



To: Barbara Lacina, Michael Hayes
From: Jessica Pearson, Ph.D. Center for Policy Research

Date: August 2013*

RE: Research Briefing for Child Support Program and Parenting Time Orders: Research, Practice & Partnership Project

Description:

This is the research brief prepared by the Center for Policy Research under Contract No. GS10F04165/HHSSP233201100400G with the Office of Child Support Enforcement, U.S. Department of Health and Human Services.

The report and briefing presents the views and opinions of the Contractors and does not necessarily represent the views, positions, nor policies of the Department of Health and Human Services or its agencies.

Under the contract, the Contractor shall prepare a research brief to the COTR describing the policy implications gleaned from this study, identifying implementation questions and alternatives related to the FY2012 legislative proposal, analyzing current practices in family violence safeguards, and providing expertise on next steps for identifying and developing family violence safeguards that need to be included in processes to establish parenting time orders. If requested by the COTR, the Contractor shall revise the memo until it is approved as final. The target audience for this memo is federal policy makers, particularly OCSE staff and leadership.

- Updated in August 2015



In September 2014, Congress enacted the Preventing Sex Trafficking and Strengthening Families Act, which includes a Sense of Congress Provision (Section 303) that establishes the incorporation of parenting time with strong family violence safeguards in new child support orders as an “important goal.” This represents a nonbinding statement of Congressional support for the Obama administration’s 2012-2015 budget proposals, the most recent of which called for an allocation of \$448 million over 10 years to require all “states to establish access and visitation responsibilities in all initial child support orders, just as custody arrangements are typically settled at the same time divorces are finalized.” Unlike the Obama budget proposal, Public Law 113-183 keeps the establishment of parenting time a voluntary activity with no new funding but urges states to coordinate with their State Access and Visitation grant programs and use child support incentive funds among other existing resources.

Both the new law and President Obama’s budget proposals reflect the fact that parents of children born out of wedlock typically receive child support orders that do not simultaneously address parenting time. As a result, 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 receive parenting time with their children.

Although child support and parenting time are legally distinct issues, they are, as a practical matter, connected:

- Thirty-six states have child support guidelines that consider the amount of time that a child spends with the noncustodial parent in the calculation of a child support order level;
- Research shows that parents with legal visitation pay more support, as do those who get help

establishing parenting time orders and addressing their visitation problems;

- Research shows that the receipt of child support is beneficial for children in single-parent homes; and
- Research shows that absent intimate partner violence intimate partner violence father-child contact is beneficial to child well-being.

There is also strong evidence that intimate partner violence is particularly high for low-income populations, many of whom are likely to be among the unmarried parents served by the child support agency, and couples who have experienced intimate partner violence require individualistic approaches to developing safe parenting plans. As a result, the president’s budget initiative also mandates that states implement intimate partner violence safeguards as they address parenting time.

OCSE has funded demonstration and evaluation projects and grants in the area of parenting, an initial set of projects in 2002 and the most recent Parenting Time Opportunities for Children (PTOC) grants in 2012. PTOC is operating in 5 jurisdictions and represents the most ambitious child support led parenting time initiative to date. Additionally, some states use funding available through the State Access and Visitation Program to support parenting time services for unmarried parents in the child support program. However, only a handful of jurisdictions have mechanisms to incorporate parenting time

“It’s hard to imagine not addressing parenting time. You have these young couples who come in and they are concerned with all of the small details and they have no parenting plan in place. They need a structured parenting plan where parenting time is outlined, not where it just says reasonable. The details need to be spelled out.”

– Supervised Parenting Time Provider, Oakland County, Michigan



agreements into initial child support orders routinely, and most of these programs have been small-scale rather than large, statewide initiatives. To generate more informed activity in this area, OCSE contracted with the Center for Policy Research (CPR) of Denver, Colorado, to conduct an assessment of child support orders and parenting time activities. . The purpose of the assessment was to:

- Synthesize relevant research on access and visitation, family violence, and child support;
- Identify and describe promising state access and visitation practices that have the potential to serve as alternative models for establishing parenting time orders for the child support population;
- Document how family violence safeguards are addressed in alternative approaches; and
- Convene experts in domestic violence, child support, and parenting time to discuss family violence safeguards, screening models, and other ways to keep parents and children safe while developing parenting plans for the child support population.

To identify ways child support agencies incorporate parenting time agreements into initial child support orders, CPR pursued the following strategies:

- Telephone conversations with administrators of State Access and Visitation Grant Programs;
- Review of child support websites for 20 states and jurisdictions for mention of parenting time or visitation; and
- Solicitation of site examples and

“Addressing parenting time is critical. The noncustodial parent is more likely to pay child support if he sees his children. Paying child support creates other positive outcomes, such as improved emotional outcomes for children.”

– Director of the Fatherhood Initiative,
Cuyahoga County, Ohio

recommendations at a session that CPR organized on parenting time in child support cases at the Mid-Year Policy Forum for the National Child Support Enforcement Association on February 10, 2012.

With input from OCSE, CPR conducted site visits to five jurisdictions that address the establishment of parenting time using different approaches. Each two-day site visit involved interviews and focus groups with a wide range of child support, parenting time, and domestic violence professionals. Site visits were conducted in:

- The State of Texas;
- The State of Oregon;
- Cuyahoga County, Ohio;
- Oakland County, Michigan; and
- DuPage County, Illinois.

The following highlights the approaches that these jurisdictions use to establish parenting time in new child support orders and address intimate partner violence.

Standard Parenting Time Presumption

Standard visitation presumptions are used in Texas and some Michigan counties. Standard visitation presumptions provide a predictable baseline for parenting time, much like child support guidelines provide a predictable baseline for calculating child support, with the standard plan spelling out how the child’s time will be divided between each parent during regular, vacation, and holiday time periods. They are used automatically in the absence of an alternative plan developed by the parents or the court.

The benefits of implementing standard visitation presumptions are that they:

- May be implemented at the state level with legislation (as in Texas) or the local/county level with a local rule (similar to the counties in



Michigan).

- Assist a 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 (OAG) and many of the 40,000 divorce decrees issued by the court each year.
- Do not require parents to pursue a separate legal action or pay a filing fee because the visitation provision is part of the child support order.
- Are not perceived by judges to add to their work.
- Give parents a useful blueprint for parenting time versus having to develop a visitation agreement from scratch.
- Establish regular contact with both parents as the norm.
- Do not interfere with parents' regular, agreed upon parenting time arrangement unless there is a disagreement.
- Help noncustodial parents feel as though child support cares about their rights and something other than money.
- Can include safety informed parenting arrangements and enhance safety by spelling out visitation expectations and not leaving it up to the parties to figure it out informally on their

“There are issues with addressing parenting time in court and child support offices, but [having parents] coming up with informal arrangements at home on their own is worse.”

– Domestic Violence Advocate in Texas

“The standard possession order is a good starting place. The families that get along do what they want, but it helps them plan. For people who don't get along, it sets rules and gets the stress out of the situation. It is one less fight It is whatever you agree to, but failing agreement, this is what it is going to be.”

– Judge in Texas

own, with the possibility of a batterer dictating the terms.

The main limitations of standard parenting time presumptions are:

- The potential for it to be a one-size-fits-all approach if parents do not receive adequate information about and opportunities to request alternatives to the standard order.
- There is a lack of a routine enforcement mechanism.
- Some jurisdictions that handle child support orders in a purely administrative fashion might not have the authority to include a visitation schedule as part of the child support order under their current statutes or court rules.
- There are challenges to ensuring that victims of intimate partner violence are able to make well-informed decisions about disclosure and receive safe parenting time orders.

States and counties that use standard parenting time presumptions typically approach intimate partner violence by informing parents about intimate partner violence at multiple points of application and case processing and providing parents with multiple opportunities to disclose safety concerns. In some jurisdictions the standard order presumption is rebutted by intimate partner violence disclosure and the court must address safety concerns in a parenting time order or may deny parenting time to the alleged batterer.

Some key considerations about using universal notification procedures and inviting parents to disclose intimate partner violence in the course of developing parenting plans include:

- Universal notification, with multiple opportunities to disclose is considered the only realistic way to provide protections to survivors of intimate partner violence in parenting time



programs that are very large scale, brief, and/or are supplemented by self-help approaches.

- There is little research on the relative effectiveness of using universal notification for detecting intimate partner violence.
- Universal notification approaches are most effective when staff members in the child support agency and the court are trained about intimate partner violence and given clear policy and administrative guidance to provide safety informed responses.

“Screening for lethality is complicated and not feasible in our system. We would rather create spaces for people to disclose. Create a place where it is safe and relevant to disclose. We don’t want child support staff to focus on doing a risk assessment or to label people. We are not about labeling. We have been pushing for universal information in all systems. There is no foolproof screening tool.”

– Domestic Violence Advocate
in Texas on IPV screening

In families with intimate partner violence, child support staff members, attorneys, and judges can work with parents to create a safety-focused parenting time plan. Safety measures that may be included in the parenting plan are the gradual introduction of parent into life of child (*i.e.*, begin with supervised visits, then slowly build to non-supervised visits, and eventually involve overnights with the noncustodial parent), supervised exchanges or public exchanges to avoid parent interaction, supervised visits, abstention from alcohol and controlled substances by the visiting parent, participation in a battering intervention and prevention program, and no contact with the child.

Jurisdictions can strengthen their approach to intimate partner violence by partnering with domestic violence advocacy organizations. For

example, the Texas Office of the Attorney General contracts with the Texas Council on Family Violence (TCFV) to review its policies and procedures so that they address family violence, assist with developing online and printed materials for parents dealing with intimate partner violence, and help to create and implement a mandatory four-hour interactive training curriculum on family violence for all child support staff, mandatory refresher training, and seven hours of intimate partner violence legal practice training for all child support attorneys.

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. Oregon has developed fill-in-the-blank parenting plans that are available online and can be downloaded, completed, and filed with the court along with required legal forms. To make them more accessible and user friendly, they will soon be turned into an interactive format. Oregon offers parents templates for numerous plan options including basic schedules for children in various age ranges and 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. Texas offers parents a statewide telephone hotline on access and visitation that is staffed by attorneys who offer callers information and guidance in a general, anonymous fashion.

Sites may want to use self-help resources because they:

- Serve large numbers of parents with minimal cost and delay to the child support system and the courts. Self-help initiatives require low staffing levels at both the initial and ongoing stages.



- Produce detailed and customized parenting plans for parents who work through the schedule and complete the plan on their own with some guidance.

The drawbacks to relying on these approaches to address parenting time are endemic to all self-help interventions:

- Low usage rates. Parents must access and use these resources on their own and few actually do.
- States or local jurisdictions must outreach to parents about these services so that they know they are available.
- Self-help resources can be complex and turning them into court orders involves extra paperwork and filing fees. Because these interventions are designed to be comprehensive and individualized, they can be lengthy and complicated and typically require parents to go online and download and manipulate parenting plans or other forms that they must complete and file with the court on their own.

Parents must self-identify any issues with intimate partner violence and independently choose to take advantage of safety-focused plans or enhancements. It is assumed that parents with intimate partner violence issues will select the safety-focused tools or opt not to develop a parenting plan altogether. No one at the court or the child support agency is available

“I have never seen a parent come in with one of the online parenting plans.”

– Veteran Oregon Child Support Worker

Oregon’s online parenting plans are “a great tool and resource for ideas to develop a parenting plan, especially for those who don’t know where to start and all of the issues that they need to think of.”

– Family Court Staff Member, Multnomah County

to review options with parents. If parents want a parenting plan, they must choose a suitable plan with either regular parent/child access or a plan that calls for heightened attention to safety. On their own, they must pursue a legal filing (and pay a filing fee) to obtain a legally enforceable parenting time order. As with all safety-focused plans, parents may face challenges in trying to find and use supervised visitation and/or supervised exchange services that are affordable and accessible.

Mediation and Facilitation

A few 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.

Some benefits of mediation or facilitation include:

- Plans are customized to each family’s situation. Mediators and facilitators sit down with the parents and try to develop a plan that works for their family.
- Parents understand plans better with a third-party explanation. Ambiguities that might be the source of future problems can be identified and corrected before the plan

“This is a chance for the parents to work together and go through the process of working through an issue together.

Hopefully they can take what they learn in mediation and apply it to the next time they have a disagreement about parenting.”

– DuPage County, Illinois Mediator



goes into effect. The mediator can also help to ensure that both parents have a common understanding of the terms of the agreement.

- Most parents who attempt mediation/facilitations are successful in producing a parenting plan, with agreement rates from 69 to 81 percent and many reaching agreement in a single, brief session.
- Parenting plans developed through mediation or facilitation result in high levels of parent-child contact and increased rates of child support payments.
- Depending on the jurisdiction, the parenting plan can be combined with the child support order and filed without a separate filing fee. Alternatively, it requires a separate motion for visitation and a filing fee.

“Even though we spend time on parenting plans, I think we save time on the child support side.”

– Friend of the Court Referee, Oakland County, Michigan

The shortcomings of using mediation or facilitation include:

- Mediation and facilitation can be expensive, ranging from \$400 to \$580 per case in DuPage County, Illinois and Missouri. However, there are ways to reduce the cost, such as leveraging new initiatives to serve the child support population with the Access and Visitation Grant Programs, using contract mediators who do the mediations at either the court or child support offices to reduce overhead, or using trained facilitators rather than mediators.
- The identification of parents who want and need parenting time help can be challenging. The number of parents referred to mediation often depends on the focused efforts of child support workers, child support attorneys, and judges, most of whom work in an environment

that prohibits addressing visitation due to funding restrictions.

- Some parents do not follow through if they are referred to mediation or refuse to participate, with some studies showing that this is the case for approximately a third of custodial and noncustodial parents, respectively.
- Mediation can become a lengthy process, and some parents do not return for subsequent sessions.
- Existing court and community-based mediation programs are typically over-subscribed and under-funded, which are impediments to adding and responsibly serving a large, new population, namely never-married parents in the child support program.

To address intimate partner violence, mediators and facilitators actively screen for safety and intimate partner violence in every case. Before bringing parents together, mediators meet with each parent individually to discuss safety and determine whether to move forward with mediation. If there is a safety concern, the mediators may proceed and mediate the case with attention to safety. Mediating with safety may include conducting the mediation with the parents in separate rooms or using telephonic methods. In all cases, the mediators are continually observing how the parents work together and looking for power imbalances or intimidation by one parent. Mediators can stop the session at any time if it appears that either parent is trying to intimidate the other. Because mediation is a voluntary process for both parents, a survivor of intimate partner violence can choose not to mediate and/or not to reach an agreement about visitation.

Mediated or facilitated parenting plans can also take safety into account. They can include provisions for supervised visits, neutral exchanges, and/or step visitation plans (*i.e.*, start with limited, supervised visits, move towards unsupervised visits, and gradually introduce overnight visits). In DuPage



County, the Family Center may administer breathalyzer tests before and after parenting time, per court order.

As with all court populations, some considerations of screening for intimate partner violence and conducting a mediation or facilitation with attention to safety for child support clients include:

- A survivor of intimate partner violence can choose not to mediate or they can mediate and choose not to reach an agreement.
- Mediated or facilitated parenting plans can also take safety into account through the use of supervised visits, neutral exchanges, and step visitation plans. However, there is no systematic research that examines the long-term impact of various parenting time arrangements on victim safety and other parenting outcomes. Nor has research examined parent-child contact patterns and safety outcomes for never-married parents who lack any parenting time plan.
- Supervised visitation and neutral exchange services may require a court order to activate and can be expensive, unavailable or inaccessible in many geographical settings, require trips back to court to modify or suspend the order, and do not protect against all types of intimate partner violence (*e.g.*, emotional abuse

and control issues).

- Screening for intimate partner violence is complicated. 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 intimate partner violence 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).
- The screening process is far from perfect. There are few practical instruments available for use in court and child support agency settings, especially with large numbers of clients, and long-term outcomes have not been examined.

Comprehensive Services

To date, there have been very few attempts at offering comprehensive parenting time services to parents. One example of this approach is the Hennepin County, Minnesota Co-Parent Court, which offered comprehensive services to never-married parents who had a court case dealing with child support and paternity establishment. The intervention included 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. This is an approach that was begun in Hennepin County on a pilot basis with foundation and federal support. Although it was supported by Hennepin County after grant funding ended, it was subsequently dropped due to underutilization when participation was made totally voluntary. 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,

“Specify the exact times and dates, offer repercussions if the orders are not followed, and enforce these repercussions. You can also arrange parenting time so that parents never have to meet, do drop offs and pick-ups at school. You can structure your orders in ways that mitigate the risks. In a domestic violence case, you never ever do a reasonable order. You need it to be specific. The court needs to dictate what the order should be otherwise the batterer will dictate it.”

– State of Michigan
Domestic Violence Advocate



parenting skills development, drug treatment, GED, and other proactive services in paternity and new child support cases.

Benefits to offering these types of services to parents include:

- Comprehensive programs enjoy high levels of user satisfaction.
- Comprehensive programs emphasize co-parenting and engaging both parents in raising their children in a cooperative manner, typically with a parent education component that focuses on co-parenting and establishing a working relationship with the other parent.
- Holistic programs are effective in producing parenting plans. In the Co-Parent Court, two-thirds of those that try to create a parenting plan are able to reach an agreement.
- Once enrolled, many parents participate in multi-session service programs for an extended period of time and complete the prescribed treatment menu.
- Many parents in comprehensive services rate the assistance with parenting time as the most useful service that they received.

The challenges to offering comprehensive services to parents include:

- Comprehensive, multi-service programs are costly, serve only a few families, and rely heavily on short-term grant funding.
- Comprehensive multi-session programs experience challenges recruiting parents who are willing to enroll and high levels of upfront attrition, especially when participation is totally voluntary.
- A holistic program must build a strong network of community-based referrals so that parents can receive needed assistance.

Programs offering comprehensive services to

“The Chance to Take Charge of Your Family’s Future. Put your voice in action and have a say when it comes to parenting time, custody issues, and child support. Co-Parent Court will help you work with the other parent in a way that puts the focus on your child. You can create a parenting plan that is *individualized* for your family with more support and less conflict than the traditional court process.

The Tools for Success Co-Parenting. Children do best when their parents work together. Co-Parent Court will help each parent understand the important roles both mothers and fathers play in the life of a child. Co-Parent Court will help you create the right parenting plan for your family.”

– Hennepin County, Minnesota
Co-Parenting Court Brochure

parents often use intensive screening and assessment tools for all types of problems and safety needs, including intimate partner violence. They often have a strong network of partners to whom they can refer intimate partner violence survivors. To date, 5 percent of enrollees in the Hennepin County Co-Parent Court have been referred to domestic violence services. The Genesee County project screened for domestic violence and would not serve families where there was a history or indication of intimate partner violence.

Policy Implications

- Unmarried parents in the child support system need help with parenting time. In most jurisdictions, these parents do not get assistance developing parenting plans on a routine basis.
- In the absence of intimate partner violence, parenting time is an important benefit for



unmarried parents and children in the child support system.

- Failing to address parenting time may present opportunities for parental conflict and intimate partner violence since it means that parenting time may be negotiated by parents on the doorstep without any third-party assistance or legal protections. Every approach to establishing parenting time has its strengths and limitations and risks for intimate partner violence. Jurisdictions need to be exposed to and educated on different strategies and resources so that they can make their own decisions based on their parenting time resources and child support system.
- Strong, ongoing partnerships with intimate partner violence experts and community intimate partner violence programs is a critical requirement for developing sound parenting time policies and programs. Other needed intimate partner violence interventions include communicating with parents about intimate partner violence, training child support professionals and court personnel, and developing relevant services and training.
- Parenting time interventions for unmarried parents in the child support system should be coordinated with existing AV grant funds and programs to leverage the resources of both and to respond to the Sense of Congress provision in the 2014 Preventing Sex Trafficking and Strengthening Families Act.
- Child support agencies, courts, and parenting time services all need to be better resourced to address the parenting time needs of the child support population in a responsible manner.
- Any discussion of parenting time policy should consider a broad range of issues including accessibility to the unmarried child support population, ease of use, understandability, cost, time factors, as well as intimate partner violence.

Recommended Next Steps

More guidance on how to address IPV in family law interventions comes from a number of conferences and meetings that have brought together leaders, advocates, and researchers:

- Reaching Common Ground, led by the National Women’s Law Center and the Center on Fathers, Families and Public Policy in 1999;
 - The Wingspread Conference on Domestic Violence and the Family Courts, a 2007 initiative led by the National Council of Juvenile and Family Court Judges and the Association of Family and Conciliation Courts;
 - Building Bridges, a 2005 conference led by the National Healthy Marriage Resource Center (NHMRC) and the National Resource Center on Domestic Violence (NRC DV); and
 - Toward a Common Understanding, a 2009 conference sponsored by the NHMRC and NRC DV.
- The results of the Parenting Time Orders project and the approaches identified in the study should be widely disseminated to child support audiences and practitioners and policy makers that specialize in family courts, intimate partner violence, parenting time, fatherhood, and the support of low-income families. This should include articles in relevant publications, presentations at relevant conferences, and providing links to the project publications on relevant websites.
 - New research should be conducted on the longer-term experiences of unmarried families with parenting time orders. This may include comparing those with and without parenting time plans, those with and without intimate partner violence histories, and those who used different approaches to establish parenting time.



- Technical assistance should be provided to interested states and local jurisdictions to help them develop responsive approaches to parenting time for unmarried parents. The technical assistance may include identifying and convening relevant partners; engaging service providers and experts on intimate partner violence, fatherhood, and family law; exploring alternative parenting time approaches; creating needed materials; and exploring funding opportunities.
- States and local jurisdictions should examine their AV grant programs to determine how they might facilitate the establishment of parenting time in new child support orders, a Congressional aspiration that is articulated in the Preventing Sex Trafficking and Strengthening Families Act.
- Opportunities should be explored to build on existing research and demonstration projects funded by OCSE (*e.g.*, the Child Support Employment Demonstration and the Parenting Time Opportunities for Children pilot project) in order to generate cross-site information on parenting time approaches; levels of use by child support families; and outcomes dealing with intimate partner violence, parent-child contact, child support payment, and user satisfaction.