Eds.), *Parenting plan evaluations: Applied research for the family court* (pp. 188–213). New York: Oxford University Press.
- Hamilton, B. E., Martin, J. A., Osterman, M., & Curtin, S. C. (2014, May 29). Births: Preliminary data for 2013. *National Vital Statistics Report*, *63*, 1–19.
- Harris, L. J. (2007). A new paternity law for the twenty-first century: Of biology, social function, children's best interests and betrayal. *Willamette Law Review*, *44*, 297–303.
- Huntington, C. (2014). *Failure to flourish: How law undermines family relationships*. New York: Oxford University Press.
- Kourlis, R. L., Taylor, M., Schepard, A., & Pruett, M. K. (2013). IALLS' Honoring Families Initiative: Courts and communities helping families in transition arising from separation or divorce. *Family Court Review*, *51*, 351–376.
- Lerman, R. (2010). Capabilities and contributions of unwed fathers. *The Future of Children*, *20*, 63–85.
- Maldonado, S. (2014). Shared parenting and never-married families. *Family Court Review*, *52*, 632–638.
- U.S. Office of the Child Support Enforcement. (2008). *Child access and visitation grants: State/jurisdiction profiles for FY 2008*. Washington, DC: Author.

- U.S. Office of Child Support Enforcement. (2011). *Family-centered innovations improve child support outcomes*. Child Support Fact Sheet Series, Number 1. Washington, DC: Author. Retrieved from <http://www.acf.hhs.gov/programs/css/resource/family-centered-innovations-improve-child-support-outcomes>
- U.S. Office of Child Support Enforcement. (2013). *Child support and parenting time: Improving coordination to benefit children*. Child Support Fact Sheet Series, Number 13. Washington, DC: Author.
- U.S. Office of Child Support Enforcement (2014). *Notice of proposed rulemaking (NPRM)*. Washington, DC: Author. Retrieved from <http://federalregister.gov/s25822>
- U.S. Census Bureau. (2012). *Current population survey, annual social and economic supplement, America's families and living arrangements: 2012*. Washington, DC: Author. Retrieved from <http://www.census.gov/hhes/families/data/cps2012.html>
- Ver Steegh, N., & Dalton, C. (2008). Report from the Wingspread conference on domestic violence and family courts. *Family Court Review*, 46, 454–475.

Jessica Pearson is the founder and director of the Center for Policy Research (CPR), a nonprofit research and evaluation firm she established in 1981 to improve the lives of children and their families. She has 30 years of experience conducting demonstration and evaluation projects dealing with a wide range of social issues including divorce mediation, responsible fatherhood, access and visitation, educational reform, child support enforcement, and self-sufficiency. In the early 1980s with AFCC, she conducted the early evaluation of court based mediation programs. She and her colleagues at CPR, Nancy Thoennes, Jane Venohr, and Lanae Davis, have conducted many evaluations of single and multisite projects on child support policies and ways to engage low-income fathers and provide more holistic, family-oriented services. These have included studies of programs dealing with in-hospital paternity, access and visitation, employment, debt compromise, healthy relationships, asset building and re-entry for ex-offenders. She directed the eight-state evaluation of the Office of Child Support Enforcement Responsible Fatherhood Programs as well as groundbreaking research on mediation, parent education, supervised visitation, and other interventions dealing with parenting time. Her many publications include Co-parenting Interventions with Fragile Families (coauthored with James McHale and Maureen Waller), which appeared in Family Process (2012). She has authored many reports and publications on these topics and is a regular presenter at local, state, and national conferences for practitioners and policy makers. She currently co-directs the Fatherhood Research and Practice Network, sponsored by the U.S. Department of Health and Human Services, Office of Planning Research and Evaluation, to promote rigorous evaluation of fatherhood programs and to build evaluation capacity among programs and researchers.