

3 Attitudes to the broad principles of the Scheme

As explained in Chapter 1, the Australian Child Support Scheme has several core objectives – that children of separated parents receive adequate financial support; that both parents contribute to this support according to their respective capacities to do so; and that government expenditure is restricted to the minimum necessary to attain these objectives (Joint Select Committee 1994). To what extent are these objectives consistent with public attitudes in Australia?

This chapter explores this question, and comprises five parts: (1) general awareness and perceptions of the Scheme; and views about (2) the public-private compact; (3) income, capacity to pay, and the costs of children; (4) age of children; and (5) non-compliance.

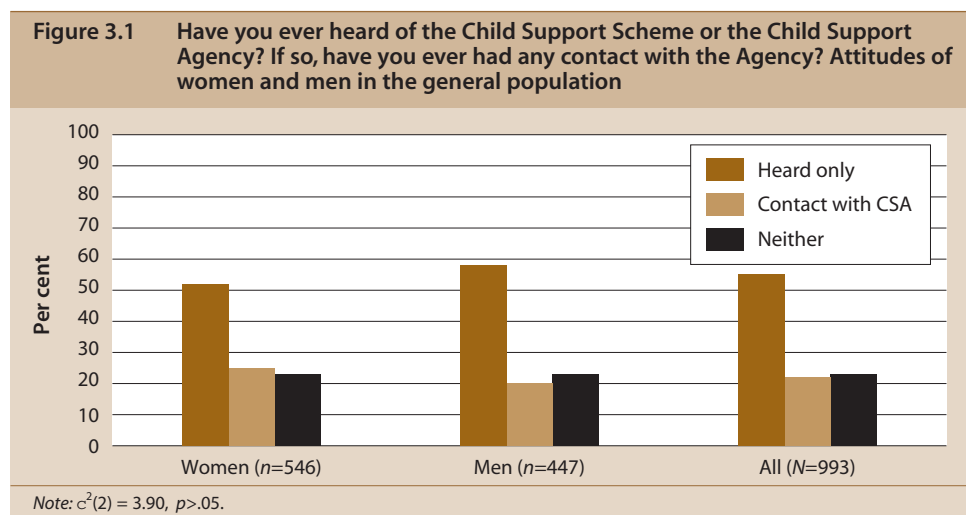
The precise wording of each survey question is presented as the title for each figure or table.

General awareness and perceptions

The first set of findings in this section focuses on the *total* sample from the general population. In addition to tapping whether respondents had at least heard of the Child Support Scheme (CSS) or Child Support Agency (CSA), these results identify those who had ever had contact with the Agency.²¹ The second set of results outlines separated parents' overall evaluations of how well the scheme was working, and its level of fairness to parents.

How well known is the Scheme?

Figure 3.1 depicts the patterns of responses for women and men in the general population about their awareness of the Scheme, and contact with the Agency.

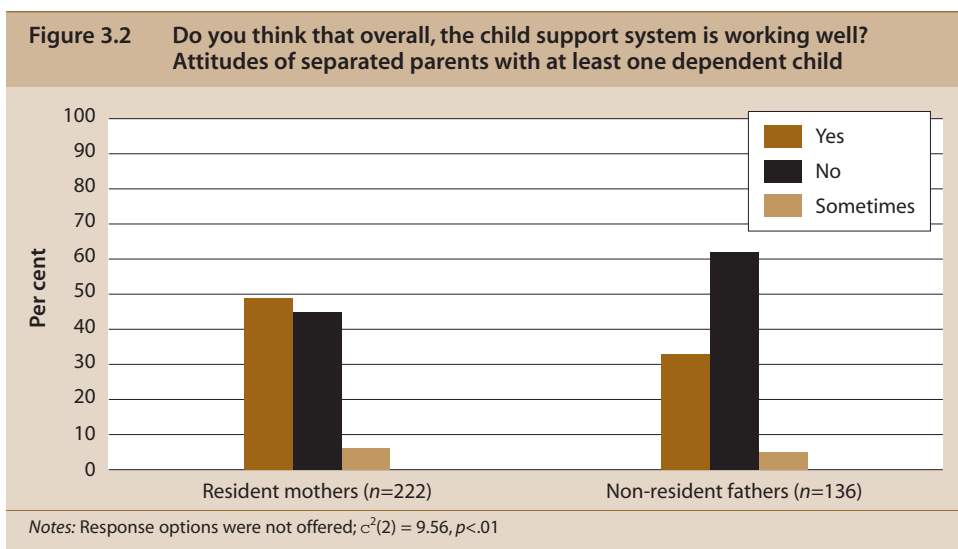


21 As noted in Chapter 2, this information, along with certain socio-demographic data, was used to identify the “non-separated” sample of women and men – two of the four key sub-groups focused on in this report.

Overall, around three-quarters (77 per cent) of respondents had heard of the Scheme: 22 per cent reported having had contact with the Agency, while 55 per cent had only heard of the Scheme. Close to one-quarter had not heard of the Scheme. Patterns of responses for women and men were similar.

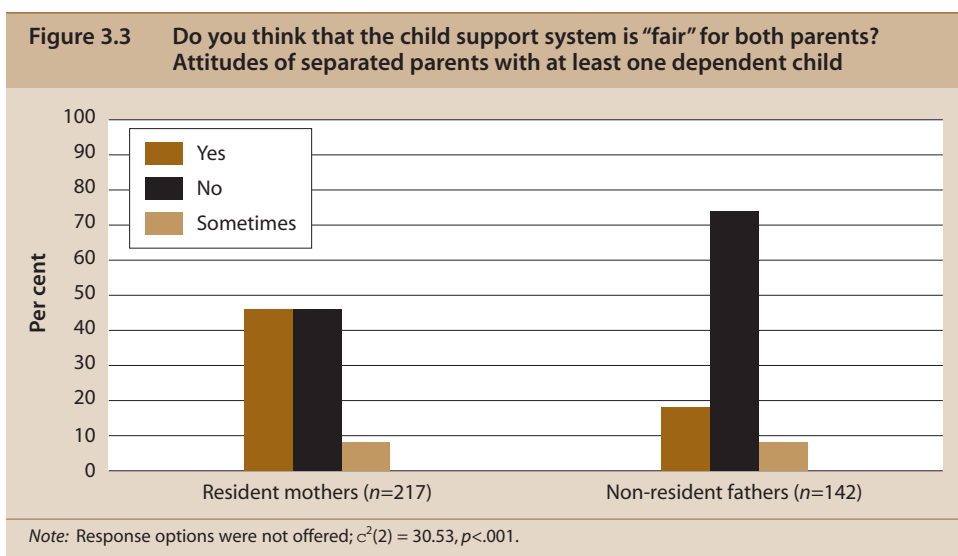
How well is the Scheme working? How fair is it?

To explore separated parents' overall evaluation of the Scheme's functioning, separated parents were first asked whether they thought the Scheme was working well. Figure 3.2 shows the pattern of responses of resident mothers and non-resident fathers.



Most non-resident fathers (62 per cent) maintained that the Scheme was *not* working well while one-third believed that it was. Resident mothers, on the other hand, were fairly evenly divided on this issue.

Separated parents were next asked whether they thought the Scheme was fair to both parents. Their responses are summarised in Figure 3.3. Around three-quarters of non-resident fathers believed that the Scheme was *not* fair to both parents, while 18 per cent said that it was fair. By contrast, the same proportion of resident



mothers claimed it was or was not fair (46 per cent). Another 8 per cent of these women and men volunteered that it was “sometimes” fair.

The extent to which there are systematic differences between these groups in the breadth of their focus (self only, parents in a similar situation, or all separated parents) is unclear. Resident mothers and non-resident fathers may have had different things in mind in their assessment of “fairness”.

In summary, although non-resident fathers tended to believe that the Scheme was not working well and/or was not fair to both parents, they were particularly likely to be negative about the issue of fairness. Resident mothers, on the other hand, tended to be evenly divided on both issues.

The public–private compact

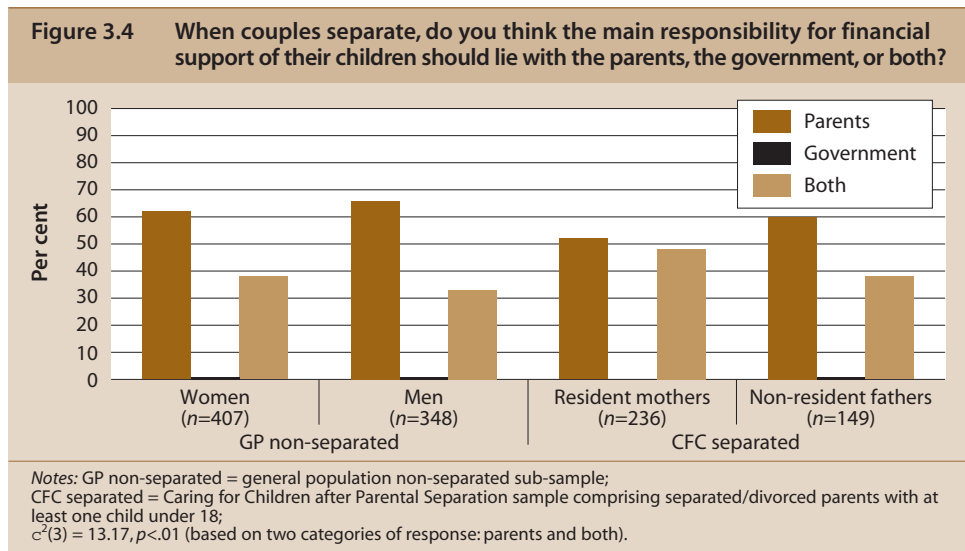
One of the key principles behind the introduction of the Child Support Scheme was that parents should support their children according to their capacity to do so, regardless of whether or not they are living with their children. That is, support should remain in the private realm as much as possible. By contrast, prior to the Scheme, much or all of the financial support that would have been provided by the main breadwinner in the family before separation (typically the father) was often taken over by government after separation – unless the resident mother had repartnered or was financially independent at the outset.

Respondents were asked three questions regarding the issue of public versus private transfers to tap their views on: the right “balance” of these transfers; how child support should be treated for mothers on government income support; and the objective of the Scheme that should be given primacy.

This and the remaining analyses focus on four groups: non-separated women and men from the general population, and resident mothers and non-resident fathers from the Caring for Children after Parental Separation sample (see Chapter 2 for a description of the derivation of these groups).

Whose responsibility: Parents, government, or both?

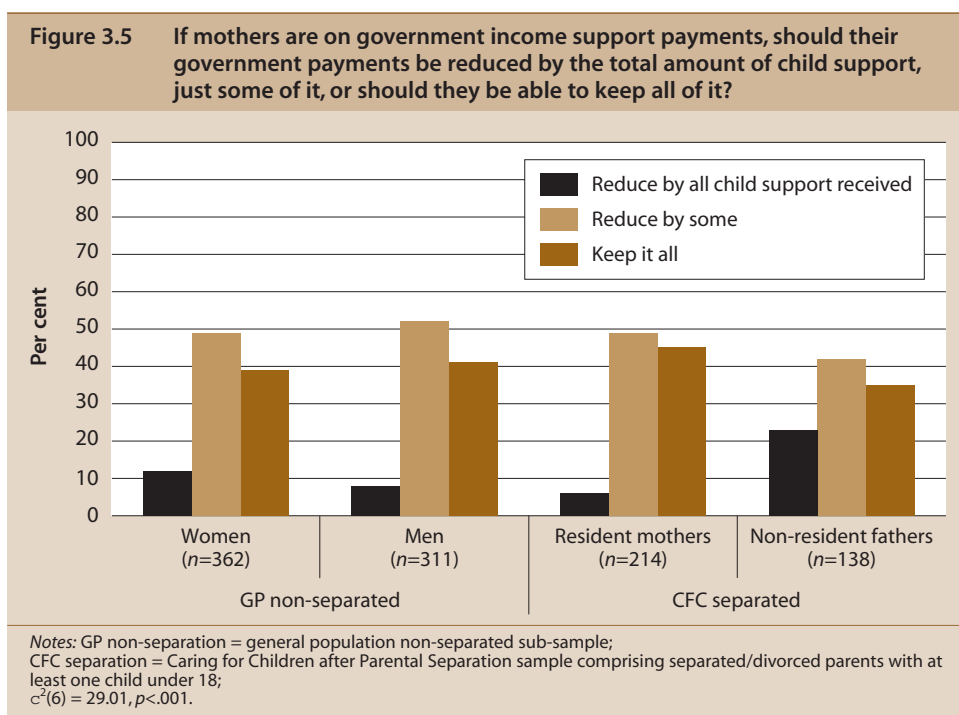
Figure 3.4 shows the views of the four groups regarding who should bear the main responsibility for financial support for children after separation – parents, government or both.



Almost no-one claimed that such responsibility should rest entirely with the government. Most non-separated women and men, and most non-resident fathers, argued that parents should retain the main responsibility for supporting their children (60–66 per cent). On the other hand, resident mothers were evenly divided in their views as to whether parents alone should assume the main responsibility or whether such responsibility should be shared between parents and the government. This dichotomy may partly result from the relatively high proportion of resident mothers in the sample on government income support (45 per cent). These mothers were less likely than mothers whose main source of income was earnings to believe that parents alone should be largely responsible for supporting their children financially (43 per cent compared with 58 per cent) (data not shown).

How much should child support affect resident mothers' benefits?

The second question relating to the public-private compact tapped views about the treatment of child support for mothers on government income support. Figure 3.5 presents the relevant responses.



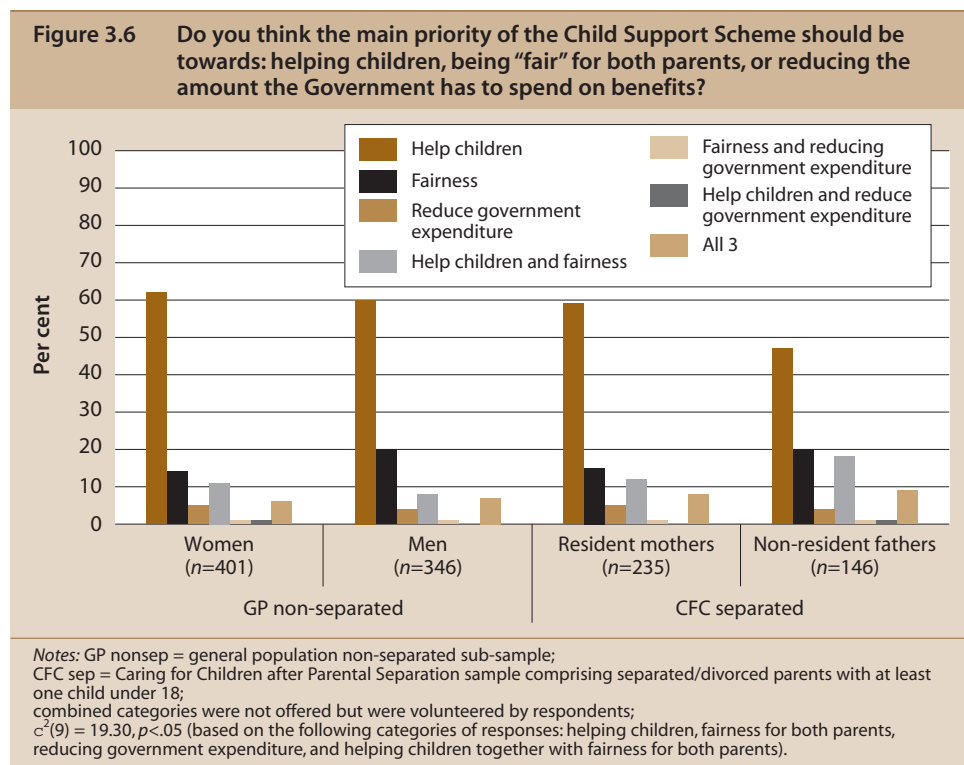
Only a minority of respondents in each group felt that government income support payments should be reduced by the total amount of child support (that is, total “clawback”). Nevertheless, this view was at least twice as likely to be expressed by non-resident fathers than by other groups (23 per cent compared with 6–12 per cent).

In other words, most respondents argued in favour of mothers keeping all or some of the government payments, with some reduction tending to be the more popular of these alternatives. The non-separated parents were the most likely to prefer “some” over “no” reduction (women: 49 per cent compared with 39 per cent; men: 52 per cent compared with 41 per cent), while resident mothers in particular tended to be evenly divided on this issue (49 per cent favoured some

reduction; 45 per cent favoured no reduction). Resident mothers on government income support did not differ markedly from those whose main source of income was earnings (data not shown).

What's the main aim of the Scheme?

The third question relevant to the “public versus private” transfers issue elicited views about whether helping children, fairness to both parents, or reducing government expenditure should be the main priority behind the Scheme (Figure 3.6).



By far the most common response to this question across all the groups was that helping children should be the main priority of the Scheme. Nevertheless, while this view was endorsed by close to 60 per cent of the non-separated groups and resident mothers, just under half the non-resident fathers (47 per cent) held this view.

Some respondents volunteered that two or all three of these options should be priorities, with helping children and fairness being the most commonly mentioned joint priorities (reported by 18 per cent of the non-resident fathers and by 8–12 per cent in the other groups).

Taken together, helping children was considered a top priority, alone or in combination with one or both other alternatives, by 75 to 80 per cent of respondents in all groups. These results support one of the key objectives of the Scheme – that meeting the children’s financial (and other) needs should be of paramount concern.

However, nearly half the non-resident fathers (48 per cent) and roughly one-third of respondents in the other three groups (32–36 per cent) emphasised fairness to parents – either alone (mentioned by 14–20 per cent in each group) or along with one or both other alternatives. The greater tendency for non-resident fathers to emphasise this issue was linked to their belief that the system was not fair in this respect. The small

group who felt the system was fair (see Figure 3.3) were no more likely than other groups to emphasise fairness to parents as a priority; however, 52 per cent of the non-resident fathers who considered the Scheme to be unfair emphasised the importance of fairness to parents (alone or in combination with other priorities) (data not shown).

It is worth noting that only 4 to 5 per cent of respondents in each group believe that the main priority should be to reduce government expenditure. Such a priority was endorsed alone or in combination with other alternatives by only 12 to 15 per cent.

In summary, most respondents endorsed the primacy of children's wellbeing in relation to child support. Compared with other groups, a higher proportion of those most likely to be directly and negatively affected by the Child Support Scheme and to see the system as unfair to both parents (that is, non-resident fathers) emphasised the need for the Scheme to be fair to both parents.

Income, capacity to pay, and the costs of children

Prior to the introduction of the Scheme, many parents received no regular financial support for their children from the non-resident parent, and payments, when they occurred, tended to be set at a low "going rate" despite the high level of judicial discretion available at the time. The Scheme was introduced to combat child poverty and burgeoning welfare costs, and to ensure that children whose parents had separated should themselves have a standard of living that reflected that of both their parents, not just the one with whom they usually lived.

Nevertheless, some non-resident parents have little if any capacity to pay child support. Indeed, a disproportionate number of relationship endings occur in the context of financial difficulties (see, for example, Bradbury and Norris 2005; Conger, Reuter and Elder 1999). Should non-resident parents on very low incomes be expected to pay any child support? Is it reasonable to apply a blanket expectation that all parents share their incomes with their children, even if these incomes are derived solely from government support?

On the other hand, if payments are determined by the non-resident parent's capacity to pay, should there be a ceiling beyond which higher earnings are not taken into account in the setting of child support? At present, there is such a ceiling (set at 2.5 times average weekly earnings for persons in Australia) – but what do separated parents and non-separated women and men think about this approach?

Again, should payments also take into account the earnings of resident parents, even though these parents provide most of the "in-kind" financial support for the children, with many experiencing opportunity costs in doing so – costs that many would have already been accumulating prior to separation? Under the present system, the income of the resident parent is taken into account when it exceeds the average weekly earnings for all employees.

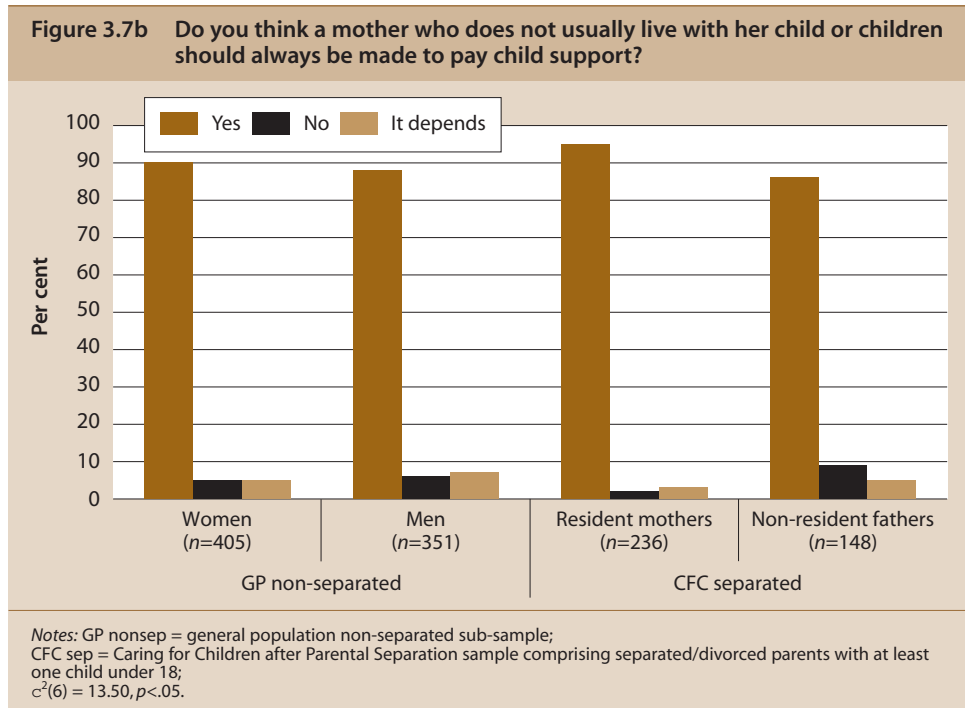
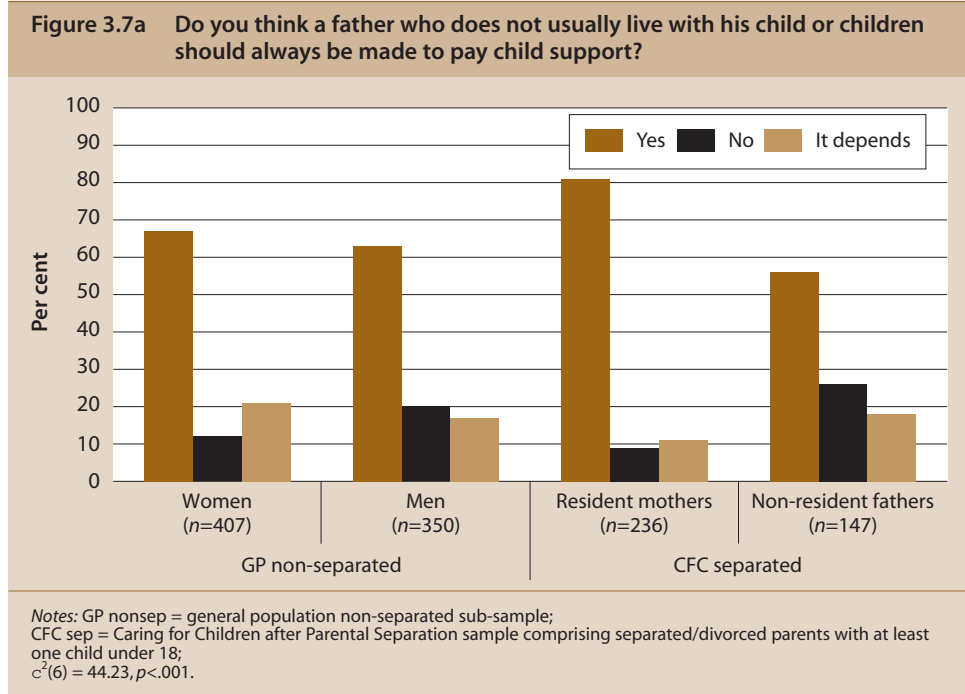
Finally, should child support payments be based on income before or after tax is taken out? At present child support payments are based on income before tax is removed, but people may feel more comfortable about a system that takes account of how much *disposable* income the non-resident parent has rather than how much the parent earns in total.²²

Respondents' views on these income-related issues are examined in this section.

22 More accurately, the Scheme is based on "taxable" income which, for the purposes of the Child Support Agency, includes rental losses, exempt foreign employment income and Reportable Fringe Benefits (Child Support Agency 2004: 3).

Should non-resident parents always pay?

Figures 3.7a and 3.7b refer to the general principle regarding whether or not non-resident parents (fathers or mothers respectively) should always be made to pay child support.



Most women and men in all groups believed that non-resident fathers and mothers should always pay child support. This view was particularly pronounced in relation to payment by non-resident mothers (86–95 per cent felt this way). In

relation to payments by non-resident fathers, resident mothers were the most likely to argue that payment should always be made (81 per cent), perhaps because some feel the full force of non-payment, while the non-resident fathers were the least likely to hold this view (56 per cent).

The two figures do not show the consistency of responses to both questions. Resident mothers were the most likely to be consistent in the answers they gave for each gender of non-resident parent (80 per cent), followed by non-separated women (68 per cent), and non-separated men (66 per cent), then non-resident fathers (60 per cent).²³ The relationship between consistency of responses and group membership was statistically significant ($p < .001$).

Nevertheless, the key finding is that the majority in all groups felt that child support should always be paid, regardless of the gender of the non-resident parent. Of those who did not endorse this view, some felt that child support should not always be paid and others volunteered that payment should depend on other factors.

The two groups of women were less likely than the two groups of men to reject the idea that child support should always be paid by non-resident fathers (9–12 per cent compared with 20–26 per cent), while only 2–9 per cent rejected the notion of universal payment by non-resident mothers.

The difference in views regarding whether non-resident mothers and fathers should always pay child support is particularly marked for non-resident fathers: 56 per cent of these respondents believed that non-resident fathers should always be made to pay, whereas 86 per cent held the view that non-resident mothers should always be made to pay (a difference of 30 percentage points).

Reasons for the apparent “backlash” against non-resident mothers remain unclear. For instance, it may relate to the tendency for non-resident mothers not to pay child support and/or to a view that mothers who relinquish the primary care of their children either voluntarily or by force are “bad” mothers.²⁴ Society expects mothers to be the main nurturers and carers of children – but not the main breadwinner.

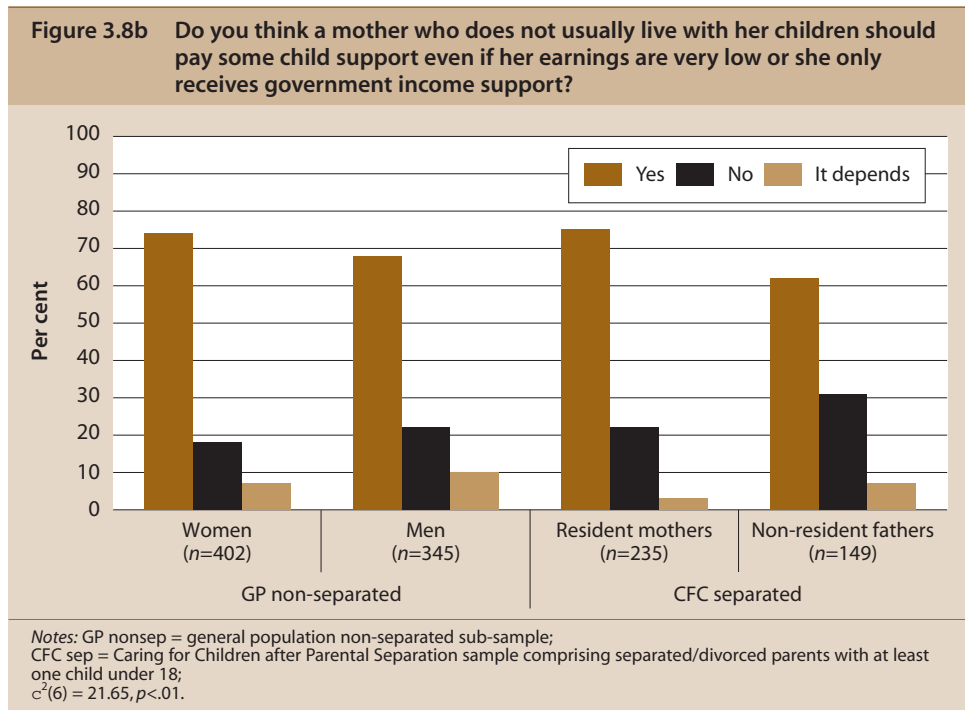
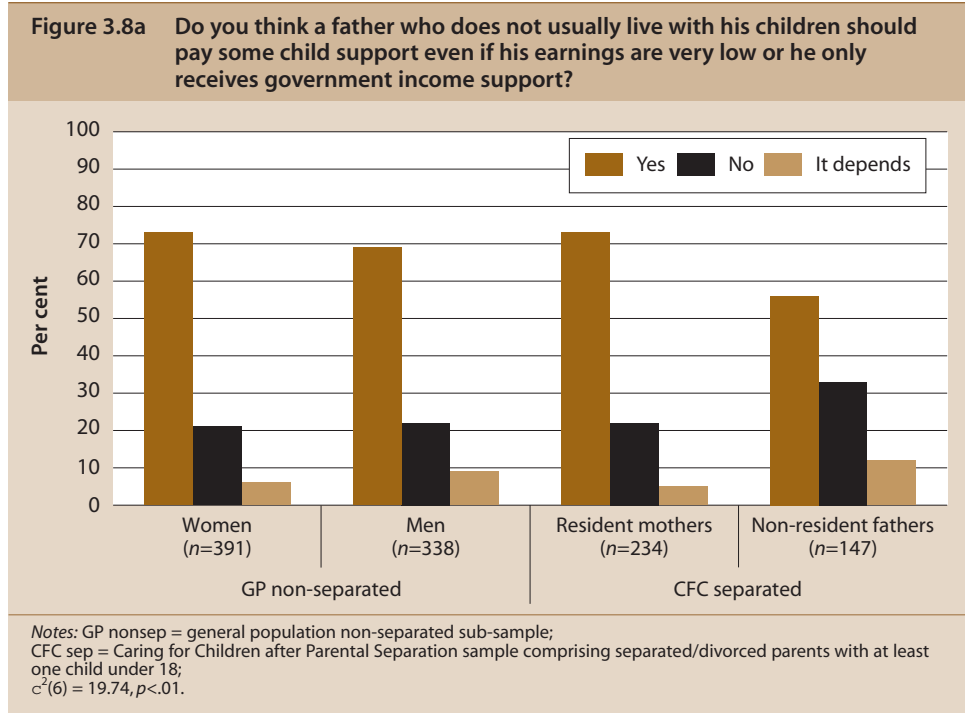
It is worth noting, however, that non-resident mothers are generally poorer than non-resident fathers, and a lack of economic resources in the first place is one of the most common reasons that mothers voluntarily give up the full-time care of their children. Many non-resident mothers believe that their children’s father is in a better position financially to raise their children (Herrerias 1995). According to the Australian Bureau of Statistics (ABS 2004), non-resident mothers are much more likely to rely on government benefits or allowances (58 per cent compared with 16 per cent in 2003) and to be lone parents (33 per cent compared with 6 per cent).

23 Of the resident mothers, 78 per cent said “yes” to both questions; less than one per cent said “no” to both questions; and 2 per cent “it depends” to both questions. The proportions of non-separated women providing the consistent response of “yes”, “no”, or “it depends” to both questions were 63 per cent, 2 per cent, and 3 per cent respectively; the proportions for non-separated men were 60 per cent, 3 per cent, and 3 per cent respectively; and the proportions for non-resident fathers were 51 per cent, 6 per cent and 2 per cent respectively.

24 According to the Caring for Children after Parental Separation study, non-resident fathers were twice as likely as non-resident mothers to pay child support.

Should non-resident parents with low incomes pay?

To what extent did the universality principle hold up when respondents were reminded of the low-incomes of some non-resident parents?²⁵ Figures 3.8a and 3.8b summarise the patterns of responses for non-resident fathers and mothers respectively.



25 Of course, some respondents who argued that non-resident parents should always be made to pay child support may have felt under pressure to exhibit consistency by also arguing that payments should be made regardless of a non-resident parent's financial circumstances.

Consistent with the previous question, most respondents in all groups maintained that non-resident mothers and fathers on low incomes should, like all other non-resident parents, pay some child support. This view was advanced by close to 60 per cent or more respondents in the four groups.

For each group taken separately, the proportions endorsing the notion that all fathers should pay, and that fathers on low income should pay, were very similar – except for resident mothers, for whom the introduction of the low-income condition led to a fall in support for the idea that all fathers should pay (from a very high level of support to one consistent with the non-separated groups).

Importantly, the apparent “backlash” against non-resident mothers dissipated when attention was directed to the possibility of a low income. Put simply, when the low-income condition was introduced, the level of support for mothers paying approximated the level of support for fathers paying.

Non-resident fathers were less inclined than the other groups to support the notion of universal payments or payment by low-income parents – be they male or female.²⁶ This may reflect some sympathy to their own circumstances.

Once again, the consistency of responses was significantly related to respondent group ($p < .01$). Resident mothers were the most consistent (89 per cent), followed by non-separated women and non-separated men (82 per cent and 79 per cent respectively), then non-resident fathers (76 per cent) (data not shown).²⁷ These levels of consistency are greater than those that occurred for the question on whether non-resident parents should always pay child support.

Should child support only reflect the basic costs of children?

While expenditure on children generally increases in unison with increases in income, it nonetheless tends to plateau at relatively high income levels (Joint Select Committee 1994). That is, the higher the income, the more discretionary is such spending. At the same time, any estimation of the basic costs of children is replete with subjectivity. For example, many of yesterday’s luxuries may be seen as today’s necessities.

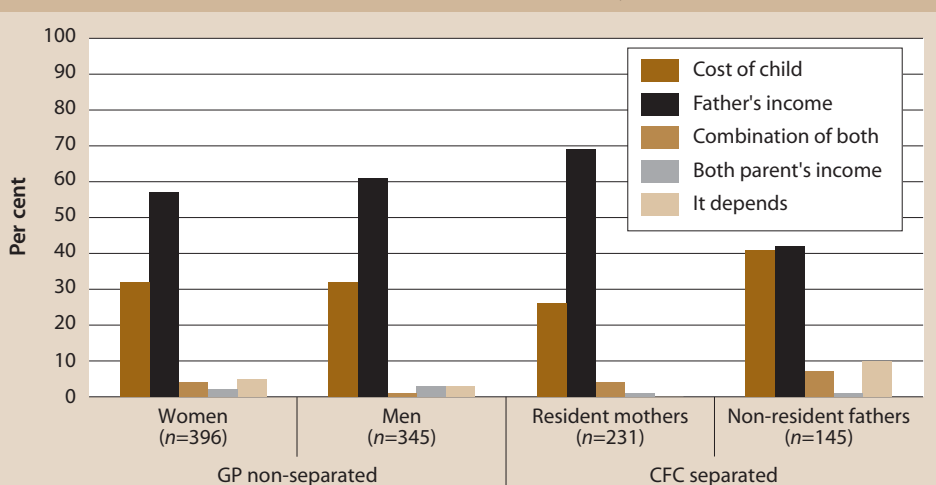
Should the child support formula be based on some estimate of the basic costs of children, or on the non-resident parent’s capacity to pay? The latter alternative (which is a key feature of the current scheme) is based on the principle that children should share in the income of both their parents. On the other hand, a formula based on meeting the basic costs of children (assuming such “costs” could ever be determined) would mean that child support payments would amount to a far greater proportion of the incomes of low- rather than high-income non-resident parents. Respondents’ views on this issue, which focused exclusively on payments by non-resident fathers, are set out in Figure 3.9.

The majority of non-separated women and men (57–61 per cent) and resident mothers (69 per cent) maintained that the level of payment should depend on the father’s income rather than the basic costs of children. However, non-resident

26 The difference between the patterns of responses of non-resident fathers and other groups was small, however, in relation to whether or not non-resident mothers should always be made to pay child support.

27 Of the resident mothers, 70 per cent said “yes” to both questions, 18 per cent said “no” to both questions, and less than 1 per cent said “it depends” to both questions. The proportions of non-separated women answering “yes”, “no” or “it depends” to both questions were 66 per cent, 13 per cent, and 3 per cent respectively; the proportions for non-separated men were 60 per cent, 16 per cent, and 4 per cent respectively; and the proportions for non-resident fathers were 49 per cent, 24 per cent and 3 per cent respectively.

Figure 3.9 Do you think child support payments should just cover the basic costs of children or should fathers who earn more, pay more than this?



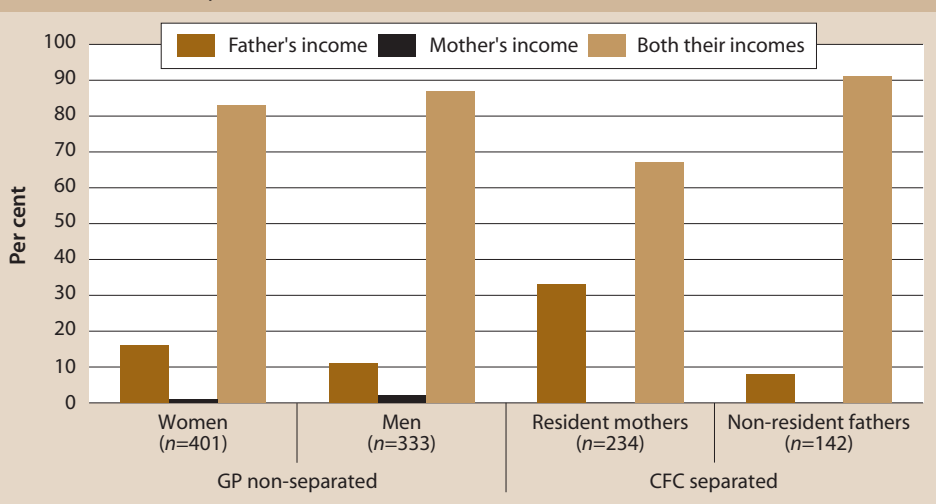
Notes: GP nonsep = general population non-separated sub-sample; CFC sep = Caring for Children after Parental Separation sample comprising separated/divorced parents with at least one child under 18; $\chi^2(12) = 48.37, p < .001$.

fathers were fairly evenly divided on this issue (41 per cent opted for the “basic costs” model and 42 per cent opted for the “earning capacity” model). It should be pointed out, however, that some respondents may have interpreted the concept “basic” to denote a level that borders on poverty. But this is speculation.

Father's income or both parents' incomes?

The preceding question led a small minority of respondents to volunteer that the incomes of both parents should be taken into account. This idea was tested directly, as shown in Figure 3.10.

Figure 3.10 Do you think the amount of child support that a father pays for his children should depend on how much he earns, how much the mother earns, or both their incomes?



Notes: GP nonsep = general population non-separated sub-sample; CFC sep = Caring for Children after Parental Separation sample comprising separated/divorced parents with at least one child under 18; $\chi^2(3) = 54.43, p < .001$ (based on the two categories of responses: father's income and both their incomes).

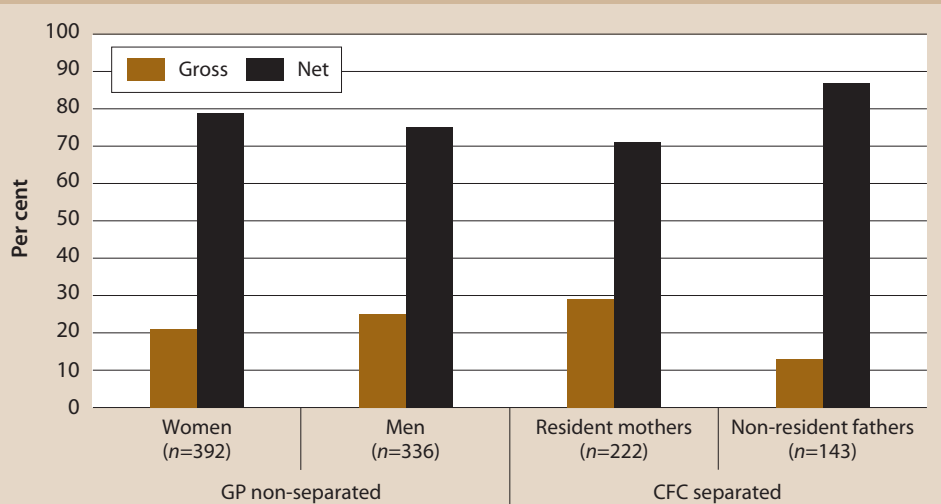
Most respondents in all groups felt that the level of child support paid by non-resident fathers should take into account the incomes of both parents. This was expressed by more than 80 per cent of non-separated women and men and non-resident fathers, and by two thirds of the resident mothers. As the Scheme currently stands, this already occurs where the resident parent's income exceeds the average weekly earnings for all employees. It also occurs where each parent has the children for at least 30 per cent of nights.

It is unclear to what extent respondents had this in mind or were simply attracted to the intuitive fairness of this idea when considered in the abstract. If the latter were indeed true, then the pattern of responses may have differed if respondents were reminded of the "in-kind" financial contributions and financial "opportunity costs" that many resident parents incur in caring for children.²⁸ However, these issues would have taken time to discuss – time that competed with the many other questions that were deemed important in the survey.

Net – not gross?

While the child support formula is currently based on gross rather than net income, parents' expenditure on their children depends on their "take home pay" (that is, net income). However, as spelled out by the 1994 Joint Select Committee on Certain Family Law Issues and its predecessors, application of the formula to gross income treats child support, like taxation payments, as a basic responsibility. It also increases opportunities for non-resident parents to work out their liability before their tax assessment is completed, and is more sensitive to the circumstances of low-income non-resident parents in that a greater proportion of their income is not taxed. None of these issues, of course, could be discussed with respondents in the limited time available for interview. Rather, respondents were simply asked whether payments should be based on a percentage of the non-resident parent's income before or after tax (Figure 3.11).

Figure 3.11 Should child support payments be based on a percentage of the parent's income before tax or after tax?



Notes: GP nonsep = general population non-separated sub-sample; CFC sep = Caring for Children after Parental Separation sample comprising separated/divorced parents with at least one child under 18; $\chi^2(3) = 15.05, p < .01$.

28 The importance of contextual prompts is evident in the shift in responses regarding the universality of payments when the condition of low income was added (Figures 3.7 and 3.8).

Most respondents in all groups maintained that child support payments should be based on net rather than gross income. This view was expressed by 87 per cent of non-resident fathers and by 71 to 79 per cent of women and men in the other three groups.

What is the minimum amount that should be paid?

Currently, all non-resident parents are expected to pay a minimum of \$260 per year in child support (that is, around \$5 per week). The Ministerial Taskforce on Child Support has been asked by the Australian Government to explore whether this should be increased to \$10 per week. Would such an increase be in line with public attitudes?

Table 3.1 sets out the different amounts that respondents believed to be an appropriate minimum amount of child support to be paid.²⁹ It is worth noting at the outset that this was the only issue for which more than 10 per cent of respondents volunteered that they were unable to answer (reported by 16–17 per cent of non-separated women and men and around 7 per cent of the separated groups). In addition, 16 to 20 per cent volunteered “it depends”. In total, then, around one third of the non-separated groups and roughly one quarter of the separated groups were unable to suggest a minimum amount.

Table 3.1 What do you think should be the absolute minimum amount of child support that a father should pay regardless of his income or the number of children he is supporting? Would it be: Nothing, \$5 a week, \$10 a week, \$15 a week, \$20 a week, or some other amount?					
	GP Non- separated women (n=407) %	GP Non- separated men (n=350) %	CFC Resident mothers (n=236) %	CFC Non- resident fathers (n=149) %	All (N=1142) %
Nothing	20	22	22	33	23
Pay something					
\$5 per week	2	2	4	7	3
\$10 per week	4	3	7	5	5
\$15 per week	1	2	2	3	2
\$20 per week	16	11	17	9	14
\$21-\$49 per week	4	3	5	3	4
\$50 per week	11	13	11	7	11
\$51-\$99 per week	1	0	1	3	1
\$100 per week	5	4	6	3	4
\$100+ per week	3	4	2	1	3
Total	47	42	55	41	47
It depends	16	20	15	20	17
Can't say	17	16	8	6	13
<i>Total</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>

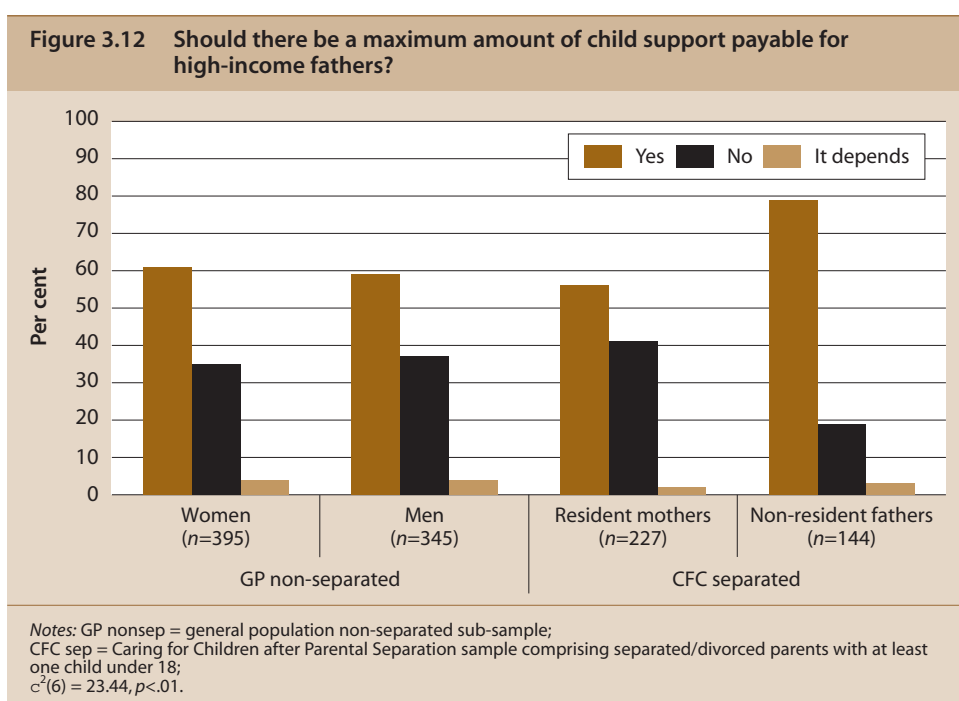
Notes: GP nonsep = general population non-separated sub-sample;
CFC sep = Caring for Children after Parental Separation sample comprising separated/divorced parents with at least one child under 18; “can't say” includes three respondents who declined to respond to this issue.
Respondents were first asked whether they thought that a father who does not usually live with his children should pay some child support even if his earnings are very low or he only receives government income support (see Figure 3.8a). The response “no” to this question was coded as “nothing” in this table. Responses “it depends” and “can't say” from that question are also represented in the above table, together with any such answers volunteered when the minimum child support amount was asked.

²⁹ Respondents who answered “yes” or who volunteered “it depends” to the question “Do you think a father who does not usually live with his child or children should always be made to pay child support?” (see Figure 3.7a) were asked to nominate the absolute minimum payment that should be made. At this point, a few of these respondents indicated that the minimum should be zero payment. For those who rejected the notion that fathers should always be made to pay child support, the minimum payment amount was set to zero.

Clearly, views about minimum payment varied considerably. Only 41 to 55 per cent of respondents nominated some payment. But given the relatively high rates of “can’t say” and “it depends” responses, paying nothing was only recommended by around 20 per cent of the resident mothers and the non-separated women and men, and by 33 per cent of non-resident fathers. Thus, this question did not yield any clear, consistent message from respondents. Of course, this is not an easy question to answer. Given this variability, it is unclear how respondents would have answered a direct question on increasing the minimum amount from \$5 to \$10.

Cap or no cap?

As mentioned earlier, non-resident parents’ earnings that are in excess of 2.5 times average weekly earnings for persons in Australia are not taken into account in the current formula on the grounds that there is a certain income level beyond which parents’ expenditure on their children tends to plateau. Figure 3.12 shows the extent to which the idea of an income cap on payments is supported. The idea received much support.



Most respondents in the four groups supported the idea that there should be a cap on the amount of child support a high-earning non-resident father should pay. Nevertheless, non-resident fathers were considerably more likely than all other groups to endorse the notion of a cap (79 per cent compared with 56–61 per cent). It is noteworthy that this policy was not supported by 35 to 37 per cent of non-separated women and men and by 41 per cent of resident mothers – but by only 19 per cent of non-resident fathers.

Age of children

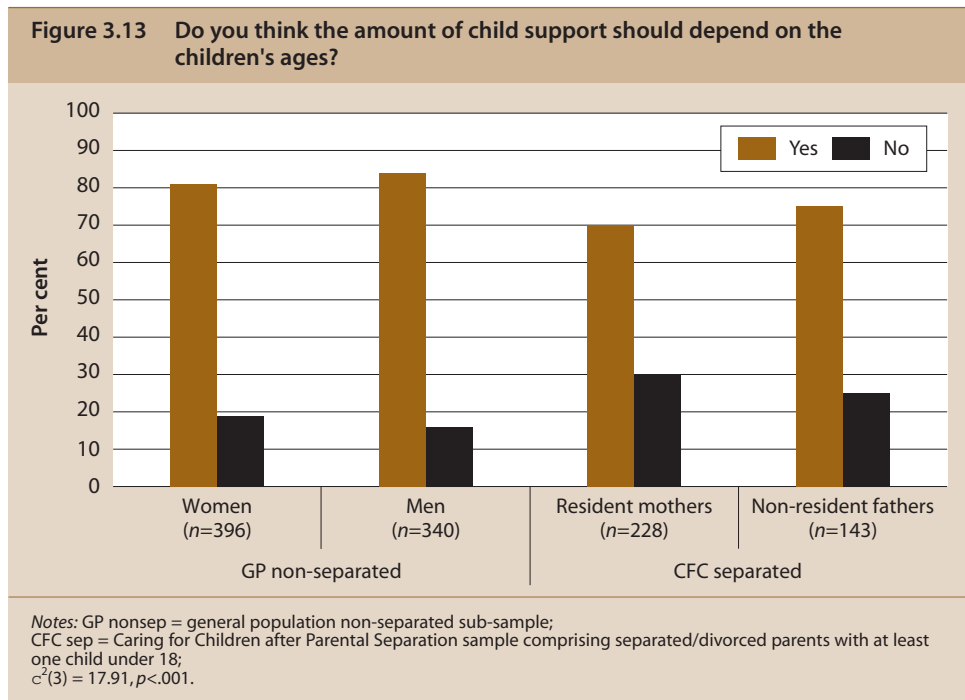
Thus far, all the factors examined have revolved around issues that are part of the Scheme as it stands. The changing costs of children as they age have never been a feature of the Scheme for the sake of simplicity, even though this issue has attracted

much serious consideration at various points in time (see Joint Select Committee 1994). Arriving at these costs, both direct and indirect, is a complex issue and the scheme implicitly assumes that these costs average out across childhood.

Dependent young adult children who are studying full-time or have special needs because of a disability complicate these considerations further. Public attitudes towards these issues are examined in this section.

Should age of children count?

Figure 3.13 shows the level of support for the idea that children’s ages should be taken into account in setting child support liability. Support is high for this idea.



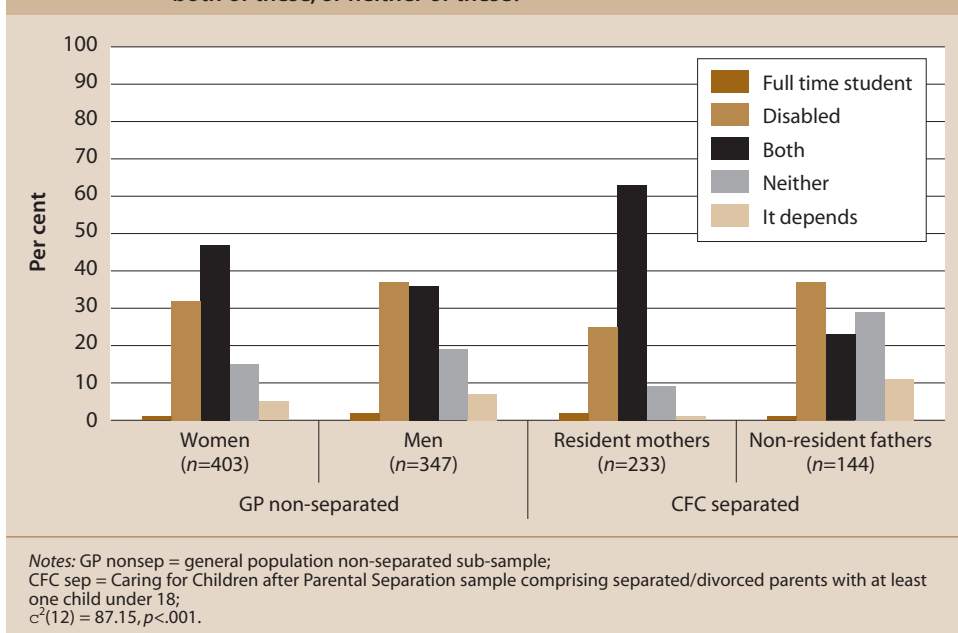
Most respondents believed that the age of children should be taken into account in determining the amount of child support paid. This view was expressed by over 80 per cent of non-separated women and men and by 70 to 75 per cent of resident and non-resident parents. This is one of the few areas in the study in which the views of resident mothers and non-resident fathers appeared to align.

Should any children over 18 continue to receive support?

Under the Family Law Act (Cth), children aged 18 years and over who have a disability or who are studying full-time are eligible to receive child maintenance. Attitudes to the financial support of young adult children have not been studied very much in Australia, although Smyth’s (2000) research suggested that most eligible children 18 and over rarely receive child support. Figure 3.14 provides a snapshot of attitudes to payment of child support for such children.

The general consensus was that children over the age of 18 with a disability should continue to receive financial support, with a sizeable proportion of respondents also believing that full-time students over 18 should be covered. Resident mothers were the most likely of all groups to maintain the view either that support should be provided for children with a disability only, or that support

Figure 3.14 Child support is not usually payable for a child over 18. Do you think it should be paid for: a full-time student still living at home, a disabled child, both of these, or neither of these?



should be provided for these children as well as those who are full-time students (88 per cent). Such views were expressed by 73 to 79 per cent of non-separated women and men, and by 60 per cent of non-resident fathers.

Women were more likely than men to maintain that child support should be paid for both students and children with a disability (47–63 per cent compared with 23–36 per cent), with this view being expressed most commonly by resident mothers and least by non-resident fathers (63 per cent compared with 23 per cent).

Nearly 30 per cent of non-resident fathers, but only 9 per cent of resident mothers, believed that child support should not be paid for young adult children who have a disability or who are studying full-time. This divergence of opinions is consistent with that reported by Smyth (2000).

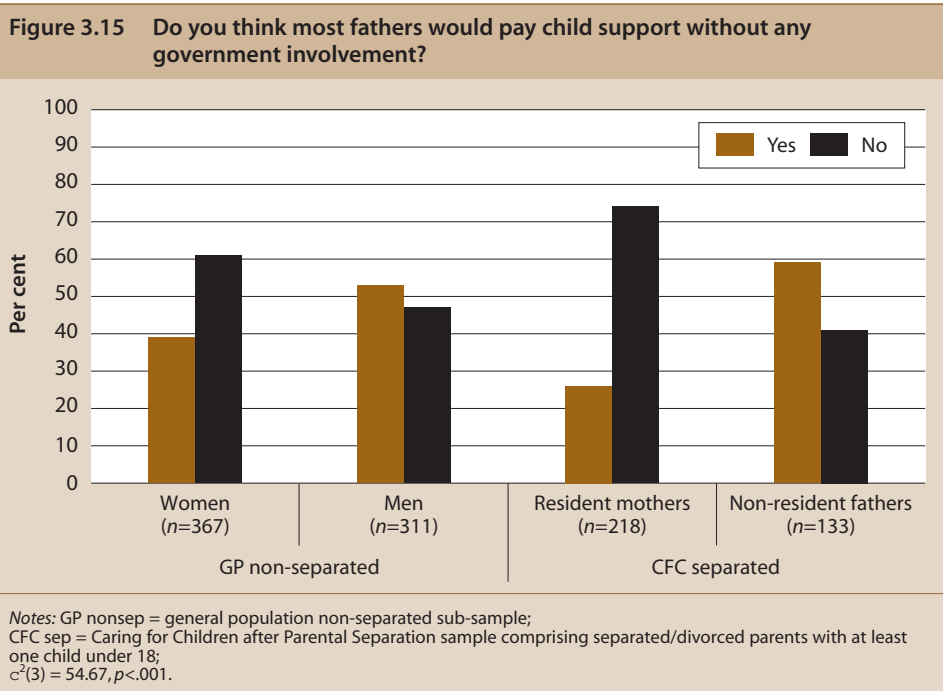
Non-compliance

This section examines respondents' views about issues related to child support compliance – namely, whether fathers would pay without government involvement; and whether non-payers (male or female) should face a penalty.

Would fathers pay without government involvement?

As noted earlier, the Scheme was designed to overcome the tendency for many children to lose much if not all of the financial support from their non-resident parent, and for resident parents to be faced with many practical hurdles in seeking payment. Figure 3.15 shows respondents' perceptions about whether government involvement is necessary for compliance.

Not surprisingly, views on this issue varied according to gender and residency status. In terms of gender, women were more sceptical than men, with most women



(61–74 per cent) maintaining that fathers would not pay without government involvement, and more than half the men maintaining that they would pay without government intervention. This pattern was especially pronounced for separated parents: 74 per cent of resident mothers thought that payment would not be forthcoming; 59 per cent of non-resident fathers believed that it would.

Should non-payers be penalised?

Figures 3.16a and 3.16b (overleaf) summarise respondents' views about whether non-resident parents (male and female respectively) should be penalised if they do not pay child support.

With the exception of non-resident fathers, over 70 per cent of respondents in each group maintained that non-resident mothers and fathers should face a penalty for non-payment of child support. Close to half the non-resident fathers believed that non-paying fathers should face a penalty, and a higher proportion (58 per cent) felt that non-paying mothers should face a penalty. Thus the gender of the non-resident parent made more of a difference in the pattern of non-resident fathers' answers than was the case for other groups.

Those who did not endorse the notion of penalising fathers for non-payment tended to be evenly divided on whether imposing a penalty should occur under some circumstances (that is, "it depends") or under no circumstances.

One-quarter of the non-resident fathers volunteered that a penalty for non-resident fathers would depend on other factors (they may have been thinking of a lack of money or obstruction as mitigating circumstances for non-payment). Sixteen per cent said this in relation to non-resident mothers.

Once again, the consistency of responses was significantly related to respondent group ($p < .01$). The level of consistency of responses to both questions was very

Figure 3.16a Do you think a father who does not usually live with his children should face a penalty (such as a fine) if he fails to make his child support payments?

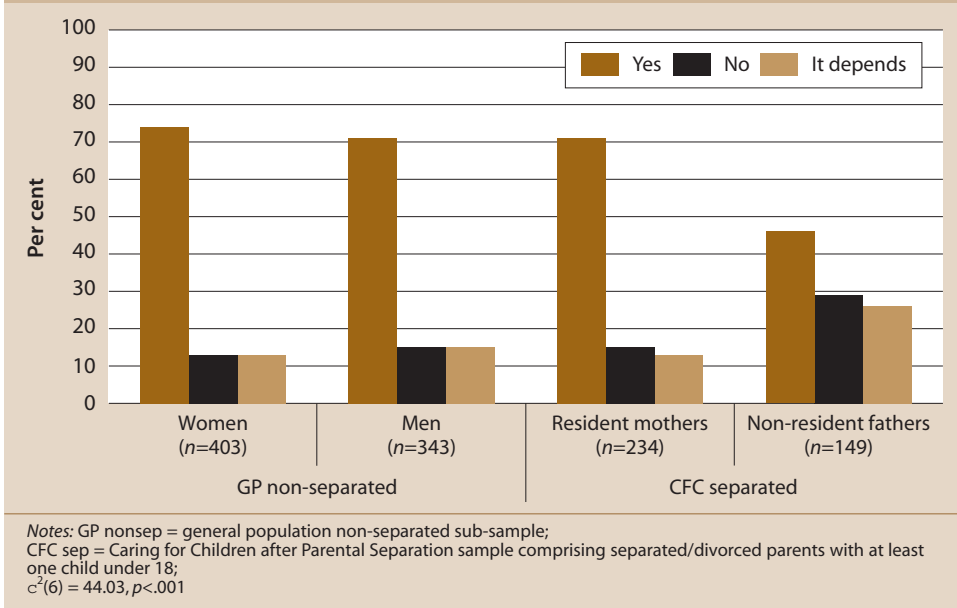
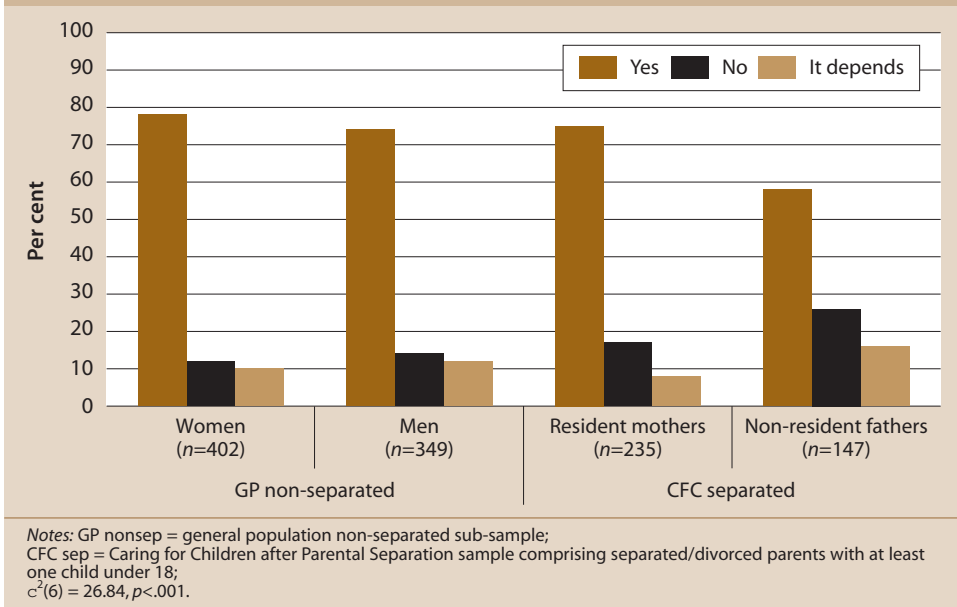


Figure 3.16b Do you think a mother who does not usually live with her children should face a penalty (such as a fine) if she fails to make her child support payments?



similar for three groups: resident mothers (89 per cent), non-separated women (88 per cent) and non-separated men (87 per cent). Nevertheless, around three quarters (76 per cent) of non-resident fathers responded in a consistent manner.³⁰

30 Of the resident mothers, 69 per cent said “yes” to both questions, 14 per cent said “no” to both questions, and 6 per cent said “it depends”. The proportions of non-separated women answering “yes”, “no”, or “it depends” to both questions were 71 per cent, 9 per cent, and 8 per cent respectively; the proportions for non-separated men were 66 per cent, 11 per cent, and 9 per cent respectively; and the proportions for non-resident fathers were 42 per cent, 21 per cent, and 13 per cent respectively.

Summary

Several clear findings emerged. First, most respondents in all groups believed that all non-resident parents (male or female, rich or poor) should pay something toward the financial support of their children. Second, a main priority – and for most groups, *the* main priority – of the Scheme should be helping children. There was less support for the notion of fairness to parents when juxtaposed against children’s needs. Third, there was widespread support for the idea that children with a disability should continue to receive financial support after they turn 18 years. Resident mothers, in particular, broadened the idea of ongoing support for young adult children to include full-time students. Fourth, most respondents believed that there should be a cap on the amount of child support payable by high-earning fathers – suggesting that fairness to fathers was important to them. Fifth, there was strong support for basing payments on net rather than gross income. Sixth, most respondents in all groups believed that the age of children should be taken into account in the formula.

While most respondents favoured the use of both parents’ incomes to calculate child support payments, it is unclear why this was the case. The intuitive fairness of such an approach in the abstract may have underpinned responses. Had respondents been reminded of the “opportunity costs” and “in-kind” financial contributions involved in the everyday care of children, their responses may have differed. It is also possible that some respondents were supporting the status quo, insofar as each parent’s income is already taken into account under certain conditions for example, where the children spend at least 30 per cent of nights with the non-resident parent or the resident parent’s earnings are above average weekly earnings).

Non-separated women and men, and non-resident fathers were inclined to believe that parents alone should shoulder the main responsibility for the financial support of the children. By contrast, resident mothers were evenly divided between this view and the view that the main responsibility should lie with parents together with the government.

However, in most cases where marked differences in views emerged between groups, it was typically non-resident fathers’ views that diverged (even from the non-separated men). In the context of what the Scheme’s priorities should be, “fairness to parents” was more commonly mentioned by non-resident fathers than other groups.

Related to perceptions of fairness, non-resident fathers tended to be evenly divided as to whether the Scheme should be based on the “basic costs” of children or on a non-resident father’s earning capacity. Other groups favoured earning capacity.

Finally, it is worth noting that non-resident fathers believed that men would pay for their children without government intervention. Women, most particularly resident mothers, disagreed while non-separated men were fairly evenly divided.

These views of non-resident fathers may help explain their belief that the child support system was not working well and, most particularly, was not “fair”. While resident mothers were evenly divided on these issues, the views of non-separated groups were not sought. Indeed, the above findings are imbued with strong undercurrents about “fairness to children” and “fairness to each parent” – competing interests that are inextricably linked and not easy to reconcile in practice.