

## Child Support and Parenting Time: Improving Coordination to Benefit Children

*Spending positive time with both parents promotes child well-being and is associated with better child support outcomes. Unmarried parents do not have systematic access to assistance in establishing parenting time orders, so state and local child support programs have sought to address this service gap. This fact sheet highlights states and counties that coordinate the establishment of child support orders and parenting time agreements. Family violence safeguards are always a critical component when addressing parenting time.*



### The Connection between Child Support and Parenting Time Orders

The Child Support Program, authorized under Title IV-D of the Social Security Act, plays a critical role in assuring that parents who live apart from their children meet their financial obligations to their children by establishing paternity, locating noncustodial parents, and establishing and enforcing child support orders. The child support program serves one out of four children and half of all poor children, touching the lives of many families, including both parents, often for long periods of time. By offering family-centered services, child support programs help support relationships between parents and relationships between parents and their children, which are vitally important for both child well-being and stable child support payments.

Child well-being is improved by positive and consistent emotional and financial support from both parents. Children are better off when both of their parents are positively involved in their lives and provide for them, the parents get along with each other, and there is no family abuse or violence. Child support receipt is associated with improvements to child well-being, such as better cognitive development among young children and better academic achievement among older children. Engaged fathering

significantly enhances childrens' social, cognitive, and academic behavior in a positive manner. For example, children who have involved fathers show greater emotional security, less depression, and fewer behavioral problems in both childhood and adolescence. Domestic violence safeguards are essential to programs that assist parents in developing parenting plans.

Research shows that financial and emotional supports are interrelated: noncustodial fathers who are involved with their children are more likely to pay child support, and noncustodial fathers who pay child support are more likely to stay involved in their children's lives. Census Bureau data also consistently show that parents with custody or visitation arrangements are more likely to receive child support.<sup>1</sup> And programs designed to improve parental contact with noncustodial children are also associated with improved child support outcomes. For example, several studies among participants in state Access and Visitation programs have shown that child support payments increase when parenting time is addressed.<sup>2</sup>

There is currently no systematic, efficient mechanism for families to establish parenting time agreements for children whose parents were not married at the time of their birth. Divorcing parents often establish parenting time responsibilities as part of their divorce proceedings in family court. However, child support systems and other family law systems are often distinct, requiring unmarried parents to participate in multiple,

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often overlapping, legal proceedings in order to resolve issues of child support and parenting time.<sup>3</sup> While state or local court systems provide ways to resolve parenting disputes, this typically requires a parent to initiate a separate legal proceeding. And, in order to clarify multiple legal obligations and responsibilities, many families with modest means must engage with complicated legal systems, usually without the benefit of legal representation. Child support programs have begun to fill this gap, often working in partnership with courts or Access and Visitation programs.

While child support and parenting time are separate rights usually governed by different state statutes, parenting time is an important component to child support establishment: the child support agency typically needs information about parenting time arrangements in order for child support guideline amounts to be effectively and accurately calculated. This is in part because, in many states, child support calculations are often dependent upon the amount of time a child spends with each parent.

Addressing both the calculation of child support and the amount of parenting time as part of the same process increases efficiency and reduces the burdens on parents of being involved in multiple administrative or judicial processes. A structured, formal approach to parenting time can help both parents manage their co-parenting relationship and reduce conflict, ambiguity, unpredictability, and uncertainty about parenting time arrangements, and may increase child support compliance. Children benefit when they have safe, positive, consistent contact with both parents.

Safely supporting families who have experienced family violence is essential to any parenting time program. While most noncustodial parents are not violent or abusive, safety is a priority in implementing strategies to increase the time parents spend with their children. This is in part because increased opportunities for noncustodial parental involvement can pose challenges and risks, including the potential for increased family violence. There are many forms of family violence, and recognizing the characteristics or patterns in a family is critical to formulating safe and workable parenting time opportunities for children. Empowering parents who have experienced domestic violence and respecting their wishes are also important. In some cases, parenting time is not appropriate, and in others, supervised visitation may be a helpful and appropriate alternative.

To fill this unmet service need, child support programs have begun to develop partnerships and strategies to provide opportunities for parents to establish parenting time agreements with initial child support orders, particularly for parents who were not married to each other at the time of the child's birth and thus did not have access to parenting time assistance through divorce proceedings. Additionally, to provide opportunities for state and local child support agencies to develop, pilot, and evaluate parenting time strategies, OCSE established the Parenting Time Opportunities for Children pilot grant program to learn more about how to build safe, efficient, effective processes for establishing parenting time orders for children served by the Child Support Program. Read more about the pilots in the companion fact sheet.<sup>4</sup>

### Examples of Existing Child Support Program Components to Establish Parenting Time

A handful of states have child support program initiatives that incorporate parenting time agreements into initial child support orders, described below.<sup>5</sup> Many of the projects focus on memorializing parenting arrangements where the parents already agree upon the division of time. Domestic violence safeguards are an important part of these programs.

Many of these programs are supported through partnership with courts or other agencies. State child support programs are delivering family-centered services with child support program matching funds provided under Title IV-D of the Social Security Act as well as other funding sources. These other funding sources include competitive grant funding from OCSE and State Access and Visitation grant funding. Some partner with other organizations to utilize services funded through other sources.

#### Michigan

Michigan provides assistance establishing parenting time through its Friend of the Court (FOC) program and through mediation services. It is common for parenting plans to be established concurrently with initial child support orders. Where a court has determined that parenting time is appropriate, the FOC is charged with supervising and facilitating parents' visitation and access to their children. This includes providing functions such as mediation, supervised visitation, custody and child support enforcement, and parenting time compliance.

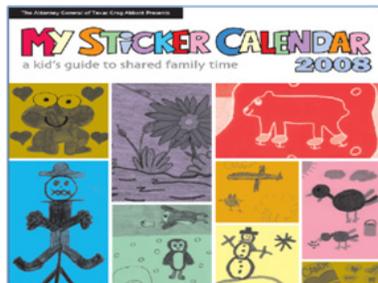
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Michigan provides a Parenting Time Guideline manual that offers suggestions and recommendations for use by FOC staff and parents to address issues relevant to the most common parenting time arrangements.<sup>6</sup> With the help of the FOC, parents can also file motions and schedule hearings to address parenting time concerns. To assist in performing these functions, Michigan provides extensive domestic violence screening and training<sup>7</sup> to its staff to ensure that these issues will be appropriately identified and addressed.

#### Texas

Perhaps the most standardized, statewide program incorporating parenting time agreements into child support orders is in Texas. Pursuant to Texas Family Code, parenting time arrangements are currently established in initial child support orders, so parents with a child support order also receive a parenting time order called a “possession order.” Texas has a special protocol for cases in which there are allegations of family violence, as those cases are decided judicially rather than administratively. In collaboration with domestic violence advocates, the Texas child support program has strong domestic violence safeguards to ensure that domestic violence victims can safely establish child support and parenting time orders. This includes a website dedicated to getting child support safely, and a statewide child support domestic violence training initiative.<sup>8</sup> Texas provides many opportunities to assist parents on shared parenting, including a nationally-recognized hotline<sup>9</sup> in which attorneys provide free legal information and assistance related to parenting time and child support, a sticker calendar that helps children and parents plan their schedules,<sup>10</sup> and a bilingual website<sup>11</sup> for parents.

Some programs that include parenting time agreements in child support orders are operated at the county or local level, rather than statewide. Below are examples of local programs.



#### California, Orange County

California has a statewide Family Law Facilitator Program that offers free legal assistance to self-represented litigants in family court.<sup>12</sup> In Orange County, the Office of the Family Law Facilitator may assist parents with parenting time.<sup>13</sup> The Family Law Facilitator provides general legal information to customers and individualized help with court forms and legal filings. Although the attorneys do not provide direct representation, the office has information on parenting time and child support and may also provide legal referrals.

#### Minnesota, Hennepin County

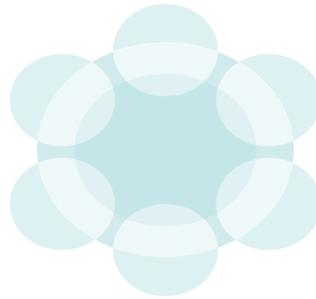
Hennepin County operates a specialized “Co-Parent” court that establishes paternity, support, and parenting time.<sup>14</sup> Hennepin County’s Child Support Enforcement Division is a partner in this court, and the parenting plans ultimately become part of the court order.<sup>15</sup> Domestic violence organizations are also partners in the specialized court and domestic violence advocates are present at every



court hearing.<sup>16</sup> The court requires parents to attend parenting education workshops and provides individual case management and mediation services.

In addition to the programs described above, a few state or county child support agencies help coordinate parenting time orders, often through programs with specific eligibility criteria as in several counties in South Carolina, Connecticut, Hawaii, Ohio, and certain judicial districts in Tennessee. In other states, such as North Dakota, the child support program provides parents with online information regarding parenting time.<sup>17</sup> Other states provide referrals to legal service providers or provide information about legal assistance with parenting time issues.<sup>18</sup>

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## References

- <sup>1</sup> The U.S. Census Bureau report, Custodial Mothers and Fathers and Their Child Support: 2009 (published Dec. 2011), available at: <http://www.census.gov/prod/2011pubs/p60-240.pdf>.
- <sup>2</sup> The HHS Office of Inspector General report, Effectiveness of Access and Visitation Grant Programs, OEI-05-02-00300 (2002), available at: <http://oig.hhs.gov/oei/reports/oei-05-02-00300.pdf>. This study found that both visitation and child support compliance increased among noncustodial parents who participated in mediation programs in four states. The study estimated that monthly child support payments went up by \$56 per case after receiving mediation services. Another study reported that one-third to one-half of noncustodial parents in different types of access and visitation programs reported that parent-child contact increased following program participation. The Center for Policy Research report, Child Support and Visitation Programs: Participant Outcomes, available at: <http://www.acf.hhs.gov/programs/css/resource/report-on-child-access-and-visitation-programs-participant-outcomes>
- <sup>3</sup> Parenting time commonly refers to the court-ordered amount of time a child spends with each parent.
- <sup>4</sup> “Parenting Time Opportunities for Children Discretionary Grants” OCSE Fact Sheet
- <sup>5</sup> Under current law, states may not use their IV-D funds to pay for parenting time services.
- <sup>6</sup> [http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/focb/pt\\_gdlns.pdf](http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/focb/pt_gdlns.pdf)
- <sup>7</sup> <http://courts.mi.gov/education/mji/Publications/Documents/FOC-DV.pdf>
- <sup>8</sup> <http://www.tcfv.org/resources/get-child-support-safely>
- <sup>9</sup> <https://www.oag.state.tx.us/cs/access/>
- <sup>10</sup> [https://www.oag.state.tx.us/AG\\_Publications/pdfs/calendar\\_visitation\\_web.pdf](https://www.oag.state.tx.us/AG_Publications/pdfs/calendar_visitation_web.pdf)
- <sup>11</sup> <http://www.lanwt.org/txaccess/>
- <sup>12</sup> <http://www.courts.ca.gov/selfhelp-facilitators.htm>
- <sup>13</sup> <http://www.occourts.org/directory/family/facilitator.html>
- <sup>14</sup> <http://co-parentcourt.org/>
- <sup>15</sup> [http://co-parentcourt.org/vertical/sites/{EE8EBA77-CE3F-47D9-B208-CC6DB2DA3187}/uploads/CPC\\_Parenting\\_Plan\\_Template\\_2012.pdf](http://co-parentcourt.org/vertical/sites/{EE8EBA77-CE3F-47D9-B208-CC6DB2DA3187}/uploads/CPC_Parenting_Plan_Template_2012.pdf)
- <sup>16</sup> [http://co-parentcourt.org/index.asp?Type=B\\_PR&SEC={96EAAD20-B0D0-4D0E-AC5F-BD5D4798E4D3}](http://co-parentcourt.org/index.asp?Type=B_PR&SEC={96EAAD20-B0D0-4D0E-AC5F-BD5D4798E4D3})
- <sup>17</sup> <http://www.nd.gov/dhs/services/childsupport/parents/visitation/>
- <sup>18</sup> <http://www.acf.hhs.gov/programs/css/resource/access-to-justice-innovations>

