

Custodial and Non-Custodial Parent Perspectives on the Texas Child Support Guidelines

Final Report

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EXECUTIVE SUMMARY

Child support can be a key part of the safety net of resources available to parents that can help them meet the cost of raising a child. Title IV-D of the Social Security Act of 1975 is a federal law that requires each state to implement and manage a child support enforcement program. Federal regulations also require that states conduct a review of their child support guidelines at least once every four years to ensure that states are applying the child support guidelines in a way that results in an appropriate child support order amount.

The Texas Office of the Attorney General Child Support Division (OAG) contracted with Dr. Cynthia Osborne and the Child and Family Research Partnership (CFRP) at the LBJ School of Public Affairs at The University of Texas at Austin to conduct the *Custodial and Non-Custodial Parent Perspectives on the Texas Child Support Guidelines* study to better understand the extent to which the child support guidelines result in child support orders that adequately meet the financial needs of children, and to help inform the OAG's federally mandated review of the Texas child support guidelines.

Through a series of semi-structured focus groups and one-on-one interviews, CFRP spoke with 33 custodial and non-custodial parents who are paying or receiving child support, as well as parents who are informally receiving or providing financial support for one or more of their children from/to their child's other parent.

Our conversations with parents operate from a foundation that child support can be an important tool to allow parents to provide for their children, and parents valued the opportunity to weigh in on the extent to which the child support guidelines result in child support orders that adequately meet the financial needs of children. Parents who chose to share their opinions with us may have experiences and perspectives that differ from the experiences of other parents who we did not interact with during our study. However, parents in our study consistently encountered challenges to meeting the financial needs of their children and provided several common suggestions for how the guidelines could better serve their families. Specifically, we find:

- In general, parents estimate that the cost of raising a child is between \$700-\$1,000 per month and varies primarily based on the age of their child and the expenses they include in their calculation.
- Custodial parents state that the amount of their child support order does not align with the cost of raising a child, primarily because their order does not take into account the cost of child care or the amount of time the non-custodial parent spends with the child.
- Non-custodial parents who pay their child support regularly often face financial strain because the court does not take the money that the non-custodial parent spends on their child when their child is with them into consideration when calculating their child support order amount.

Moving forward, parents suggest adjusting the child support guidelines to regularly account for the cost of child care and the amount of time the non-custodial parent spends with the child during the order setting and modification process to address some of the challenges that parents face and better meet the financial needs of children in Texas.

Background and Introduction

Child support can be a key part of the safety net of resources available to parents to help them meet the cost of raising a child.^{1,2} Title IV-D of the Social Security Act of 1975 is a federal law that requires each state to implement and manage a child support enforcement program. Federal regulations also require that states conduct a review of their child support guidelines at least once every four years to ensure that states are applying the child support guidelines in a way that results in an appropriate child support order amount (45 CFR 302.56 (e)).³

The Texas OAG contracted with Dr. Cynthia Osborne and the Child and Family Research Partnership (CFRP) at the LBJ School of Public Affairs at The University of Texas at Austin to conduct the *Custodial and Non-Custodial Parent Perspectives on the Texas Child Support Guidelines* study. The purpose of the study is to better understand the extent to which the current child support guidelines result in child support orders that adequately meet the financial needs of children, and to help inform the OAG's federally mandated review of the Texas child support guidelines. Specifically, we address the following research questions:

1. What are the financial needs of children?
2. Do the child support guidelines result in child support orders that adequately meet the financial needs of children?
3. What are the concerns of custodial and non-custodial parents regarding the ability of the child support guidelines to result in child support orders that adequately meet the financial needs of children?
4. Based on the perspectives of custodial and non-custodial parents, how might the child support guidelines be structured to meet the financial needs of children?

This report presents our final findings based on data collected through focus groups and one-on-one interviews with custodial and non-custodial parents paying or receiving child support, as well as parents informally receiving or providing financial support for one or more of their children from/to the child's other parent. In the following section, we outline our methodology, including our recruitment strategies, data collection procedures, sample, and analytic approach.

Methodology

STUDY SAMPLE

CFRP recruited parents to participate in the study using a combination of strategies. Our recruitment strategies included statewide advertising on Facebook and Google and asking 71 of our community partners, who serve parents in Texas through home visiting and fatherhood programs, to distribute English and Spanish flyers about the focus groups to the families that they serve.

CFRP asked parents who were interested in participating to complete a screening questionnaire online to determine their eligibility for the focus groups. CFRP received 209 complete screening questionnaires between March 1 and April 8, 2021. Of the 209 completed screening questionnaires, CFRP identified 17 potential participants who were ineligible because the parent indicated that they were not separated from or were still in a relationship with the

parent of one or more of their children and 58 potential participants who were ineligible because they did not establish a child support order or go through the modification request process within the last four years. The remaining 134 participants were eligible for the study.

Within the remaining 134 eligible participants, CFRP identified eight groups of approximately 10 parents each that shared common characteristics, as indicated by their responses on the screening questionnaire. These characteristics include gender, custodial or non-custodial designation, the period in which they established their child support order, the total number of child support orders (if any), their experience making and receiving their child support payments, and previous marital status. CFRP also screened for diversity across geographic location and race and ethnicity. Using these strategies, CFRP selected and invited 99 parents to participate in a focus group.

Of the 99 parents who CFRP invited to participate in a focus group, 72 consented to participate in the study, one declined to participate, and 26 did not complete the consent form. Of the 72 parents who consented to participate, 41 responded to communication from CFRP staff to provide their availability to participate in a focus group. CFRP made multiple attempts to contact the rest of the parents via email and text message. During the recruitment process, CFRP sent three emails to parents who did not complete the consent form and four emails to parents who completed a consent form but did not provide their availability for a focus group. CFRP also sent two text messages to parents who indicated that they preferred to receive communication about the study through text message and did not complete the consent form or provide their availability.

After encountering numerous scheduling constraints limiting participation in the focus groups, CFRP provided parents additional opportunities for participation by offering parents the option to participate in a one-on-one interview with a member of the research team. As a result, CFRP held six focus groups with 22 parents and 11 one-on-one interviews for a total sample of 33 parents. The study sample consists of 25 female custodial parents, one male custodial parent, and seven male non-custodial parents. Tables 1 and 2 describe the demographic characteristics and geographic location of the study sample.

Table 1. Demographic Characteristics of Parents in the Study Sample

Parent Demographic Characteristics			
	Custodial Parents	Non-Custodial Parents	Total (N=33)
Gender			
Female	25	0	25
Male	1	7	8
Other	0	0	0
Race/ethnicity*			
American Indian or Alaska Native	0	0	0
Asian	0	0	0
Black or African American	2	1	3
Hispanic or Latino/a	10	2	12
Native Hawaiian or Other Pacific Islander	0	0	0
Prefer Not to Say	1	0	1
White	13	4	17
Experience with Child Support Order			
Established a child support order within the last four years**	13	7	20
Established a child support order more than four years ago, requested a modification within the last four years	7	0	7
Did not have a formal child support order	6	0	6

**Although parents were able to identify as more than one race/ethnicity on the screening questionnaire, all parents in the study sample only selected one race/ethnicity. **Twelve custodial parents and five non-custodial parents indicated that they had established a child support order and requested a modification within the last four years.*

Table 2. Geographic Location of Parents in the Study Sample

Geographic Location of Parents			
Location in Texas	Custodial Parents	Non-Custodial Parents	Total (N=33)
Bell County	1	0	1
Bexar County	1	1	2
Brazos County	1	0	1
Burnet County	1	0	1
Cameron County	2	0	2
Dallas County	0	1	1
Deaf Smith County	0	1	1
El Paso County	3	0	3
Guadalupe County	1	1	2
Harris County	3	0	4
Hays County	1	0	1
Hemphill County	1	1	2
Hidalgo County	1	0	1
Lubbock County	1	0	1
Potter County	1	0	1
Randall County	1	0	1
Tarrant County	2	1	3
Tom Green County	1	0	1
Travis County	1	2	3
Wichita County	1	0	1

Overall, the study sample was similar to the other 66 parents of the 99 who CFRP invited to participate in the focus groups and the other 101 parents of the 134 who were eligible to participate across key demographic characteristics, including gender, race, and ethnicity. CFRP also used parents' responses to the online screening questionnaire to learn how the perceptions and experiences of parents in the study sample compare to the perceptions and experiences of parents who expressed interest in the study but did not to participate in a focus group or one-on-one interview. In general, parents in the study sample responded similarly across questions about the fairness of their child support order and the level of difficulty making or receiving child support payments on time to the other 66 parents who we invited to participate. Parents in the study sample and the other 101 parents who were eligible to participate in the study also responded similarly. Specifically, more than half of parents with a child support order in each group indicate that their child support order amount is not fair and that they have trouble making or receiving their child support payments on time.

These results suggest that the parents who expressed interest in our study may be the parents generally facing the most challenges with their child support. As such, parents who chose to

participate in our study and share their opinions with us may have experiences and perspectives that differ from other parents who we did not interact with during this study. Furthermore, though CFRP attempted to speak to a diverse group of parents, conversations with parents indicate that our study sample consists mostly of parents with low income and Title IV-D cases. However, our study sample is not exclusively comprised of these parents.

DATA COLLECTION

Screening Questionnaire

CFRP developed a screening questionnaire for parents interested in participating in the study (Appendix A). Between March 1 and April 8, 2021, parents could access the questionnaire through one of the Facebook or Google advertisements or through the URL provided on the flyer that we distributed to our community partners. CFRP designed the screening questionnaire, which was available in English and Spanish, to collect information on parents' demographic characteristics and experience with child support, including but not limited to: number of child support orders, number of children on their child support order, child support order amounts, and modifications. In addition to using the data that parents provided on the questionnaire to determine parents' eligibility, CFRP used the data to split parents into focus groups based on important parent characteristics, such as marital status prior to establishing a child support order and custodial and non-custodial designations. CFRP also used these data to ensure that we spoke to parents with a variety of experiences and perspectives.

Focus Groups and One-on-One Interviews

To discuss the experiences of parents and better understand whether the Texas child support guidelines result in child support order amounts that meet the financial needs of children, CFRP held six focus groups and 11 one-on-one interviews on Zoom between March 22 and April 8, 2021. During these semi-structured focus groups and one-on-one interviews, CFRP collected data from custodial and non-custodial parents paying or receiving child support, as well as parents who are eligible for a child support order but have not established one.

Each focus group lasted one hour and each one-on-one interview lasted 30 minutes. CFRP focused on four to five key topics during the focus groups and one-on-one interviews:

- 1) Cost of raising a child,
- 2) Reliance on child support/ability to pay child support,^a
- 3) Child support order process (establishing orders and modifications),^b
- 4) Parenting time, and
- 5) Multi-partner fertility.

^a CFRP asked parents without a child support order about their reliance on financial support for their child.

^b CFRP asked parents without a child support order about their knowledge and perception of the child support order establishment process.

ANALYTIC APPROACH

The primary purpose of the analysis is to learn about the extent to which the child support guidelines result in child support orders that adequately meet the financial needs of children by analyzing qualitative data collected about the perceptions and experiences of Texas families.

Unlike quantitative studies, which seek to determine an association or causal link through the use of empirical data and statistical models, qualitative studies aim to build a better understanding of a topic of interest by collecting in-depth information about participants' experiences and perspectives through methods such as interviews, focus groups, and observations.

Though in quantitative studies, a researcher's goal is to acquire a large sample size to help reduce estimation errors, in qualitative studies, larger samples may reach a point of diminishing return. Previous literature generally recommends a sample size of 5 to 50 participants in qualitative research,⁴ and experts recommend that researchers take factors such as study scope, design, and saturation into consideration to determine the sample size that is most appropriate for their study.⁵ Among these factors, saturation is one of the most important to consider. The principle of saturation refers to the point in which data collection no longer provides researchers with new information.⁶ Though the point of saturation varies, previous research generally finds that a sample size of 25 to 30 participants is an adequate sample size to identify variation in experiences and perceptions and to reach saturation.^{7,8}

During the *Custodial and Non-Custodial Parent Perspectives on the Texas Child Support Guidelines* study, CFRP determined that we reached saturation at 33 participants because conversations with parents no longer provided research staff with new information and the findings of the present study were consistent with our findings on previous studies that we conducted about child support in Texas.^{9,10}

CFRP recorded each of the focus groups and one-on-one interviews and used the transcription service "Rev" and the Zoom transcript feature to transcribe the discussions. Afterwards, CFRP coded each transcript using a coding schema that we developed based on our research questions. CFRP also coded responses that parents who were eligible for the study provided on the screening questionnaire. After we coded the transcripts and responses on the screening questionnaire, we synthesized our key findings by identifying common perspectives and experiences among parents, as well as important differences across individuals and subgroups.

Findings

Child support can play a key role in the financial security of children and their families. However, many of the custodial and non-custodial parents who participated in our study claim that the current child support guidelines do not adequately meet the financial needs of their children. In the following sections, we present the experiences and perceptions that custodial and non-custodial parents shared with us about child support and their ability to meet the financial needs of their children. Though the experiences and perceptions shared by parents in our study may not be generalizable to all parents paying or receiving child support in Texas, the

parents we interviewed shared many common experiences and suggestions on how the child support guidelines could better serve their family.

➔ **RESEARCH QUESTION #1: WHAT ARE THE FINANCIAL NEEDS OF CHILDREN?**

Finding 1: In general, parents estimate that the cost of raising a child is between \$700-\$1,000 per month and varies primarily based on the age of their child and the expenses they include in their calculation.

Overall, parents find it difficult to estimate the cost of raising a child. However, parents generally estimate that the cost of raising a child is between \$700-\$1,000 per month, without including the expenses that the other parent incurs when their child spends time with them. This range of \$700-\$1,000 per month varies primarily as a result of 1) the age of their child, and 2) the expenses that parents include in their calculations.

As parents describe the expenses that they include in their estimation, parents explain that the cost of raising a child is highest when their children are young and parents incur additional expenses such as diapers, formula, and child care. One custodial parent of two, who currently receives \$1,000 per month after modifying her minimum wage order in February 2021, states, “[my child] is still little so I have to pay [child care] which is about \$1,100 a month just in itself.” Other custodial parents explain:

“If you have kids that are [of child care] age, then it's going to cost a lot more [to raise your child]. When I was just looking at [child care], and I have a child that's in private school on top of that, just for [child care], not including food, you're looking [at] close to two thousand [dollars] a month. And when you start adding in [expenses during the] summer, when you have to pay [for] full time [child care] for your school-age kids, then that goes up even more, even though child support doesn't go up. It's easily \$2,500, if not more, a month, not including needing a bigger house and more utilities and things to take care of [my two children].”

– Custodial parent of two with a child support order of \$700 per month

“[My son] doesn't do the formula. He'll eat like what I, if I make food, he eats that now. So that's helped [cut costs]. And diapers, he's potty trained now, so that's helped a ton. So we've managed to cut costs that way.”

– Custodial parent of one with a child support order of \$240 per month

Although parents' expenses generally decrease once their children get older and stop using formula and diapers and no longer need child care, some parents state that expenses increase once again when their children turn sixteen and start driving:

“Not to mention when they start to drive, you have vehicle costs, you have insurance increases. My insurance went from \$89 [to] almost \$350 a month just [because] one of my kids [got] their driver's license.”

– Custodial parent of three with a child support order of \$855 for two children

Parents' estimates also vary depending on the expenses that parents include in their estimate. For some parents, the cost of raising a child includes a range of expenses such as utilities, car payments, rent/mortgage, groceries, clothes, extracurriculars, child care, and medical expenses. However, other parents do not include basic necessities such as utilities or rent/mortgage payments when estimating the cost of raising their children. One custodial parent with a minimum wage order for one child, explains, "No, [my estimate] doesn't include housing. Because I see it [as] I'd be living here anyways if I didn't have my son so I don't...really count that." Another custodial parent of three without a child support order explains:

"I just feel kind of like, well, you know what? This is my responsibility, I had [my son]. I had [my son] and he's going to have needs and so if he takes up more electricity, well, I'm going to have to figure that [out]... I don't have to cut that from what I'm spending on myself or what I'm spending on [my son]... It's just kind of, I don't know if I've ever included that into [the cost of raising] him."

– Custodial parent

These findings suggest that although parents generally estimate that the cost of raising their children falls between \$700 and \$1,000 a month for one child, parents incur different expenses depending on the age of their child. For parents with younger children or children of driving age, these different expenses may result in a higher estimated cost of raising a child by parents.

In addition, some parents do not include the cost of basic necessities when estimating the cost of raising their child. Parents who do not include basic necessities in their estimate choose not to do so because they perceive expenses such as rent and utilities as necessary expenses regardless of whether they have a child or not. These parents generally provide a lower estimate for the cost of raising a child than parents who choose to include basic necessities in their estimate.

➔ RESEARCH QUESTION #2: DO THE CHILD SUPPORT GUIDELINES RESULT IN CHILD SUPPORT ORDERS THAT ADEQUATELY MEET THE FINANCIAL NEEDS OF CHILDREN?

Finding 2: Custodial parents state that the amount of their child support order does not align with the cost of raising a child, primarily because their order does not take into account the cost of child care or the amount of time the non-custodial parent spends with the child.

Child support order amounts for parents who participated in a focus group or one-on-one interview range from \$100 to \$1,200 per month for one child. Four custodial parents with child support order amounts ranging between \$575 (+ \$500 in back pay) (for two children) and \$1,400 (for three children), state that their child support order amounts were set at a "reasonable amount;" however, the rest of the custodial parents share that there is a disconnect between the cost of raising their child and the amount of their child support order, which often makes it difficult for parents to meet the financial needs of their child.

Though parents use their child support to meet the needs of their children differently, one of the primary reasons why custodial parents consider their child support order amount inadequate is that custodial parents report that the court did not take the cost of child care into consideration

when calculating their child support order. One custodial parent of two, who has a child support order of \$700 a month, explains that the child support she receives “pretty much goes [toward] just covering one child’s [child care expenses] and nothing for food or clothes or anything for the other [child].” Other custodial parents share:

“... I just think that [my child is getting the] shorter end of the stick between the other kiddos that [the non-custodial parent is paying child support for]...I mean if we increase [the child support order amount] back to the \$200 [per month] that'd be helpful, [because] I mean, \$1,200 a year doesn't touch [child care] expenses. So, I mean, even if I could get the [child] support order to pay half of [the cost of child care], that would be wonderful. That's the biggest expense.”

– Custodial parent of one with a child support order of \$100 per month

“When [the non-custodial parent] is only ordered to pay \$280 [per month] for the two kids and I'm paying \$250 a week in [child] care, it's just kind of ridiculous at that point.”

- Custodial parent of two with a child support order of \$1,000 per month after modifying a minimum wage order in February 2021

“...I was paying \$350 a month in child care and they didn't take that into account. I mean \$150 a month [in child support] for three children, and I'm paying \$350 [in child care] for one [child]...That's ridiculous...there's no help there.”
- Custodial parent of three with a child support order of \$160 per month for one child after previously receiving \$150 per month in child support for three children

Another reason why some parents report that the amount they receive in child support is inadequate relative to the cost of raising their children is that some custodial parents incur additional expenses because they have their children all of the time. These parents provide a variety of reasons why their children do not spend any time with the non-custodial parent, including a history of domestic violence, the non-custodial parent is in jail or prison, or the non-custodial parent does not want to see their children. Irrespective of the reason, these custodial parents state that because their children do not spend any time with the non-custodial parent and the court did not take this into consideration during the order setting or modification process, their child support is not enough to meet the financial needs of their children.

“...it's very expensive. Really, I was hoping [that] July would be [a] makeup month, where I could catch up a little [on my finances], but I still have [my children]. I wouldn't do anything different, but [my children] still have to eat and they still have to be clothed.”

– Custodial parent of five with a child support order of \$1,013 per month

“If I’m spending \$700 on [my son], let’s say monthly, and [my son] is with me 24 hours a day...I think if [the non-custodial parent] is not going to split any time [with me] at all, because it’s a lot of effort. Parenting is a lot of effort, it takes a lot. [A fair amount of child support would be] maybe 60% of [what I’m spending on my son], maybe 70% of that. I feel like the parental responsibility and the financial responsibility it’s just on me.”

– Custodial parent of one with a child support order of \$240 per month

“If [the non-custodial parent] was using his visitation [and I could] have every other weekend to do something [for my]self...or you have that month of July to catch up, then the [child support order amount] isn’t that bad. But when you’re doing it all, there should be more to cover that [extra] amount of time [your child is with you], because you have absolutely no breaks and you have absolutely no way of making additional income, because you have [your children] all the time.”

– Custodial parent of two with a child support order of \$700 per month

Similarly, some of the custodial parents who state that they receive adequate child support consider the amount of time the non-custodial parent spends with their child when determining the adequacy of their child support order. One of these custodial parents explains:

“I think if [the non-custodial parent] wasn’t in [my children’s] lives, I would be more apt to take them back [to see the non-custodial parent] more often or maybe try to get as much as I can [in child support] without even considering his life...But because [the children are important to him], he is a big part of their life, and he does well with them, I don’t want to like screw him over. I want the best for the kids really and for them to see like all of us getting along as much as we can.”

- Custodial parent of two with a child support order of \$1,000 per month after modifying a minimum wage order in February 2021

Although we find that most parents in our study were low income, the range of child support order amounts among parents who participated in a focus group or one-on-one interview indicates that our study sample is not exclusively comprised of these parents and there is variation in the incomes and the amount of financial support that children and their families receive. Overall, however, most custodial parents state that the amount of their child support order is insufficient to meet the financial needs of their children primarily because of child care costs and parenting time.

In Texas, judges and attorneys may consider a deviation from the Texas child support guidelines to take the cost of child care and parenting time into consideration when setting or modifying a child support order (Texas Family Code § 154.123 (b)). However, parents in our study state that the court did not consider the cost of child care or parenting time when setting or modifying their child support order, suggesting that without a deviation in the child support guidelines to take these circumstances into account, child support order amounts may not align with the financial needs of children.

➔ **RESEARCH QUESTION #3: WHAT ARE THE CONCERNS OF CUSTODIAL AND NON-CUSTODIAL PARENTS REGARDING THE ABILITY OF THE CHILD SUPPORT GUIDELINES TO RESULT IN CHILD SUPPORT ORDERS THAT ADEQUATELY MEET THE FINANCIAL NEEDS OF CHILDREN?**

Finding 3: Non-custodial parents who pay their child support regularly face financial strain because the court does not take the money that the non-custodial parent spends on their child when their child is with them into consideration when calculating their child support order amount.

For non-custodial parents paying their child support regularly, making their child support payments gives them a sense of pride. However, non-custodial parents in our study state that their child support payments put a financial strain on them and their families because the court does not take the money that the non-custodial parent spends on their child when their child is

“...I have never missed a payment, a child support payment. I take pride in that because that [money] is for my boys.”

- Non-custodial parent with a child support order of \$781 per month for two children

with them into consideration during the child support order setting process. When the child spends time with the non-custodial parent, sometimes for months at a time, the non-custodial parent is responsible for expenses such as food, clothes, rent/mortgage, utilities, and child care, but the non-custodial parent is *also* still responsible for sending the custodial parent money for child support during this time as well. One non-custodial parent with a child support order of \$800 per month for two children shares that when his children

visit him during the summer, he is “out \$1,500 for [child] care but still sending [the custodial parent] almost \$800 a month [in child support].” Other non-custodial parents explain:

“...When I bring [my son] over to the house, I'm buying groceries. [The custodial parent] doesn't give me food to feed him, so I'm still spending money to feed him and do activities with him so I think that should also be a factor in the scheme of child support...[Non-custodial parents] have a lot of out-of-pocket expenses because we're paying the child support, then we got to turn around and pay for benefits, clothes, food, and all that stuff that we got to do when the child is with us. That's more money on top of what you're already paying into the system.”

– Non-custodial parent with a child support order of \$1,200 per month for one child

“I think [the court] should [take the costs I incur when my children are with me into consideration]...I mean, because when [my children are] with me, I have to pay for [child] care. You know that's not included, [the custodial parent] doesn't pay that even when [my children are] with me for the summer or winter spring break, [so] I'm going to [have to] come up with an extra \$175 that week, on top of the child support.”

– Non-custodial parent with a child support order of more than \$750 for two children

Non-custodial parents who did not participate in a focus group or one-on-one interview express similar concerns on the screening questionnaire. One non-custodial parent paying between \$351 and \$550 in child support for one child states:

"I had possession of my son for over 6 months last year and still had to pay child support [during that time]. I applied for credit for time outside of standard visitation 4 months ago and have yet to be contacted other than an email asking about whether I have insurance provided to me through my job, which my son has been on for over 4 months! Also, my monthly income has dropped drastically in recent months and I need the monthly amount adjusted."

– Non-custodial parent

Non-custodial parents across the focus groups, one-on-one interviews, and screening questionnaire also express concern that the child support guidelines are not set with both parents in mind because the guidelines do not take the custodial parent's income into consideration during the order setting and modification process. During a one-on-one interview, one non-custodial parent explains:

"Besides my career, [I had] two or three side jobs...to meet expenses...to me that took up a lot of the weekends that I possibly could have spent with [my daughter] because I'm here like 'well do I go in debt or...do I work, but at the same time I'm sacrificing time with my daughter?'...It's like work and meet your financial obligations but ignore your parental obligations, and that's what, I guess it...devolved into."

- Non-custodial parent with a child support order of \$1,104 per month for one child

"I mean there's nothing. There's no help for [non-custodial parents] like me. You know, there are the guys that don't pay their [child support]...but I mean... I'm kind of stuck you know? [I] live paycheck to paycheck...because I have to give her \$1,000 a month...I can see that the [custodial parent and her husband] live a nicer lifestyle than I do...because they make more money...I don't have any money. I have \$300 in [a] savings account [and] that's it, and the only reason I could afford to live where I am at [is] because my mom bought the house, and I get a lower rent from her. If I had to pay [rent] on this house, I couldn't afford to live here...actually, [my children] use my address to go to school because it's a better area...so [the custodial parent] is probably paying less than I am [in rent]."

- Non-custodial parent with a child support order of \$1,000 per month for two children

"My biggest deal with being a non-custodial parent is the system is outdated. The system is made for the 1950s, 1960s, when the mother stayed at home and did not work...in my case, I'm paying out \$781 a month, \$9,600 a year, she makes probably 70 something thousand a year...I make 50 and you take almost 10 grand off of mine [for child support]... that puts me...at 40 puts her at 80, and I'm still expected to have a home and buy clothes for my kids, because she doesn't send clothes, she doesn't send shoes [when they stay with me]."

- Non-custodial parent with a child support order of \$781 per month for two children

"[The child support order amount should] honestly depend on whether [the custodial parent] is doing better than you are financially. [The custodial parent], she remarried into money. She's got plenty of everything. She actually has a really good job because of her

father-in-law...She makes probably two to three times what I make in a year, so I'm sitting there going, '\$500 a month, you probably aren't doing much with that anyway. It's just a drop in the bucket for you'...Personally, when they're sitting there doing that, though, and the [custodial parent] has huge gains on you, and [the custodial parent] is sitting there trying to bleed you dry on top of it, it gets just a little malicious feeling. For a long time there, I had to go back to school and get my engineering degree and during that time period, it was hand-to-mouth trying to eat all the time and pay child support and go to school and pay for that and do all that so that I could better myself when I got out of there."

– Non-custodial parent with a child support order of \$500 for one child

Children have financial needs when they are with the non-custodial parent, just as they do when they are with the custodial parent. However, non-custodial parents experience financial strain that makes it difficult to provide for themselves and their children because of their child support payments. Non-custodial parents identify two key steps toward ensuring that child support orders meet the financial needs of children when they are with either parent: considering parenting time and custodial parent income in the order-setting process.

➔ RESEARCH QUESTION #4: BASED ON THE PERSPECTIVES OF CUSTODIAL AND NON-CUSTODIAL PARENTS, HOW MIGHT THE CHILD SUPPORT GUIDELINES BE STRUCTURED TO MEET THE FINANCIAL NEEDS OF CHILDREN?

Finding 4: Parents suggest that the court should regularly consider the cost of child care and the actual amount of time a child spends with the non-custodial parent when establishing a child support order to better meet the financial needs of children.

Adjustments for Parenting Time

Custodial and non-custodial parents suggest that the court should consider the actual amount of time the non-custodial parent spends with their child more frequently to determine the amount of their child support order. This option helps parents who have a parenting time order in place but are incurring additional expenses because the other parent cannot or does not want to see their child. This option also helps non-custodial parents who are facing financial strains because their child support orders do not account for the additional expenses that they incur when their child is with them. Custodial and non-custodial parents explain:

"Personally, I don't have a problem with the [amount in child support] that I get from my ex-husband. I think it's fair. I've explained to him, 'I'm not trying to get you to take care of [the children] completely...I just want the help.' I'm not trying to get all [of the non-custodial parent's] money. I'm not trying to make him homeless. I want the kids to have [things] when they go to his house. Because there's been times where they've been to his house, and I've had to send groceries, I've had to send money. And I was okay with that, as long as [my children] were spending time with their dad."

– Custodial parent of two with a child support order of \$575 per month (+ \$500 in back pay)

“We just went back to court in January and they upped [the child support order amount]...but do I need [the additional \$66]? No. Does my son need it? He’s never had it. So you don’t miss something you’ve never had, but also at the same time...God, I don’t know if [the non-custodial parent] will ever see [my son]. But if he does, I’d like the [non-custodial parent] to have a roof over his head to take my son to.”

– Custodial parent of one with a child support order of \$316 per month and owed over \$20,000 in arrears

“I feel like [child support should factor] in how much time you're spending with your child. If you have them 60/40, then maybe the percentage should be altered a little bit based on that, it shouldn't be such a cut and dry percentage [of] 20%, because it doesn't really reflect all the time that you do spend with your child...I’m still spending money to feed him and do activities with him so I think that should also be a factor in the scheme of child support.”

– Non-custodial parent with a child support order of \$1,200 per month for one child

Thirty-six states have child support guidelines that incorporate parenting time into the child support calculation process.¹¹ When parents with a parenting time order choose to establish child support in these states, states consider the amount of time that the non-custodial parent spends with their child in the calculation of their child support order amount.¹² In Texas, the court can consider a deviation from the child support guidelines to consider the amount of time a non-custodial parent spends with their child (Texas Family Code § 154.123 (b)).

Because child support and parenting time are two legally separate issues, limitations exist with this approach. Parenting time is not static and it is difficult to enforce. As such, further incorporating parenting time in the child support establishment process may lead to additional administrative burden and unfair child support order amounts for both custodial and non-custodial parents who have a parenting time order in place that the other parent does not follow. Recognizing this challenge, one parent states:

“I really don't think [parenting time] should be considered because we're supposed to have joint custody, 50/50. And we're under a [parenting time] order where [their father] is supposed to have [my children] on the first, third, and fifth or whatever weekend, but it hasn't been exercised, because [my children] don't want anything to do with [their father] because of [their father's] abusive nature and other things. And [their father] moved to Maryland. I don't think the time with the parents should be necessarily forced upon that because everybody's situation is different.”

– Custodial parent of three with a child support order of \$855 per month for two children

Adjustments for Child Care

Similar to adjustments for parenting time, the Texas child support guidelines allow the court to consider a deviation in the child support guidelines to consider child care expenses incurred by either parent (Texas Family Code § 154.123 (b)). Custodial parents emphasize the need to take the cost of child care into consideration more frequently during the child support setting process to ensure that child support order amounts align with the cost of raising a child.

“If you have kids that are in full time [child] care, [child support] should cover at least half of the [child] care, as well as half of what food and just basic upkeep is.”

– Custodial parent of two with a child support order of about \$700 per month

“I mean if medical health insurance, dental insurance, all of that is included...child care should be included [in child support].”

– Custodial parent of one with a minimum wage order

One custodial parent with a child support order of \$450 per month for one child highlights her experience with a previous child support order in Virginia for another child. Virginia, which uses an Income Shares Model, states that “any child-care costs incurred on behalf of the child or children due to employment of the custodial parent [are] added to the basic child support obligation,” and then split between the two parents (Virginia Code § 20-108.2 (F)).

Two important considerations for adjustments for child care exist, however. First, non-custodial parents emphasize that custodial parents sometimes live in cities with a higher cost of living than non-custodial parents. As such, child care expenses may be higher than the non-custodial parent may be able to afford. Second, non-custodial parents also express frustration because the court does not take the cost of child care that the non-custodial parent incurs when their child is with them into consideration during the child support setting process. As a result, higher child support order amounts that account for the custodial parent’s child care expenses, but not the non-custodial parent’s expenses, may result in perceived unfairness by the non-custodial parent and increased unwillingness to pay.

Though the Texas child support guidelines allow the court to consider deviations from the guidelines for various circumstances, including parenting time and child care expenses, parents in our study state that the court did not deviate from the guidelines and take parenting time or the cost of child care into consideration when they established or modified their child support orders. As a result, most parents find that their child support order amount does not meet the financial needs of their children. Parents suggest that Texas adjust the child support guidelines to allow attorneys and judges to regularly consider parenting time and child care expenses during the order setting and modification process to better meet the financial needs of children in the state. By adjusting for parenting time, custodial and non-custodial parents may experience reduced financial strain. Similarly, by adjusting for child care expenses, custodial parents currently bearing the majority of the child care costs may be able to better able to meet the financial needs of their children. However, important considerations and limitations exist within these two suggestions, including increases in administrative support, enforcement of parenting time, and perceptions of unfairness.

Limitations

We encountered three main limitations in the *Custodial and Non-Custodial Parent Perspectives on the Texas Child Support Guidelines* study. First, although some parents may find it easier to participate in virtual focus groups and one-on-one interviews than attending in-person, by conducting the focus groups and one-on-one interviews virtually, CFRP was not able to collect information from parents who do not have access to a computer, smartphone, tablet, or the Internet. As a result, the experiences and perspectives of parents with the lowest levels of income or the fewest resources may not be represented in this report.

Secondly, CFRP was unable to reach all parents in Texas during the recruitment process. Consequently, limited groups of parents completed the screening questionnaire or responded to communication from CFRP staff, and CFRP was unable to speak to non-custodial parents who do not make their child support payments regularly, female non-custodial parents, non-custodial parents without a formal child support order, and parents who do not speak English.

Finally, though we attempted to recruit parents with a diversity of experiences, approximately 70 percent of parents who participated in a focus group or one-on-one interview indicate that they have trouble making or receiving their child support payments on time, suggesting that parents who are facing the most challenges with their child support and the financial security of their family may have been more willing to participate in our study than those without any issues or concerns. Additionally, conversations with parents suggested that a majority of our study sample consisted of parents with low income and Title IV-D cases.

Conclusion

Child support is a program that can help to reduce child poverty and promote economic self-sufficiency among families. However, most parents who participated in this study consider the current Texas child support guidelines inadequate because their child support orders do not align with the cost of raising a child and do not sufficiently consider parents' ability to jointly provide for their child. Parents also note that the guidelines do not adequately account for the costs associated with child care or differential parenting time during the establishment and modification process. Moving forward, parents suggest adjusting the child support guidelines to regularly account for the cost of child care and the amount of time the non-custodial parent spends with the child during the order setting and modification process to address some of the challenges that parents face and better meet the financial needs of children in Texas.

Appendix A: Screening Questionnaire

- [Required]** Please provide your **first and last name**.
First name: _____ Last name: _____
- [Required]** Please provide your **email address** so that we can invite you to the focus group.
Email: _____ → validate “@” and “.”
- [Required]** How would you prefer to receive **reminders** about the focus group?
 - Email → Skip to Q 5
 - Text message → Continue to Q 4
- [Display only if selected ‘text message’ on Q 3, required]** Please provide your phone number.
Phone number: _____ → validate 10 digit phone number XXX-XXX-XXXX
- [Required]** Please provide the **city** where you live _____
- [Required]** Please select the **county where you live from the dropdown menu**.
County: *drop down box*
- [Required]** Are you 18 years or older?
 - Yes
 - No → Skip to end of survey message: “We’re sorry, at this time we are only enrolling parents who are 18 years or older in our study. Thank you for your interest in our study.”
- [Required]** Which of the following best describes your **gender**?
 - Male
 - Female
 - Other (please specify): _____
 - I would prefer not to say

9. **[Required]** What is your **race/ethnicity**? **Please select all that apply.**
- American Indian or Alaska Native
 - Asian
 - Black or African American
 - Hispanic or Latino/a
 - Native Hawaiian or Other Pacific Islander
 - White or Caucasian
 - I would prefer not to say → **validate: cannot select any other choice if selected**
10. **[Required]** Are you separated from or not in a relationship with the parent of one or more of your children?
- Yes → **Continue to Q 11**
 - No → **Skip to end of survey message: “We’re sorry, at this time we are only enrolling parents who are separated from or not in a relationship with the parent of one or more of their children. Thank you for your interest in our study.”**
11. **[Required]** Do you have a **formal child support order** for any of your children?
- Yes, and I established a child support order within the last four years → **Continue to Q 12**
 - Yes, and I established a child support order more than four years ago → **Continue to Q 12**
 - No, I do not have a formal child support order → **Skip to Q 13**
12. **[Display only if selected ‘Yes’ on Q 11, required]** How many total child support orders do you have in Texas?
- One
 - Two or more

[Display Q 13-15 only if selected ‘No’ on Q 11]

If you are separated from or not in a relationship with more than one parent, please answer the following questions while thinking about the youngest child whose other parent you are not currently in a relationship with.

13. **[Required]** Do you pay or receive financial support from your child’s other parent?
- Yes, I receive financial support from my child’s other parent
 - Yes, I provide financial support to my child’s other parent
 - No, I do not receive or provide financial support

14. **[Required]** Does your child live with you a **majority** of the time?
- Yes, my child lives with me a majority of the time → Skip to Q 27
 - No, my child lives with their other parent a majority of the time → Continue to Q 15
 - My child spends an equal amount of time living with me and their other parent → Skip to Q 27
 - Other (please specify): _____ → Force response if selected, Skip to Q 27

15. **[Display only if selected 'No' on Q 14]**

Please indicate the extent to which you agree with the following statement.

I am able to see my child as much as I would like.

- Strongly Agree → Skip to Q 27
- Agree → Skip to Q 27
- Disagree → Skip to Q 27
- Strongly Disagree → Skip to Q 27

[Display Q 16-26 only if selected 'Yes' on Q 11]

We would now like to ask you some more questions about your child support order to get a better understanding of your experience with the Texas child support system.

If you have more than one child support order, please answer the following questions based on your child support order that was most recently established.

16. **[Required]** How many children under the age of 18 are included on this child support order?
- 1
 - 2
 - 3
 - More than 3
17. **[Required]** How much are you obligated to **pay** for this child support order every month?
- I am not obligated to pay child support on this order
 - Between \$1 and \$250
 - Between \$251 and \$350
 - Between \$351 and \$550
 - Between \$551 and \$750
 - More than \$750

18. **[Required]** How much are you obligated to **receive** for this child support order **every month**?

- I am **not** obligated to **receive** child support on this order
- Between \$1 and \$250
- Between \$251 and \$350
- Between \$351 and \$550
- Between \$551 and \$750
- More than \$750

Please indicate the extent to which you agree with the following statements.

19. **[Required]** I feel that the amount I am obligated to pay or receive on this child support order is fair.

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

20. **[Required]** I have trouble making or receiving my child support payments on time.

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

21. **[Required]** In the past four years, have you or your child(ren)'s other parent requested a change to the amount of your child support order?

- Yes
- No

22. **[Required]** Were you previously married to the other parent on your child support order?

- Yes
- No

23. **[Required]** Do you have **primary physical custody** of the child(ren) on this child support order? By primary physical custody we mean that your child(ren) lives with you a **majority** of the time.

- Yes, I have primary physical custody → **Skip to Q 25**
- No, the other parent has primary physical custody → **Continue to Q 24**
- We share physical custody 50/50 → **Skip to Q 25**
- Other (please specify): _____ → **Force response if selected, Skip to Q 25**

24. **[Display only if selected 'No' on Q 23, required]** I am able to see my child(ren) as much as I would like.

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

25. **[Required]** Overall, how satisfied are you with the Texas child support system?

- Very satisfied
- Somewhat satisfied
- Not too satisfied
- Not at all satisfied

26. Please provide any additional comments about your experience with the Texas child support system below.

[Display Q 27-29 after Q 15 block and Q 26 block]

In this last section, we would like to know more about which focus group you are most comfortable participating in, your availability, and how you heard about this project.

27. **[Required]** I am comfortable participating in a focus group in _____.

- English
- Spanish
- English or Spanish
- None of the above

28. **[Required]** Please indicate whether you are available for a virtual, one-hour focus group during any of the following dates and times. **Please select all that apply.**

- Monday, March 22nd 7-8 PM CDT
- Wednesday, March 24th 7-8 PM CDT
- Thursday, March 25th 9–10 AM CDT
- Thursday, March 25th 10:30–11:30 AM CDT
- Thursday, March 25th 7-8 PM CDT
- Friday, March 26th 9-10 AM CDT
- Friday, March 26th 10:30–11:30 AM CDT
- Monday, March 29th 7-8 PM CDT
- I am not available for any of these times

29. [Required] Please indicate how you found out about this focus group opportunity:

Facebook advertisement

Google advertisement

Referral (please specify the organization): _____ → Force response if referral is selected

Other (please specify): _____ → Force response if referral is selected

ENDNOTES

¹ Cynthia Osborne et al., “An Estimation Model of the Cost of Raising Children in Texas,” (April 22, 2016): 4.

² NCSL, “Child Support 101: State Administration,” (April 1, 2013).

³ Cornell Law School, “45 CFR 302.56 – Guidelines for setting child support orders,” (December 20, 2016), <https://www.law.cornell.edu/cfr/text/45/302.56>

⁴ Shari L. Dworkin, “Sample Size Policy for Qualitative Studies Using In-Depth Interviews,” *Archives of Sexual Behavior*, (September 12, 2012), 41: 1319-1320.

⁵ Janice M Morse, “Determining Sample Size,” *Qualitative Health Research*, (January 1, 2000), 10(1): 3-5.

⁶ Mark Mason, “Sample Size and Saturation in PhD Studies Using Qualitative Interviews,” *Forum: Qualitative Social Research*, (August 24, 2010), 11(3).

⁷ Shari L. Dworkin, “Sample Size Policy for Qualitative Studies Using In-Depth Interviews,” *Archives of Sexual Behavior*, (September 12, 2012), 41: 1319-1320.

⁸ Bryan Marshall et al., “Does Sample Size Matter in Qualitative Research? A Review of Qualitative Interviews in IS Research,” *Journal of Computer Information Systems*, (December 10, 2015), 54(1): 11-22.

⁹ Cynthia Osborne et al., “Review of Texas Child Support Guidelines (CSGR): Final Report and Recommendations,” (January 11, 2013).

¹⁰ Cynthia Osborne et al., “Summary of the Results from the Child Support for College (CS4C) Asset-Building Initiative,” (October 2013).

¹¹ Jessica Pearson, Ph.D. & Kaunelis R., “Policy Brief: Child Support, Parenting Time, and Safety Concerns,” *Center for Policy Research*, (August 2015).

¹² Jessica Pearson, Ph.D. & Kaunelis R., “Policy Brief: Child Support, Parenting Time, and Safety Concerns,” *Center for Policy Research*, (August 2015).