

The gender of post-separation bureaucracies: A cross-national investigation

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Abstract

This paper describes a multi-level, cross-national research study that seeks to examine the gender of post-separation parenting bureaucracies. The aim of the project is to examine the barriers to child support that women experience, and in doing so, seeks to reduce single mother and child poverty. The project employs interpretive policy, institutional and personal-level methodologies across countries to examine the black box of institutional practices that operationalize child support policy, often in the context of fiscal constraint and neoliberal assumptions regarding individual and familial responsibility. The focus of the analysis is then on the gendered consequences – intended and unintended – produced in this process.

Child support, known also as child maintenance, is money paid by a non-resident parent (typically a father) to a resident parent (typically a mother) for the purpose of financially supporting children following parental separation. Yet across jurisdictions, child support compliance is poor. In many countries, single parent welfare benefit recipients (who are overwhelmingly women) are compelled to seek child support as a condition of eligibility. Women are thus made responsible in bureaucratic settings for seeking and managing payments, which serve to reduce welfare state expenditure and enforce fathers' financial responsibility for children. In addition, in most jurisdictions, women are the interface between institutions, such as the family court and welfare systems that manage the changing state-family-market configuration of financial responsibility for children post-separation, and their ex-partners, who provide payments. Yet, in some countries, given the low likelihood of receiving payments, child support orders are becoming less likely, with mothers accepting less benefits than they are entitled to in order to avoid seeking payments from ex-partners. Here, we know little about the way that institutional systems support or hinder women's access to child support, and how the gendered nature of these settings lead women to not pursue payments.

Previous individual-level research reveals that women may avoid payments for many reasons, often linked to the enforcement of familial ties and the individualization of responsibility for managing payments. For example, establishing orders, seeking payments, or reporting non-compliance may: lock women into unwanted relationships; place them at greater risk of violence; entail onerous administrative demands; or renew custody disputes. Child support policies, institutions and practices are often insensitive to such issues, which tend to disadvantage women and their children along race and class lines. Existing scholarship provides little guidance for policy or administrative reform in this area as women's reasons for child support avoidance are largely unacknowledged in research and institutional data collection practices are not attuned to such issues.

This paper will outline what is known about women's experience of institutional data collection and administrative practices; and the data and policy blind-spots that render women's experiences invisible to bureaucratic regimes. It will then set out how the in-progress multi-level project seeks to address these blindspots.

Introduction

This paper outlines an in-progress research study that seeks to address the barriers to child support that women experience. It examines the black box of institutional practices that operationalize child support policy in Australia and internationally, practices that often occur in the context of fiscal constraint and neoliberal assumptions regarding individual and familial responsibility. The focus here is on the gendered consequences – intended and unintended – produced in this process.

Internationally in western nations, the number and proportion of single parent-headed households now represents over a quarter of all families (Cancian & Haskins 2014, Berrington & McGowan 2014). In Australia, the proportion of single parent families has remained relatively constant since 2006, with approximately nineteen per cent of children aged under seventeen living in such households (Australian Bureau of Statistics 2015). Overwhelmingly, these families are headed by women, with eighty four per cent of Australian single-parent families headed by mothers (Australian Bureau of Statistics 2015).

Single-mother-headed families are more susceptible to poverty than single-father-headed families, and are more reliant on welfare benefits than their male counterparts. Within this context, many nations have sought ways to reduce welfare expenditure on single mothers as group, while at the same time reducing the incidence of child poverty (Child Support Consultative Group 1988, Fehlberg and Maclean 2009). Two key measures that were enacted in a range of Western nations were welfare-to-work reforms (Oliker 1995, Brady 2011, Crisp and Fletcher 2008) and the institutionalisation of child support payments (Cancian, Meyer, and Caspar 2008, Fehlberg and Maclean 2009). While welfare-to-work reforms have

received significant research attention, the role of child support in reducing child poverty – or welfare expenditure on this group – has received much less research interest.

Child support, known also as child maintenance, is money paid by a non-resident parent (typically a father) to a resident parent (typically a mother) for the purpose of financially supporting children following parental separation (International Network of Child Support Scholars 2017). In Australia, when received, child support reduces child poverty by 21 per cent (Skinner, Cook & Sinclair 2017), which is similar to the benefits found elsewhere (Skinner & Main 2013; Hanewell & Lompoo 2008). Yet a quarter of eligible Australian children do not receive payments in full, on time or at all (Qu et al 2014), a figure which is mirrored internationally (Hakovirta 2011). Unpaid liabilities in Australia are currently estimated to exceed \$1.35 billion (Senate Community Affairs Legislation Committee 2013). In addition, current compliance statistics exclude a further, unknown number of mothers who do not seek payments (Cook et al 2015), or do not report or pursue payment arrears (McKenzie & Cook 2015).

In many western countries, including Australia, single parent welfare benefit recipients (who are overwhelmingly women) are compelled to seek child support as a condition of eligibility. Despite these compulsory requirements, in some countries, child support orders are becoming less likely (Meyer et al 2015), with some mothers foregoing a proportion of their benefits in order to avoid seeking payments from ex-partners (McKenzie & Cook 2015). One reason posited for the decline in child support uptake is that, on balance, the financial gains that result from women's labour are not enough to compensate for their time, and the emotional and relational costs that pursuing child support may also entail. Here, widespread child

support non-compliance is significant in understanding why some women opt out of pursuing payments.

The governance of post-separation finances

Children's right to financial support from their parents has been enshrined in the UN Convention on the Rights of the Child where Article 27.4 states that "States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad". However, the extent to which countries take up this responsibility, and how parents' financial responsibility is conceived by states, varies considerably. Across jurisdictions, a wide variety of child support models operate.

In western liberal democracies such as the UK, USA and Australia, significant rhetorical and legislative attention has been given to establishing child support agreements, consistent with Article 27.4 that foregrounds individual parental responsibility. Often meagre welfare benefits for single parents are set with the assumption that child support payments are received – and indeed, the receipt of child support often – but not always – reduces the value of government benefit payments (Skinner, Meyer, Cook & Fletcher 2016).

In these countries, the responsibility for monitoring and reporting non-compliance with child support orders lies with recipients who must manage payment reporting to the state to ensure their correct benefit entitlements. Unpaid child support liabilities are not compensated for by the state, and the pursuance of arrears is positioned increasingly as the responsibility of

recipients. For example, in Australia, despite a wholly administrative child support system, legislative reforms made provisions for individual debtors to take legal action to recoup payments, rather than relying on state action or assistance (Ministerial Taskforce on Child Support 2005).

In contrast, Nordic states such as Denmark and Sweden provide guaranteed child support payments in the event of non- or under-payment (OECD 2011). In these cases, any child support arrears are provided by the state who then recoups payments from fathers on the recipient's behalf. Here, compliance is increasingly framed as the responsibility of the state.

Child support non-compliance

A review of the international non-compliance research (Campo & Cook 2014) indicates that it has focused overwhelmingly on men as payers of child support, and can be classified into two dominant streams: the affordability of payments for payers; and the willingness of both parents, often referenced to perceived 'fairness'. Policymaking in Australia, like elsewhere, has then addressed each of these issues, but the resultant reforms have produced unintended gendered outcomes (Millward & Fehlberg 2013) which exacerbate child support inequities.

To address affordability, Australian policy has capped the value of child support payments for payers with high incomes; waived payments for payers on low incomes who have some overnight care of their children; and included both parents' incomes in the calculation of payments. Taken together, these economic reforms reduced the average value of payments made to single mothers and their children by \$20 per week, according to 2008 figures (Smyth

& Henman 2010). Combined with welfare-to-work changes that reduced the value of government payments made to single parent families, these economic child support reform have increasing single mothers' risk of poverty in Australia (Brady & Cook 2015; Summerfield et al 2010; Skinner, Cook & Sinclair 2017).

To improve the willingness of recipients to seek child support and of payers to contribute payments, Australian reforms have: compelled child support recipients to seek child support in order to be eligible for 'above-the-base-rate' of Family Tax Benefits (Department of Human Services 2014); encouraged parents to make private child support arrangements; and increased the proportion of child support that can be provided by the payer 'in kind' or earmarked for specific items (Ministerial Taskforce on Child Support 2005). These behavioural reforms compel recipients to seek payments and assume that payers will make payments if they have more control over the terms and use of payments (Natalier & Hewitt 2010). None of these behavioural reforms have been shown to improve compliance (Smyth et al 2014; Qu et al 2014), while an increase in private transfers has served to further obscure payment outcomes for recipient families (Cook et al. 2015). In both cases, what has been overlooked is why women are withdrawing from child support programs, despite often compulsory requirements for them to do so.

Researching child support non-compliance: A new perspective

There are two individual parties involved in child support non-compliance: men who do not make payments and women who do not pursue payments. The research study described here focuses on women as the intended recipients of child support for four important reasons:

First, men's non-compliance has been the subject of significant international research, yet policy reforms based on this work have so far resulted in little impact on compliance rates (for reviews of the research and of compliance statistics see: Campo & Cook 2014; Cook et al 2011; Hakovirta 2011; OECD 2011). Second, child support and welfare-to-work requirements are policy responses to rapid reconfigurations of: family forms; gender roles and expectations; state responsibilities to children post-separation; and the individualisation of financial responsibility. Here, women – as primary caregivers prior to and following separation – are the targets of policies that seek to manage these changing dynamics. Child support can be seen to reproduce the male breadwinner model outside of the couple relationship, enshrining familial expectations. At the same time, women's increasing financial independence post-separation, often compelled by welfare-to-work requirements that seek to minimise state support, can serve as flash points for renewed hostilities between parents.

Third, across countries, a substantial share of the workload of welfare bureaucracies has been transferred to mothers, who are now expected to lodge applications for child support payments, report non-compliance, provide evidence of their ex-partner's income, take legal action to recoup payments, and manage relationships with ex-partners to facilitate payments (Natalier, Cook & Pitman 2016). At each stage, women may 'opt out' of pursuing payments, yet their reasons for doing so have received little research attention, aside from some small-scale studies (Harris 2015; McKenzie & Cook 2015; Patrick, Cook et al 2007, 2008).

Fourth, in most jurisdictions, women are the interface between institutions, such as the family court and welfare systems that manage the changing state-family-market configuration of financial responsibility for children post-separation, and their ex-partners, who provide payments. Here, we know little about the way that institutional systems support or hinder women's access to child support, and how these settings may lead women to not pursue payments.

Experiences of child support data collection and administrative practices

Save for a few small-scale studies, women's reasons not to seek or enforce payments have been completely overlooked in research and policymaking. Women may avoid payments for many reasons, often linked to the enforcement of familial ties and the individualization of responsibility for managing payments. For example, establishing orders, seeking payments, or reporting non-compliance may: lock women into unwanted relationships; place them at greater risk of violence; entail onerous administrative demands; or renew custody disputes. Child support institutions are often insensitive to such issues, which tend to disadvantage women and their children along race and class lines. Existing scholarship provides little guidance for policy development in this area: women's reasons for child support avoidance are largely unacknowledged in research (Cook et al 2011; 2015). Yet, as a result of such avoidance, the significant poverty reduction benefits that payments can provide (Skinner Cook, & Sinclair 2017) have been rendered impotent.

In survey research and administrative datasets, parents who do not seek payments or do not report underpayments tend to be either excluded as having missing values, or assumed to be 100 per cent compliant (Cook et al 2015). Both accounts result in under-reporting the true

magnitude of non-compliance. Indeed, by focusing on men's economic and behavioural motivation as the causes of, and thus solutions to, child support non-compliance, current research and policymaking have failed to address women's reasons not to pursue payments or report non-compliance.

In order to understand child support avoidance, women's experiences of post-separation finances must be understood across three levels, comprising interpersonal, administrative and governance regimes. At an interpersonal level, it is important to understand the meanings that child support money holds for women in the context of relationships with their ex-partners (Zelizer 1994; Natalier & Hewitt, 2010). Here, child support money is understood as a means by which people define, express and manage identities, relationships, and the transactions appropriate to these (Zelizer 1994). People invest child support money with social and cultural significance other than use value so that it becomes both an instrumental and expressive tool (Natalier & Hewitt, 2010). In the following project, this conceptualisation will be used to explore the ways in which the social meanings of child support money shape its pursuance or avoidance.

The interpersonal meanings that women assign to child support are experienced within the context of the systems through which child support is administered, including its intersection with welfare, legal and social institutions. Given reductions in welfare state expenditure and the resultant rationalisation of services, there are no child support 'branches' in Australia that parents can access. Rather, typical encounters involve online forms and databases and call-centres (Cook et al 2015). Call centre queues are frequently prohibitively long and online forms difficult to navigate, presenting barriers to child support access (Cook 2013). As such,

many of women's encounters with child support and related systems occur in virtual spaces and are mediated by coding protocols and behaviours (McCosker & Milne 2014). Here, Law and Urry's (2004) description of the productive value of survey categories will be applied to administrative data practices and processes that shape women's opportunities to give expression to their child support claims (McCosker & Milne 2014).

At an institutional level, Adkin's (2015) description of the governance of 'unruly workers' who do not conform to workfare obligations, and Treloar and Funk's (2008) description of the responsabilization of single parents will be used as frames to examine the ways in which child support institutions collapse or differentiate the economic and the social. The focus will be on how governance structures privilege or compel women's economically 'responsible' activity, and how these institutions see and operationalise women's child support concerns. The project will draw on these frames to conceptualise child support requirements as a form of women's labour; work that has yet to be understood as governed by systems of sociotechnical devices (Adkins 2015). These conceptual tools will be employed alongside interpretive policy analysis tools (Bacchi 2009) to examine how the problem of child support non-pursuance has been framed in policy and practice, and the extent to which these understandings align with women's experiences.

A cross-national project of examine the interpersonal, administrative and institutional context of women's child support avoidance

The study described here has been funded by the Australian Research Council as a Future Fellowship (FT160100115). The project commenced on January 1 2017 and will conclude at the end of 2020. Future Fellowships are sole-investigator projects and include four years of

salary funding and a maximum of A\$50,000 per annum in project funding. Future Fellowships are typically supported by additional funding from the investigator's university, which demonstrates institutional support for the project. In this case, Swinburne University is providing an additional A\$100,000 per annum in project costs.

In order to explore women's child support non-pursuance, this study will conduct in-depth case studies of the institutional child support settings that exist in Australia, the USA and UK, and engage national and international experts in order to answer the following research questions:

1. How do post-separation institutions in different contexts see and operationalise parental agency and responsibility?
2. What impact do these different institutional settings have on women's child support avoidance?
3. How do institutional systems worldwide recognise and respond to women's child support avoidance?
4. What international responses to child support avoidance are likely to have success in the Australian context?

The project will be conducted in seven phases over four years, and began in January 2017.

Phase 1

At the outset of the project, a novel and untapped source of data will be accessed. Cross-border child support lawyers have privileged insight into child support in both their 'home' jurisdiction and other jurisdictions in which they work. Such lawyers are privy to domestic

‘sticking points’ and instances when institutional practice hampers the establishment or collection of orders in ways that may be invisible to parents, service providers or policy makers. This data collection follows on from the recommendations from the Hong Kong conference regarding the Hague Convention on the International Recovery of Maintenance suggested, where “the need to improve national child support and family maintenance systems” was recommended as a first step in achieving cross-border child support success (Hague Conference on Private International Law 2015, p. 1).

Cross-border child support lawyers and policy workers who work in one or more of the case study jurisdictions will be interviewed in depth to gain an account of women’s child support compliance issues. Interviews will explore institutional difficulties in each jurisdiction, sensitising the project to avoidance practices that occur in extreme cases (cross-border transfers).

Phase 2

The novel findings generated in Phase 1 will be used to initiate discussions with four panels of child support stakeholders in order to build stakeholder engagement at domestic and international levels and hone data collection materials. The panels will represent: (1) Australian service providers; (2) Australian policy workers; (3) international experts; and child support academics. Delegates will be presented with the findings from the cross-border interviews, which will be used to prompt a discussion of the service and policy blind-spots and refine the foci and methods for the subsequent case studies.

Phases 3-5

In order to examine women's interpersonal, administrative and institutional experiences of child support, in-depth case studies will be conducted in Australia, the UK and USA, which are similar, yet institutionally divergent countries (Skinner et al 2016). These countries have each built on the others' child support policies, providing a solid foundation for comparable data, but differ in key respects (Skinner et al 2016). As such, these countries are both alike and unlike in ways that facilitate cross-national learning and offer important insights.

In Australia seeking child support is mandatory for lone parents in receipt of Family Tax Benefits, unless a not-widely-publicised exemption is sought based on a history of domestic violence. Payment amounts are referenced to a formula and Costs of Children table and money received is included as income in the calculation of Family Tax and other benefits. More than half of all parents who use the Child Support Agency (now known as the Department of Human Services – Child Support) to calculate liabilities then transfer these payments privately; obscuring actual payment practices and rendering governments blind to the gendered power dynamics these hold with them (Cook et al 2015).

The UK, while initially being based on the Australian system, has now changed focus. All parents have been moved on to private agreements, and payments have no bearing on single parents' benefit payments. Parents can return to the UK Child Support Agency to administer their arrangements but service fees are then charged, posing a potential barrier to access (Skinner 2013).

The USA state of Wisconsin, on which the Australian system was originally based (Child Support Consultative Group 1987), has child support orders determined either using a child support formula, or by the courts. Payment amounts are significantly higher than in Australia or the UK (Skinner et al 2016), but welfare benefits are significantly lower; making low-income women more reliant on these child support payments.

Each case study will comprise a purposively selected sample of non-resident mothers, service providers and policy makers

In each site, critical case sampling (Patton 2002) will be used to sample 50 mothers who do not seek or pursue payments. The sample will be constructed to recruit women from various class positions, including both women compelled to seek payments as a condition of welfare benefit eligibility (as appropriate across contexts) and those on higher incomes with no compulsory requirements; single mothers and those who have re-partnered; and women from key racial/ethnic groups, as appropriate in each context. Previous research suggests the sample will include women who have each experienced more than one of the following: no child support order; a history of domestic violence; previously unsuccessful enforcement action; low-value payments; privately transferred payments; a partner living abroad; ongoing child custody or property settlement action; a self-employed partner (McKenzie & Cook 2015). In-depth, semi-structured interviews will cover the meanings that women assign to child support money and its pursuance, interactions with child support service staff, communication tools and systems, policy requirements and responsibilities, and expectations for the financial support of children from state, market and family sources. A sample of 50

women per country will provide sufficient depth to allow the rigorous investigation of key institutional settings experienced by women in each site; and provide sufficient data to enable cross-national analyses for key payment, demographic or institutional characteristics.

In each site, five service providers who assist parents to seek child support payments will participate in phone interviews. Interviews will focus on everyday interactions with child support recipients, institutional processes and procedures and the extent to which these open up or close down opportunities for child support pursuance or avoidance along gender, race and class lines.

Phone interviews will then be conducted in each site with policy makers who are responsible for child support policy development, service delivery, compliance programs, cross-border collections, and welfare benefit interfaces (as appropriate). Interviews will identify institutional policies and practice, opportunities for reform, and institutional foci and blind spots.

Data for each case study will first be analysed separately. Analyses will focus on how and why women do not pursue or avoid child support, and how institutional interactions and processes shape these experiences (addressing research questions 1 and 2). Upon the conclusion of the three case studies, the data and analyses will then be combined to develop a comparative account of how the three countries recognise and respond to women's child support avoidance (addressing research question 3).

Phase 6

In Phase 6, interviews will be conducted with experts from 30 countries that span the diversity of child support systems worldwide, to illuminate international responses to changing post-separation configurations of state/market/family financial responsibilities for children. Participant countries will include signatory countries to the 2007 Hague Convention on the International Recovery of Maintenance, non-signatory states with well-developed legal or administrative child support systems, and those countries currently in the process of developing these. Interviews will explore each nation's child support compliance and avoidance concerns, including how domestic institutions recognise and respond to child support avoidance (addressing research question 3), and the resonance of the study findings within these varying contexts.

Phase 7

In the final phase of the project, the project findings will be consolidated in order to reveal points of convergence and tension between experiences and understandings of women, service providers and policy makers. Prior to each roundtable, delegates will be provided with a summary copy of the project results and sensitising questions that orient them to identify best practice institutional and policy responses to gendered power relations during the workshops. The roundtables will then work to develop recommendations for international and Australian service and policy reform (addressing research question 4). The roundtables will also serve to disseminate the findings of the research to the appropriate stakeholder groups.

Conclusions

This paper brings a new conceptual framework and means of analysis to understanding the reasons why women may opt out of seeking or pursuing child support, despite this often being to their own financial detriment. As such, it will enable the further critique economic rationalism as a primary motivation of women's child support behaviour.

Conceptually, this project will draw on interpretive policy analysis frameworks to situate current behavioural and economic concerns in child support research and policymaking within a wider socio-political context. A particular focus will be the reconstitution of the male breadwinner model, from which parents have become detached during the process of separation, through their often compulsory participation in child support programs. The project will also make significant conceptual inroads by locating women's child support avoidance within multi-layered power relations that are structured at institutional, administrative and interpersonal levels. Natalier and Hewitt (2014) have examined parents' gendered child support negotiations. However, no research to date has developed an account of how various sites and scales for the exercise of power fit together, or 'are articulated', to shape the opportunities available to women as they reconcile immediate financial needs with identity management needs and recognition processes.

This project will provide insight into women's child support avoidance practices. This is currently an empirical blind spot, with little research systematically addressing this issue. While Meyer and colleagues' (2015) and Harris's (2015) research in the United States identified the falling uptake of child support agreements, and Cook's work documents instances where women opt out of child support collection (Cook et al 2015; McKenzie &

Cook 2015), these studies do not deal with the reasons women opt out, or with the way institutional settings shape the available options. Existing studies thus constitute a first step in addressing why children miss out on the benefits of child support due to mothers' avoidance. However, what is lacking is a comprehensive account of how and why women avoid payments; how institutional settings shape women's experiences; and how these occur within the context of competing relational, administrative and institutional demands.

Understanding how institutions can better address women's reasons for child support avoidance can result in benefits at several levels. By making child support more accessible, the Australian government, for example, can reduce the number of families experiencing poverty by up to 20 per cent (Skinner, Cook & Sinclair 2015) and thus enhance social inclusion and cohesion. By enabling a greater number and range of women to successfully navigate more 'user friendly' child support systems, effective child support reforms can provide cost-benefits to states. Governments can reduce expenditure on support for impoverished families and develop institutional systems that more efficiently and effectively manage post-separation finances.

While the project is currently in its infancy, the Phase 1 and Phase 2 activities that have occurred to date have attracted significant national and international attention. There are plans to expand the case studies to include Germany, as 'advanced payments' of child support underpayments alter the state's role in enforcement and collection activities, and localised responsibility for the delivery of child support services results in significant regional diversity. In addition, there is scope to add further case study countries or tangential projects

with individual researchers to expand the scope of the study and include a wider range of academics and conceptual frames.

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