

Financial Responsibility for Children Following Divorce and Remarriage

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ABSTRACT: In this article the phenomena of the declining financial status of children following the divorce of their parents are explored. Two cultural beliefs are proposed as particularly relevant for understanding why some parents do not provide financially for their children following divorce: the belief that the nuclear family form is the only one that is normal and natural, and the belief that an individual's rights are of supreme importance. The consequences of these beliefs for the financial support of children are discussed, and suggestions for addressing the situation are presented.

KEY WORDS: child support, divorce, mediation, remarriage.

Introduction

As nuclear families transition into new and increasingly complex structures through divorce and remarriage, family finances become complicated as well. A key issue in family transitions such as divorce and remarriage is financial responsibility for children. Most U.S. citizens would agree that parents are responsible for the financial support of their children. Most would probably also agree that parents should continue to be financially responsible for their children even after divorce and/or remarriage. However, this does not always happen.

As a result of legal custom and societal expectations, the physical custody of children is almost always awarded to women. The continuing contribution of men to the welfare of their children is often expected to be in the form of child support. However, in spite of the

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passage of stricter child support laws in recent years, many fathers either do not pay child support, are negligent in their payments, or do not pay enough to adequately support their children. As a result, children whose parents divorce often find that their standard of living has dropped dramatically. Divorce can mean a decline in economic status of about one-third for mothers and children (Hoffman & Duncan, 1988).

This major reduction in household income can have severe consequences for children. For some children this means that they must live in households in which the income is at or below poverty level. The plight of these children is shared indirectly with all citizens; the number of years a child lives in poverty is related to nearly every negative child outcome measure devised, and society ends up picking up the tab for parents who cannot or will not financially provide for their children after divorce.

The failure of noncustodial fathers to economically support their children has long term consequences for both the children and society. Poor children are at risk of becoming poor adults, having been deprived of opportunities (e.g., education, health care) provided to children whose parents made more resources available to them.

Although middle-class children may not be reduced to poverty following parental divorce, their life course still may be drastically altered. For example, divorced women and their children often have to move into less expensive housing in a new neighborhood and a new school district. Such moves uproot children at a time when they are already having to adapt to major changes in their lives. Some children may find the stressors associated with these changes overwhelming. Also, college plans may have to be abandoned or dramatically changed. Reducing the number of young adults who are well educated is a reduction in society's collective resources for the future.

Some children, particularly those who do not think their fathers have given them enough economic support, may become cynical and angry about family finances following divorce. Father-child relationships often suffer as a result. This leaves children with fewer adult models and resources for guidance in making important life decisions that they may be too inexperienced to make on their own.

Even those children whose parents remarry are often not returned to the standard of living they enjoyed when their parents were married. In fact, child support payments to a custodial mother may actually be reduced when she remarries (Hill, 1992). Fathers who marry

women with children may find themselves financially responsible for stepchildren as well as their own. If finances are limited, fathers may find themselves facing the issue of which children to support.

Stepparents may or may not be willing to provide substantial financial support for their stepchildren. Some stepparents may decide to support children living in their household, both biological and step, but not biological children who live elsewhere. Others decide to avoid financial responsibility for stepchildren with whom they live and assume financial responsibility only for their biological children who live with them or elsewhere.

The issue is—who is financially responsible for children following divorce? Why are some parents, especially fathers, not taking responsibility for supporting their children? What are the financial responsibilities of stepparents toward their stepchildren? What are the reasons behind the financial plight of many children whose parents have experienced the transitions of divorce and remarriage? If cultural beliefs are that parents should financially support their children, why is this even an issue?

The reasons are multiple and complex. In some cases, fathers have insufficient money to take care of themselves, let alone to help support their noncustodial children. Other fathers cannot afford to pay the child support mandated by the court, even though they may have enough income to support themselves. But such cases are the exception. Typical child support awards are so low that few fathers can truly claim the inability to pay. In fact, there exists in our society anomalously large discrepancies between the economic security and lifestyle of the child and that of the father (Hill, 1992). Poor children do not necessarily have poor fathers; some noncustodial fathers have the potential to provide large enough child support payments to substantially reduce their children's years in poverty but choose not to do so (Hill, 1992).

Other reasons given by fathers for not financially supporting their children include: physical and emotional distance between father and child, lack of visits with the child, ex-wife has sole custody, a negative relationship with the ex-wife, and a belief that their children do not benefit from the money they send (Tropf, 1984). Although these and other reasons for not financially supporting noncustodial children appear to have a surface logic, the logic seems to rest on assumptions deeply rooted in our cultural beliefs about families. It is the authority of these beliefs that we wish to question.

Social Cognition and Financial Support of Children

Two cultural beliefs are particularly relevant for understanding why some parents do not provide financially for their children: (a) the belief that the nuclear family form is the one and only family structure that is normal, natural, and right, and (b) the belief that an individual's rights are of supreme importance. Although these two beliefs are not always compatible with each other, both have long historical traditions in our culture and have been widely discussed as among the most influential beliefs in our society (Bellah, Madsen, Sullivan, Swidler, & Tipton, 1985; Farber, 1973; Miller, 1991).

Idealized Nuclear Family

The U.S.A. citizenry have long idealized a single model of family life (Miller, 1991; Uzoka, 1979). This idealized family, the private Western nuclear family, consists of a breadwinner father with a financially dependent wife and children, who reside in their own household. This idealized model is basically a European one and ignores cultural/historical family patterns in African-Americans, Native Americans, and other groups who form a large minority of U.S.A. families.

This nuclear family model has come to be associated with a moral, natural imperative. Other forms of family life are considered to be immoral, or at best, less moral than the private Western nuclear family model. According to family historian Miller (1991), this ideology has

particularly had a stultifying impact at policy levels where programmatic and social assumptions are often designed with only that model in mind. . . . the ideology continues to influence policy, inspire guilt, and distort social and historical analysis. . . . it therefore remains as a burden and stands as the abandoned standard, a singular model in a culture of diversity. (p. 13)

No doubt some of the stigma of divorce has been removed in recent years, but there is still an undercurrent of moral outrage directed towards those who divorce. Although there is less tolerance for the expression of such ill will, deep-seated feelings against those in non-nuclear families persist. At the social level, there is a veneer of civility hiding the righteous nature of our traditional Puritan mores that suggest those who do not conform to the family ideal should be punished.

This ideology contributes to the financial plight of children of divorced parents. Cultural adherence to this ideology helps explain why policymakers can intrude so thoroughly into family life at the time of legal divorce, yet be reluctant to develop ways to support divorcing parents and their children. The unofficial policy has been that because divorced people have done wrong they do not deserve help. Children are the products of the moral failure of their parents and therefore their suffering is unavoidable. Thus, the outcomes are made to confirm the beliefs that shape the policies, a self-fulfilling design.

Farber (1973) has argued that what he calls the natural-family model, which is nearly identical to Miller's private Western nuclear family, presupposes that the nuclear family exists as a universal, necessary entity in nature. The natural family model can be traced back to the New England Puritans who borrowed from English ecclesiastical family law and especially from Old Testament Hebraic thought (Farber, 1973). Although we have given up other aspects of Puritanical life, Puritan-derived family beliefs are still with us. We do not necessarily live outwardly by these beliefs, but they are with us nonetheless.

The idea that there is one best way to be a family (i.e., the private Western nuclear family or the natural family) can also be seen as an offshoot of Darwinist thinking, a type of social Darwinism (Miller, 1991). Survival of the fittest has become the model for families as well as individuals, and any group that appears noncompetitive is not only unworthy of concern, but is expected to fail or disappear. Therefore, the children of divorce, like their parents, are seen as losers and not worth our concern.

Beyond its indirect effects on divorced families, the nuclear family ideology also directly influences how divorced parents think about themselves and their children. The influence is evident in language. When a nuclear family unit is disrupted or dissolved, then the social contract between parents and children is also felt to be broken. Some fathers cease to feel much connection or obligation to children they do not see, and whom they may not consider to be part of their family anymore. Parents who believe there is only one natural, normal kind of family may have difficulty figuring out new roles and responsibilities when their family ceases to fit the model. They may compete for the child's loyalty and affection.

In the idealized nuclear family, the father is the primary breadwinner in the household. What role is left for him after divorce? Some fathers may reject the continued responsibility of financially support-

ing their children because they do not associate paying child support with breadwinning, or they no longer see any role for themselves because the family, or at least the household, has ended. The nuclear family ideology articulates few acceptable alternative models for a successful family, so mothers and fathers do not know how to perform family roles when they no longer live together.

This difference between what ideology sanctions and what reality brings about helps explain why some fathers can argue that it is not fair for them to pay \$300 (or \$220 or \$400 or whatever) a month for child support. These sums are generally framed as being unjust due either to some seemingly pragmatic reason (the ex-wife works and makes enough money to pay for the child's needs), or to a complaint about the former spouse (she is frivolous with money, she spends the money on herself rather than on the child). In essence, these fathers are arguing that they are not responsible for one of the primary tasks of fathers under the nuclear family ideology. For some fathers, the notion that their families are dissolved means that they are no longer obligated to fulfill father-role responsibilities.

Public sentiment and social policy generally disagree with the critical view of nuclear family ideology presented in this article. Society, via its legal system, does indeed endorse and reinforce the idea that divorce breaks social contracts between society and the family; divorce opens the door for legal intrusion into family affairs that are otherwise considered little business of the government (e.g., deciding the frequency of parent-child contacts, or deciding which parent will pay for which needs of children).

The nuclear family ideology also fosters confusion about financial responsibility for children after mothers remarry. Many stepfamilies attempt to reconstitute the nuclear family model (Visher & Visher, 1988). The process is twofold: (a) stepparents must assume parental roles, duties, and responsibilities; and (b) boundaries must be drawn around the household so that family membership and household membership become identical. Stepparent adoption is one of the most widely used methods to accomplish these tasks—the noncustodial parent gives up parental rights and responsibilities and these are given to the adopting stepparent. Legally the stepparent becomes a parent and socially the stepfamily becomes a nuclear family. For these families, the issue of who is financially responsible for the child is not a problem, because the answer is quite clear—the residential biological parent and adoptive stepparent are responsible. However, difficulties arise when the absolute nature of the arrangement is qualified. For

many stepfamilies who try to recreate the nuclear ideal, the nonresidential biological parent may not want to relinquish his or her parental rights, and/or the stepparent may not wish to adopt. For these families, there are many questions about who is financially responsible for the child.

Remarried adults who want to imitate nuclear families without adopting often try to limit interaction between children and the noncustodial parent as the stepparent and custodial parent compete with the noncustodial parent over ownership of the child. Efforts range from attempting to create emotional distance (e.g., having children call the stepparent, "Dad") to prohibiting visits. Noncustodial fathers may react by refusing to pay child support. Although this may make it easier for stepfamilies to operate as if the household and family were one and the same, the legal and moral responsibility for the financial support of children generally remains with the father. However, the refusal of nonresidential fathers to provide support has led several states to require stepparents to do so themselves under the principle of *in loco parentis* (Fine & Fine, 1992). This application of law attempts to insure that children receive proper financial support, but it also adds further confusion to the issue of who is responsible for children following divorce.

Individualism

Historically, North Americans have believed deeply in individualism, the right of a person to seek self-fulfillment and to exercise autonomy without unwanted or unnecessary constraints by others (Bellah, Madsen, Sullivan, Swidler, & Tipton, 1985). Consequently, issues related to child support post-divorce may be due to power/control struggles between mothers and fathers, or between fathers and the State. Parents (i.e., ex-spouses) resist being controlled by each other; visits with the child and financial obligations become negotiated commodities as parents bargain to get the best possible deal from each other. Decisions about financial support sometimes have less to do with the amount of money at stake, and more to do with who has the right to make or enforce the decisions (Haynes, 1988). Withholding monetary support, and even denying that one is obligated for such support, may be done in an effort to exert individual control (Haynes, 1988).

Stepparents also feel the need for some expression of personal control, especially if they feel they do not have much control over the

disposition of their family's resources (Coleman & Ganong, 1989). A new wife may resent it when her income leaves the household to support a family that she wishes did not exist, and in some cases does not even know. She may goad her husband to neglect child support payments, to resist making inflationary adjustments, to provide less expensive birthday and Christmas presents, and to allot fewer resources in general to his children. She may be especially resentful if her plans to bear children are delayed or cancelled because of her husband's financial obligations to his children. Men may feel caught in the middle and often acquiesce to the new wife in an attempt to keep the peace.

In spite of frequent expressions of the common desire for an autonomous household, the ex-spouses' households are inextricably tied to each other. Financial decisions in the nuclear family household are based on the needs or wants of the members of one household alone; but in the case of divorced spouses, financial decisions that affect one household may be compelled by the needs or wants of the other. For example, additional money for the child's dental work may be requested by the custodial parent (usually the mother) at the same time the noncustodial parent (usually the father) has expenses for repairing the roof on his house. A feeling of lack of control can leave those in both households frustrated and bitter.

Lack of compliance with court orders to pay child support is in the great tradition of the Boston Tea Party—we resist complying with decisions when we do not have an element of personal control over the making of those decisions. Decisions imposed through the typical adversarial process of divorce often make all family members feel powerless.

What Can be Done?

A complex problem like the one described in this article does not lend itself to simple solutions. Changing the fundamental belief systems of a society is not a short-term task. Future endeavors must address the issues of family ideology and personal control to be successful.

If children are to be well served by our society, it is important that our family belief system become more flexible. It is neither efficient nor humane to hold children's well-being hostage to a family ideology that has never been representative of a large minority of U.S. fami-

lies. Emotional and financial nurturing, the essence of parenting, can come from a variety of sources. For example, in the African-American family, grandparents, aunts and uncles, and others often provide major support for children. More flexible laws regarding income tax deductions for dependents could facilitate shared responsibility for children.

Loosening the mindset that upholds the value of only one form of family may even help policymakers develop more effective government supports for children. Nuclear family blinders, particularly in the past few years, have resulted in a narrow view of families that leaves many children invisible to policymakers.

How have these blinders limited problem-solving efforts? Solutions to the problem of financial responsibilities for children post divorce have tended to focus first on developing stricter child support laws. Over 40 years of state and federal efforts to pass and enforce laws about child support have still left a majority of eligible families receiving no child support (Ramsey & Masson, 1985). Legislating solutions to family problems apparently does not work well in the U.S.

Even what appear to be radical solutions are conservatively grounded in the nuclear model. For example, a judge recently recommended that men be financially responsible for the children living with them, and only those children living with them, whether the children were their own or stepchildren (Redman, 1991). The flaw in this logic is that, although many divorced custodial mothers remarry, many do not. The idea makes no provision for the financial support of those children who live in a female-headed household post divorce.

Remarriage may indeed be the solution some women choose to alleviate financial concerns and a lowered standard of living. However, if the remarriage is solely for the purpose of improving the family's financial status, other problems are likely to emerge. The redivorce rate is even higher than the rate of divorce for first marriages, with the rate being highest when stepchildren are present in the household (White & Booth, 1985). The additional family disruption and accompanying emotional insecurity may not be worth temporary financial security for children.

Because control issues and competition become paramount in traditional adversarial divorce processes, new ways to settle family disputes need to be broadly implemented. Mediation, an increasingly popular strategy, is designed to allow the divorcing couple to maintain control of their decisions about child support, visitation, etc. Through mediation the couple negotiates a parenting plan with the

help of a trained mediator whose job is to maintain a balance of power. The couple communicates with each other rather than through their lawyers, and both must agree to everything included in the parenting plan. Adherence is greater with mediated plans than with plans negotiated through the court system (Pearson & Thoennes, 1988).

Mediation obviously will not solve all the problems of divorce. The general values of the "me generation," noted for advancing individual rights over responsibility for others and the idea that "greed is good," may in part account for the lack of parental responsibility children must endure. Many parents seem to be seeking an excuse not to support their children. Some seem to attempt to reframe their responsibility to their children as ending when their ex-spouse remarries, when she gets a job or a promotion, when behavior is unreasonable, when there are problems with visitation, and so forth. A myriad of such excuses are offered by fathers who are quite capable of paying child support. Values related to parenting responsibility need to be instilled in young men as deeply as they appear to be instilled in young women. It is ludicrous that some men view parenting responsibilities as optional.

Societally, "greed is good" is still pervasive. More government and social support for children is needed. Children should not be plunged into poverty without health insurance or adequate housing because of their parents' decision to divorce; neither should children be stigmatized because they come from a "broken" home. Adults must become more responsible for all of our society's children, not just their own.

Part of expanding our culture's ability to accept other family forms as legitimate will include thinking of ways to encourage fathers to continue being part of their children's lives after divorce. Punitive methods of seeking child support money could be supplemented, or even replaced, with efforts to help fathers think of themselves as still having parental rights and responsibilities. We need to talk of family values; there is no question about that. However, instead of imbuing our talk with judgmental pronouncements designed to reinforce the nuclear family model by denigrating other models of family life, we need to consider parental love and responsibility toward children in all family types.

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