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Donna Stambulich

Julie Ann Pooley  
*Edith Cowan University*

Natalie Gately  
*Edith Cowan University*

Myra Taylor  
*Edith Cowan University*

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***‘Some of my children are worth more than others’*: The perceptions of non-resident fathers with second families as to the fairness of the Australian Child Support Agency’s handling of first family child support financial arrangements**

Donna Stambulich

Julie Ann Pooley

Natalie Gately

Myra F. Taylor

Corresponding author:

Dr Myra Taylor

School of Psychology & Social Science

Edith Cowan University

270 Joondalup Drive,

Joondalup, WA 6027

Australia

Email: [myra.taylor@ecu.edu.au](mailto:myra.taylor@ecu.edu.au)

**Donna Stambulich** is a Registered Psychologist working in Private Practice. Donna has also worked in Addictions field for the last 7 years. She is currently completing her PhD in Clinical Psychology and her research interests include Secondary Trauma within the AOD Sector.

**Associate Professor Julie Ann** is at Edith Cowan University in the School of Psychology and Social Science. Julie Ann is a passionate educator and has been fortunate to receive both the Australian Award for University Teaching in 2003 and a citation for Outstanding Contributions to Student Learning in 2011 from the Australian Learning and Teaching Council. In addition Julie Ann is very interested in the area of resilience and leads the Lifespan Resilience Research Group at ECU. Currently her research interest’s areas centre on the development of the resilience concept and its measurement.

**Natalie Gately**

**Dr Myra Taylor** is a Research Fellow in the Lifespan Resilience Research Group in Edith Cowan University’s School of Psychology and Social Science. Myra is a published author with two books, a number of book chapters and articles in the fields of family issues, child and adolescent, emotional and behavioural disorders and youth crime.

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Abstract

One in three Australian marriages end in divorce and over half of such divorces involve children (Australian Government, 2011). Research indicates that males tend to repartner within 1-2 years of a divorce and females within 3-5 years (Hughes, 2000). A significant issue for repartnered males is the provision of financial support for children emanating out of both their first and second families. Although, only six percent of all Australian first family children spend near/equal time (shared care) post-divorce with both of their parents, fathers in Australia are mandated under child support legislation to provide financial support for their first family children, whether they reside with them or not. However, it is argued by this study's non-resident fathers that the Child Support Agency, when considering the level of financial support for first family children, tend to overlook the needs of second family children, thus creating an advantaged and disadvantaged set of siblings. This finding is reviewed through a Distributive Justice Theory lens. Finally, some future directions for research aimed at exploring the impact of Child Support Legislation on second families are suggested.

One of the most significant changes in family life during the past forty years has been the increase in the rate of divorce (Altobelli, 2006). Although, globally the United States of America has the highest divorce rate at 4.95 per 1,000 people, Australia is ranked seventh out of 34 countries with a rate of 2.52 per 1000 people, behind only Puerto Rico (4.47 per 1,000 people), Russia (3.36 per 1,000 people), United Kingdom (3.08 per 1,000 people), Denmark (2.81 per 1,000 people) and New Zealand (2.63 per 1,000 people) (Nation Master, 2012). The Australian Bureau of Statistics (2010) reveals that in 2010 a total of 50,240 divorces were granted. The median length of the marriages was 12.3 years; and the median age of divorcees was 44.4 years for males and 41.5 years for females. Of growing concern, however, is the realization that 49.5% of these divorces involved children ( $n=46,337$ ) (Nation Master, 2012). One consequence of this disintegration in family relationships is that approximately one in four Australian children are currently living in families where only one biological parent (predominantly the mother) is present (Australian Bureau of Statistic, 2005a; 2005b; Parkinson & Smyth, 2003). It is not surprising either, given the magnitude of these statistics that concerns are being raised about the settings in which children are being nurtured and socialized (Australian Bureau of Statistics, 2010). Non-resident fathers are adding to the debate by raising concerns about what they perceive to be an inequitable child support burden placed on them in relation to supporting their first family children as well as providing financially for their second family children. In this regard, this article details non-resident fathers' experience of dealing with the Australian government's Child Support Agency, the body responsible for implementing its child support payment arrangements.

## **Introduction**

All non-resident parents in Australia are obliged, under child support legislation to financially support their first family children who no longer reside with them (Parkinson, 2005). The new Australian Family Law (Shared Parenting Responsibility) Bill 2006, better known as the Family Law (Shared Parental Responsibility) Act 2006 was additionally introduced to encourage parents to maintain post-divorce

connections with their first family children. Complicating this legislative parenting ideal is the lived reality that after a relationship breaks down the majority of parents repartner. Women characteristically repartner within 3-5 years of divorce and men within 1-2 years (Hughes, 2000). The new Australian Family Law legislation promotes the concept of co-parenting as a means of providing first family children with a mechanism for maintaining a meaningful relationship with both parents post-divorce (Family Law Act, ss 61DA). However, research into post-divorce separation patterns of parenting has revealed that that a sizeable imbalance exists in the opportunities available to parents, particularly fathers, in formulating and maintaining post-divorce relationships with their first family children. Mainly, because most children (88%) post-divorce reside with their mothers (Altobelli, 2006; Smyth, 2005). Nor is it surprising, in light of this statistic that the AIFS has reported that approximately 78% of non-resident fathers view their post-separation contact arrangements with their first family children as being unfairly weighted in favour of their children's mothers (Smyth, Sheehan & Fehlberg, 2001). Indeed, a later study by Parkinson and Smyth (2004) has revealed that 75% of non-resident fathers and 40% of non-resident mothers indicate they would like more contact time with their children and are dissatisfied with their current access arrangements. Furthermore, a companion study revealed that approximately three quarters of non-resident fathers believe that 'shared parenting' should equate to children spending near/equal amounts of time with both parents (Smyth & Weston, 2004). Interestingly, only one quarter of mothers held the same view.

Some support for the prevalent perception among non-resident fathers that parental access arrangements are unbalanced and are unfairly weighted towards mothers comes from Smyth's (2005) study. It examined five prevailing patterns of father-child contact, namely, i) near/equal [50/50] shared care contact; ii) little to no regular/fixed contact; iii) holiday only contact; iv) daytime only contact; and the 'bulk standard' v) alternative weekend contact. According to Smyth (2005) only 6% of separated children spend near/equal time with both parents; 12% see their non-resident parent only two-four times a

year; 31% reside in a different residential area to their non-resident parent; and, over 25% who visit with their non-resident parent are not permitted to stay overnight.

It is currently estimated that up to 30% of all Australian families are step-families (Murphy & Pike 2004). Though, it is cautioned that this figure may well be a gross underestimation as non-resident parents and their *de facto* partners are not generally included in step-family data counts. As such, it has been posited that this 30% figure could well be doubled (Murphy & Pike 2004). Clearly, the elasticity of these figures reflects the paucity of knowledge about the current composition of Australia's second families.

A significant issue for non-resident fathers in second family relationships is how to meet their financial child support obligations for their first family children while simultaneously providing for their second family children (Arditti & Allen, 1993). The current Child Support Scheme is calculated on a formula that is based upon the non-resident parent's income and the number of first family children needing support. Then, after deducting a self-support stipend, the liable non-resident parent is legally obliged to pay 18% of their gross income for the support of one child, 27% for two children, 32% for three children, 34% for four children and 36% for five or more children (Parkinson, 2005). Although this guideline appears straight forward, it is perceived by both resident and non-resident parents to be flawed as it is unable to adapt to changes that periodically occur in both parents' financial circumstances (Arendall, 1992; Kruk, 1992; Arditti & Allen, 1993; Alexander, 1995). In addition, the scheme's exclusion of both parents' marital status from the child support calculation is similarly perceived as being fundamentally unfair. Fathers, for instance, argue that by re-partnering a mother often considerably increases her financial resources as a result of her new partner's inclusion of income into the family's budget. In contrast, the repartnered non-resident father characteristically has far more limited financial resources due to their child support obligations to their first family children as well as their need to contribute to the financial and material well-being of their second family dependants (Schaeffer, 1990).

Given that separated mothers overwhelmingly have custody of their children and, given the obligation on non-resident fathers to provide financial child support, still more fairness concerns have been raised by non-resident fathers about having to pay support for their first family children, but yet not being afforded equitable access to them (Altobelli, 2006). In this regard, non-residential fathers contend that besides the issue of inequitable access, the often sizeable costs involved in maintaining meaningful contact with their first family children frequently leaves them at a considerable financial disadvantage (Altobelli, 2006; Foster, Chudleigh, Lenton & Gibson, 2005; Dads in Distress, n.d). Moreover, whereas the Australian child support legislation is based on the principle that the child's best interests are paramount in all matters relating to residency and access (Fehlberg & Smyth, 2000) non-resident fathers, however, contend that the present legislation unfairly enshrines the interests of first family children (Gately, Pike & Murphy, 2006). Indeed, non-resident fathers have argued that at best the child support needs of second family children are only given nominal consideration (Dads in Distress, n.d.). Indeed, non-resident fathers claim that this inferior consideration places a disproportionate financial hardship burden on second families and, thus, often contributes to significant relationship distress (Dads in Distress, n.d.). Financial burden stress has been posited to be a key contributory factor in second family relationship breakdowns as well as a contributory source of disadvantage to second family children (Doyle, Wolchik & Dawson-McClure, 2002).

It is also argued that any imposed child support system is unlikely to be accepted unless it is seen to be fair by both the payer and the payee (Lehr & MacMillian, 2001; Smyth & Weston, 2005). Historically, 'fairness' considerations in relation to the payment of child support have largely been based upon three underlying assumptions (Smyth & Weston, 2005). First, that difficult choices and trade-offs always need to be made so as to balance competing interests; second, that a payer should demonstrate entitlement; and third, that the payment outcome should reflect financial responsibility equity between the payer and payee (Bassi & Barnow, 1993; Saunders, 1999).

Several researchers have attempted to address financial fairness issues by utilizing the concept of distributive justice (Rettig, Tam & Magistad 1996; Schaeffer, 1990; Lin, 2000). Distributive Justice Theory assumes that justice has multiple meanings and individuals apply these meanings as internal guidelines, which they then use to evaluate their perception of fairness in regards to a 'made' decision (Rettig, Tam & Magistad, 1996). Indeed, Rettig et al. (1996) suggest that when separated parents are faced with a 'made' decision they draw on their own internal meanings of justice. When differences occur between parents, their significant perceptual and communication difficulties often hamper any consensual agreement on issues of fairness and justice. In turn, this lack of parental consensus can add fuel to inter-parent conflicts.

Distributive justice involves “moral decisions about comparative allotment of material goods, social conditions, roles, opportunities, duties or responsibilities” (Cohen, 1987, p.22). The three major distributive justice principles, according to Cohen, are contributions, needs and equality. A major assumption underpinning most distributive justice theories is the belief that the fairer the decision procedure is, then the more psychologically acceptable the outcome is likely to be (Ganong & Coleman, 1999; Lin, 2000). The problem for authorities when deciding upon child support issues is whose concepts of fairness should be considered (Ganong & Coleman, 1999). Interestingly, it has been demonstrated that when non-resident fathers perceive their child support orders to be fair, they are more likely to comply with them (Lin, 2000). Thus, highlighting the importance of getting access and support payment decisions right.

It is also important when deciding upon whose reality of fairness to accept in any given situation that consideration be given to a further lived reality, namely, that neither parents' perceptions of procedural fairness are formulated in isolation, but rather are influenced by the viewpoints of their community members. It is small wonder then that some considerable effort has been extended by the Child Support Agency over a three year consecutive period to survey the general public's attitudes towards child support. The surveys' findings reveal that while both male and female respondents agree with the idea of



shared financial child support, males were typically more critical of the payment scheme than were females (usually the recipients of child support payments) (Child Support Agency, 2001). A critical shortfall of the survey in terms of ascertaining community perceptions of child support payment fairness was that it failed to address the issue of repartnering and financial responsibilities for second family children.

A further review of the Child Support Scheme was initiated in 2005 to examine the changes that were occurring in social conditions at that time (e.g., increase participation of women in the workforce) and, additionally, how these changes were impacting on the concept of child support payment fairness. Based on the findings from this review, the taskforce made several ‘fairness’ related income recommendations. These included new measurements of the income-to-payment ratio and resulted in delineations of both minimum and maximum child support payments for low and high income earners, as well as, greater recognition of post-separation financial cost imposts (e.g., contact costs, re-establishment costs in the first three years following separation, and costs of caring for step-children who have no financial support from their natural parents) (CSA, 2008; Parkinson Report, 2005). Although the Parkinson Report (2005) addressed some fairness concerns others issues were left unresolved. For example, in regard to second families, if a resident parent remarries, whether child support calculations should then consider the new partner’s earnings in its child support payment formula. Also, if, in such a scenario the non-resident parent also repartners and has children with their second partner whether any reduction ought to be made in the first family child support payment (Smyth & Weston, 2005).

In summary, non-resident fathers’ perceptions of fairness in relation to the provision of child support for both their first and second families is largely an under-investigated area of research. Hence, this article aims to further current understanding of non-resident fathers’ experiences of Child Support Agency fairness by addressing the question: What are the experiences that shape non-resident fathers’ perceptions of fairness in relation to providing financial support for children emanating both out of their first and second families?

## Method

A qualitative phenomenological approach was selected as being an appropriate means of eliciting rich and vivid data ‘nested’ in the real-life social context, as phenomenology is an approach that focuses on concepts, events and the lived experiences (Liamputtong & Ezzy, 2007; Saldaña, 2011). Misher (2001) posits that the narrative process of ‘telling stories’ is the way in which human beings describe and construct meaning from their personal experiences (Cohen, Pooley, Harms, & Ferguson, 2009; Griffiths & Pooley, 2011). In this manner, an exploratory research design was employed to develop an understanding of non-resident fathers’ experiences of dealing with the Child Support Agency. In particular, in relation to non-resident fathers’ experience of providing financial support for first family children while simultaneously endeavouring to provide financially for their second family children.

### *Participants*

A purposive sample of nine participants was recruited through advertisements in community newspapers and on the ‘Dads in Distress’ website. Participants’ were also recruited through the snowballing method of participants recruiting fellow participants. All of the participants were men aged between 38 and 54 years, who resided in low-medium socio-economic areas, and who had between one and 3 first family children and between one and 2 second family children. All but one of the fathers had acrimonious relations with their first family partner. Six fathers had an irregular pattern of contact with their first family children, two fathers had alternative weekend contact and one father had a shared care access arrangement. The study’s sample size is consistent with Cresswell’s (1998) recommendation that exploratory phenomenological studies should ideally be comprised of between three and 10 participants.

### *Procedure*

Ethics approval was sought and provided from the administering institution to conduct semi-structured interviews with non-resident fathers. Upon contacting Author One and indicating their willingness to

participate in the research a mutually agreeable date, time and place for the interview was arranged. Prior to the interviews commencement all participants were informed of the intent of the research, as well as their participatory rights, and issues relating to anonymity, confidentiality and the requirement for signed participant consent. All nine participants volunteered to proceed to the interview stage. The interview questions (see Table 1) were informally delivered in an open-ended and semi-directive style so as to provide participants with the maximum opportunity to discuss experiences that they deemed important to their first family child support experience (Liamputtong & Ezzy, 2007). All of the interviews were audio recorded with the participants' permission and the interview sessions lasted between 30-65 (approx) minutes. At the end of each interview participants were provided with a list of support and counselling services within their residential area.

### *Analysis*

Data analysis occurred concurrently with data collection in so far as each interview was transcribed after its completion. The dual phenomenological concepts of 'bracketing' ('keeping a distance from one's own subjectivity' while engaging in inspection) and 'epoche (synthesising) were employed (Bednall, 2006; Crist & Tanner, 2003; Lowes & Prowse, 2001; Pascal, 2010 p.3). During the inspection phase, handwritten unfocused memos were made in the margins of the transcripts (Bryman, 2008; Hayes, 2000). The analytic process continued with concept category codes being assigned to each of the memos (Baxter & Jack, 2008). This dual memo writing and coding process was repeated with each of the other eight interview datasets. Once all nine datasets had been coded in this fashion, inter-relational connections between the datasets were established (Bryman, 2008; Saldaña, 2011). During the synthesising stage of the analytic process, units of meaning (i.e., subthemes) were delineated from these connections (Willig, 2008). Finally, the relationships between these delineated subthemes were clustered on the basis of their shared meaning. (Braun & Clarke, 2006; Groenewald, 2004). In this manner, the subthemes were continually abstracted until major themes emerged (Cresswell, 1998).

Throughout the analytic process the researchers engaged in a process of self-reflection allowing for the identification of any previously held beliefs and biases (Hayes, 2000). This process helped to prevent the imposition of the authors' viewpoints into the data analysis process. Issues of credibility were addressed by a) Author Two checking the accuracy of 50% of Author One's interview transcriptions and b) by each author individually developing their own audit trail of codes, categories, subthemes and themes. Then cross-checking and discussing these with each other until a consensus of meaning was achieved (Miles & Hauberman, 1994; Silverman, 2000).

## **Findings**

As can be seen from Table 2 two major themes emerged from the data, namely, Theme 1: *Experience of dealing with the Child Support Agency*; and Theme 2: *Resultant consequences of dealing with the rigidity of the Child Support Agency*. In turn, each of these two themes is respectively comprised of two sub-themes, namely, Subthemes: a) *Administration* and b) *Legislative policy*; and Subthemes: c) *Psychological distress* and d) *Financial distress*. Each of these themes and subthemes is presented below.

### **Theme 1: *Experience of dealing with the Child Support Agency***

#### **Subtheme: a) *Administration***

The *administration* subtheme additionally was comprised of three consistently identified categories of experiences (i.e., *lack of professionalism*, *harassment*, and *conflicting advice*) that non-resident fathers typically experienced during their interface with the Child Support Agency (see Table 2). Each of these three categories of experience is detailed in turn.

##### *i) Lack of professionalism*

All participants reported having experienced a general *lack of professionalism* among the Child Support Agency staff. They stated that they found the Child Support Agency's administrative staff to be difficult to deal with, ill-informed on policy, incompetent, unreliable in terms of following up on inquiries

and, generally, more aware of the needs of mothers than the needs of fathers. Furthermore, they recounted that their first and ongoing experiences of dealing with Child Support Agency staff generally left them feeling frustrated and unfairly treated. The following quote is typical in this regard:

*They're very difficult to deal with. Most of the people that I've had to deal with are inexperienced. They don't know what they're talking about. The majority of them don't know much about legislation. I think they must read off a script on a computer. There needs to a significant increase in the competence and reliability of Child Support Agency staff.*

ii) *Harassment*

The majority of the participants reported that they had been directly and/or indirectly harassed by Child Support Agency's staff. They recounted numerous incidents of repeatedly being contacted after hours at home, on weekends, and at their workplace by means of phone calls, letters and emails. They described this harassment as being 'continual' and 'unrelenting'. They recalled that the Child Support Agency staff even harassed them during their limited contact time with their first family children. Two non-resident fathers described their experience in the following terms:

*They chase me avidly. They come after me. If I fall a week behind they're ringing me. They're sending me letters. They're harassing me. They're threatening to take action against me.*

*The Child Support Agency would call my phone constantly at all hours of the night and at weekends. I once received a call at two o'clock on a Sunday while I had custody of my children and I had to speak with her for quite some time.*

Participants stated that they often felt so overwhelmed by this continual harassment that they ended up being depressed by the ordeal. They indicated that in desperation they had to devise a way of dealing with the harassment. For many, this was achieved by limiting or avoiding having contact with the Child Support Agency. The following quote exemplifies how one non-resident father dealt with his harassment by banning the Child Support Agency from contacting him at home:

*They've this habit of ringing for bizarre reasons... that's why I've had to ban them from ringing me at home. I'll only let them ring me at work. They'd then be ringing me at work with unnecessary calls which are distressing in themselves.*

iii) *Conflicting Advice*

Participants revealed that they found it to be particularly difficult to obtain clear and consistent advice from the Child Support Agency staff. There was some division in their assessment of whether these difficulties related to the unreliability of the staff, the staff not fully understanding the intricacies of the legislation, or the staff being unable to effectively communicate child support requirements. Some fathers revealed that due to the variation in the advice they received from different members of the Child Support Agency staff they had *'in the end to just pick one person's advice and follow it'*. However, even this course of action was problematic as they would then receive calls from other Child Support Agency staff members instructing them to follow a different course of action. Their experience is exemplified in the following comment:

*As far as I'm concerned the child support agency is completely hopeless. Most of the staff are inept. You get different answers to the same questions. You almost consistently get the wrong answer. Sometimes, you get different answers from the same person... Even the Child Support Agency themselves says that you can't you can't rely on the estimator.*

**Subtheme: b) Legislative policy**

Consistently non-resident fathers reported feeling they had no control over the Child Support Agency's decision made in relation to the amount of their financial liability for their first family children. Nor, did repartnered fathers feel that they had any control over how their first family financial provision was going to impact on their second families. All ( $n=8$ ) of the study's non-resident fathers who had irregular or alternate weekend contact with their first family children voiced their dissatisfaction with their present child support assessment outcomes. In this regard, they stated that they were financially worse off since repartnering, despite in some instances having had their child support assessments slightly decreased in light of the Parkinson Report (2005).

Interestingly, the only one father who did not perceive himself to be financially worse off since repartnering was the one father who had obtained shared care access rights to his first family children. He explained how he had managed to ‘beat the system’ by devising ways of influencing the Child Support Agency’s financial support decision making process and, then, manipulating his lifestyle to fit the system so as to obtain the level of access he desired. He explained:

*Well I found that the Child Support Agency has these black and white guidelines and you’ve just gotta work out a way to make those guidelines fit in with what you want to do. Right at the start I believed that child support would be fair, you know look at both sides of the argument, but that wasn’t really the case. So I felt that I was being hard done by. So, I went the other way and looked at what their regulations are and you know changed my life to fit in with their regulations. That way I could still achieve the outcomes that I wanted. I’ve reduced my income in an effort to make the situation fairer and equitable from my perspective .I suppose in a way I’ve found a way to make the system fair from my point of view and that’s why I’m happy because I worked out a way to make the system fair for myself.*

The reasons the other eight non-resident fathers ascribed to their present financial child support predicament congregated around three categories, namely, *inflexibility*, *second family inequity* and *new policy reforms* within the overarching *legislative policy* subtheme (see Table 2). These three categories are expanded upon below.

#### *iv) Inflexibility*

When asked for their ideas on how to make the system fairer, all participant fathers thought that the Child Support Agency needed to be more flexible in its interpretation of the child support regulations. In this regard, they indicated that from their perspective the present system does not have the capacity to examine each case with the end result being that all non-resident fathers are classified as a single entity. The fathers suggested that to improve the situation all post-divorce child support cases need to be assessed as stand-alone cases. In this way, the complexities and differences within each family’s circumstances could be taken into account when making child support decisions. The following two

quotes expose non-resident fathers' frustrations at what they perceived to be 'a one size fits all' approach to the child support assessment process:

*I think Child Support paints everyone with the same brush and has these broad guidelines or these precise guidelines and don't actually look at each individual case.*

*There's, no leniency for people in each situation. It's all legislation and they will stick to the legislation. There are no allowances for different circumstances. The legislation is very cut and dry ... I've currently in my custody a seventeen year old boy who is my stepson when I was in my previous relationship, but now under law, I am not his adoptive parent or natural parent so he is not considered a relevant dependant in my child support assessment notice. Although, the son who we're talking about, it is his natural mother who's the woman I'm paying child support to. So, I in fact have custody of one of my children, one of her children, and I pay two hundred and fifty dollars a fortnight whereas she doesn't pay anything.*

v) *Second family inequity*

Non-resident fathers report that since separating from their former partner their financial resources had been considerably reduced, largely, as a result of the legal requirement to pay child support for their first family offspring. They indicated that this financial impost had been so profound that they felt unable to equitably fulfil their second family support obligations. In turn, this inequitable provisioning caused friction within their repartnered relationship. Half of the non-resident fathers thought it would be fairer if the resident mother's new partner's income was also taken into account when making on-going child support assessment decisions. Four non-resident fathers explained their views on the inequity of the child support assessment system in the following terms:

*Look at the income in which my child is in, because his step-father earns over a hundred grand a year. Basically, why do I need to spend maintenance on him because it's obvious he doesn't need the money? He doesn't even see the money. He's asking me for money for school trips. His mum is obviously not passing on any of the child support.*

*Second families don't matter whether they say they do or they don't. As far as the Child Support Agency is concerned the children of the previous marriage are the children of the*



*liability. The children of the previous relationship have a greater place in child support legislation. So, yes, definitely I feel it's unfair.*

*I'm quite happy to pay child support, but the way they've got it worked out it's just bent to give children, you know children of a second marriage, lesser value than children of a first marriage.*

*I don't have a problem with paying child support. I do have a problem with being told that some of my children are worth more than others.*

vi) *New Reforms*

All participant non-resident fathers voiced emotions of disappointment, disbelief, helplessness and frustration over the Child Support Agency's interpretation of the new reforms arising out of the Parkinson Report (2005), especially as some had experienced support payment increases of between 35% - 70%. A typical comment is displayed below

*It was supposed to be fairer on second families! I'm in the situation where my daughter's mother earns more than me but even though her taxable income is more than mine, I've paid an increase in my payments under the new system!*

vii) *Lack of control*

Nearly all of the non-resident fathers lamented that they had had no opportunity to provide input into the Child Support Agency's interpretation of the Parkinson Report's (2005). Fathers credited much of their feelings of emotional angst to their lack of control over what they perceived to be an inequitable system. A system that in their estimation seemed bent on disadvantaging them even further in its every new reiteration. Two non-resident fathers explained:

*Basically I get told to pay a fee... I found that I had no choice but to agree to what they said.*

*I don't mind actually spending money to support my child and, and investing in my child's future, but when I put that money in the bank, number one, I'm told to send to a certain amount and, number two, I don't have any choice where that money's spent.*

## **Theme 2: Resultant consequences of dealing with the rigidity of the Child Support Agency.**

### **Subtheme: c) Financial distress**

#### *viii) Dependency*

A commonly reported experience for non-resident fathers was the sense of dependency that they felt during times when ‘money was short’ and they were placed in the position of having to ask their parents, or their partner’s parents, for financial assistance just to meet the basic food and clothing needs of their second family children. Although embarrassed at having to ask for assistance, as demonstrated by the following two quotes, they felt they had to either ask or give up:

*The other impact for us is that without my wife’s parents giving us assistance, you know in the form of you know they buy things for my daughter, they bought my daughter a school uniform. I don’t know how we would have found the money.*

*My parents have had to buy my food for me and my family to, just to get by on. If I didn’t have the support of my family ... umm ... I don’t know if I would’ve made it through. I think the only thing that did keep me alive or not wanting to commit suicide is the fact that my children were alive and were seeing me.*

#### *ix) Humiliation*

Non-resident fathers stated that the financial burden of supporting both their first and second families was at times so great that they had no recourse but to seek additional financial assistance from friends, neighbours, charitable organisations and non/government agencies. In this regard, they spoke of how degraded, humiliated, and embarrassed it made them feel that even years after their first family separation and, despite their best efforts, they had no other option when financially constrained by bills, but to ‘go cap in hand’ to seek financial assistance for their second families. The following quote captures some of this experience:

*It’s hard for us to provide for ourselves and, and the daughter that we have at home. We’ve struggled from week to week. We’ve got by on the charity of good friends and neighbours all the way through. Our situation is still not any better after nine years of*

*being together... seven years of marriage and we still live week to week. Whereas before I was saving money I was looking at getting a deposit together for a house before that (marriage break-up).*

#### **Subtheme: d) *Psychological distress***

The one father who felt he had gained control over the system by a) obtaining shared care of his first family children, and b) manipulating the system to the extent that he was able to alter his lifestyle to suit his financial support obligations was the only father to not recount experiences of either financial or psychological distress. The *psychological distress* experiences recounted by the other eight non-resident fathers who have been unsuccessful in influencing the Child Support Agency's decision making process, in terms of making and equitable financial arrangement for both their first and second family children, bifurcated into two distinct emotional categories, namely, *angst* and *despair* (see Table 2). Each of these two categories is expanded upon below.

##### **x) Angst**

Eight non-resident fathers, spoke of the mental anguish that their interface with the Child Support Agency conjures up for them. Their experiences are captured in the following three quotes:

*Oh, it's caused me a great deal of tension, tension and stress. When I'm tense and stressed I sometimes can become uncommunicative ... I'm worried about the upcoming (Child Support) changes. I've actually got counselling booked on Monday because I'm so worried about where I'm going to find all this extra money.*

*I find dealing with them to be highly stressful ... that obviously has had an impact. Potentially, I guess, it could have an impact on my health in the long run.*

*The Child Support Agency for me is a mental torture. It really is! It conjures up feelings and emotions that I'd never imagined having anywhere else in my life. It enrages me, it saddens me, it terrorise me. I tell you it's terrible the way I feel about it. Just dealing with it, and just trying to ring and speak to them has caused me a great deal of tension and stress, which is why I won't do it anymore.*

xi) Despair

Four fathers revealed that they had ideated about suicide. They attributed their suicidal thoughts to the intense psychological and financial distress that their ongoing experiences with the Child Support Agency caused them. Two fathers revealed that their suicide ideation had morphed on more than one occasion into suicide attempt. These two fathers spoke of feeling trapped in a financial situation from which they could see no other way out than to take their life. They stated:

*The Child Support Agency drove me to the point of attempting suicide ... because of the threats and intimidation that they've made to me over the phone.*

*They drove me to the point where I've got a ladder out and a rope in the garage and have been very close to hanging myself. If, it hadn't been for my mates at Dads in Distress I probably would've been dead right now.*

### **Discussion**

The purpose of this research is to explore the perceptions of non-resident fathers' with second families in relation to the 'fairness' of their dealings with the Australian Child Support Agency. The need for qualitative investigation in this specific area is twofold. First, the experiences of fathers who pay child support are generally poorly understood in comparison to the experiences of mothers, mainly, because the preponderance of post-divorce separation literature has concentrated on the female perspective. Secondly, there is a scarcity of research that explicitly examines the post-divorce separation experiences of fathers who pay first family child support while at the same time endeavouring to provide financially for their second families (Fish, 2006; Hans & Coleman, 2009). Hence, the contribution that this study makes to the current understanding of child support related issues is that it provides a male insight into both of these two research shortfall areas. In particular, it examines non-resident fathers' perceptions of Child Support Agency 'fairness' through a distributive justice lens.

According to Hsu, Anen, & Quartz (2008) distributive justice is a process of trade-offs that ensures that within society the dispersal of benefit and burden is done in a manner that it is both equitable and

moral for the majority of the populace. Fundamental to this process is the rule of right and the notion of fairness (Rawls, 1972). Indeed, Lind and Tyler (1988) posit that individuals' support of, and satisfaction with, an administrative decision, is largely dependent on a) any decision being perceived as being fair and just to all people involved in the decision's outcome, and b) that the process of administering the decision is done in a manner that is construed in the eyes of the citizenry as being fair and just (Cohen-Charash & Spector, 2001; Smith & McDonough, 2001). This paper reveals that in the eyes of non-resident fathers with second family children the distribution of child support by the Child Support Agency fails the notion of distributive justice fairness on two fronts, equality and need.

In distributive justice terms the reasoning underpinning the notion of 'equality' requires that everyone benefits equally from a decision, regardless of their contribution, and that all decisions made are consistently applied across persons, situations and time (Rettig, Tam & Magistad, 1996). The Parkinson Report (2005) highlighted one area of inequality in the child support assessment system when it recommended that children of second families should be treated 'more' equally. This recommendation was based, in part, on the finding that while 70% of non-resident fathers believed, in instances where a resident parent remarries, that child support assessment consideration should then be given to the financial contribution that the resident parent's new partner makes to the family household income. Interestingly, the report revealed that only 45% of resident mothers share this belief. A similarly strongly voiced belief by the study's non-resident fathers was that in order to ensure fairness in the child support assessment process ongoing changes in their former partner's income needed to be taken into consideration when periodically re-calculating support payments. In this regard, Scanzoni, Polonko, Teachman and Thompson (1989) argue that equity is only achieved when there is equality in outcomes. This study's non-resident fathers' belief that there is no equity or equality in the Child Support Agency's first family children payment assessment process, highlighting the 'fairness' disconnect between non-resident fathers and the Child Support Agency. Specifically, in terms of financial equity the study's non-resident fathers maintain that any perception of fairness of first and second family child support will only

occur when a more equal balance is struck between their legal and moral obligation to allocate their limited financial child support resources fairly between their first and second family children. Their assertion raises concerns as to whether under the current child support system the support needs of all children are considered equally or, whether as the fathers claim, one set of children (i.e., first family children) are more equal (advantaged) than others within society (i.e., second family children).

In light of this discrepancy between what fathers and the Child Support Agency perceive to be a fair and just child support arrangement, it is understandable that researchers, such as Scanzoni and colleagues (1989) have argued that equity is central to how individuals negotiate with others and to individuals satisfaction with 'made' decision outcomes. Indeed, this study's findings clearly reveal that eight of the nine participant fathers were dissatisfied with their child support payment assessment, when viewed in terms of their access allocation. Moreover, these same eight fathers were in agreement that equity in the process could only be achieved if there was a mechanism by which they could be involved in a negotiated settlement with the Child Support Agency. Again, it is interesting to note that the only father in the present study who was satisfied with his child support payment assessment was the one father who had been able to mould his needs to fit with the Child Support Agency's regulations.

Human need is related to self-concept and is governed by trust and fairness related issues (Tyler & DeGoey, 1995). Individuals who perceive they are being subjected to high levels of procedural and distributive justice fairness tend to be better able to deal with stress and distress because they are able to reason that the long-term benefit justifies any short-term pain (Smith & McDonough, 2001). It is apparent from the recounted manifestations of psychological distress (e.g., feelings of insufficiency, humiliation, angst and despair) that many of the study's non-resident fathers perceived, rightly or wrongly, that the Child Support Agency is biased in favour of supporting first family children and resident mothers over their second family partners and children. Moreover, they equated their Child Support Agency with notions of 'pain' (e.g., experiences of continuous and pervasive harassment) and not with 'gain' (e.g., a fair and equitable payment decision). Indeed, they equated their harassment experiences with their

negative experience of psychological ‘melt down’ which then resulted in even further pain (e.g., suicidal ideation/attempt). Support for fathers’ ‘all pain no gain’ assertion comes from the anecdotal evidence emanating out of men’s self-help support groups, such as, the Lone Fathers Association, which estimates that three men a day are committing suicide because their child-support predicament is driving them to the edge (Lone Fathers Association Australia, 2006). Clearly, if a system is perceived to be contributing to extreme instances of distress in one group of clients, it is failing to meet those individuals’ fundamental psychological trust and safety needs. Moreover, their extreme manifestations of pain (e.g., suicidal relieving ideation/attempt) cannot be viewed as being a procedural outcome that is either fair, just or equitable (Crick & Nelson, 2002; Rettig, Tam & Magistad, 1996).

### Conclusions

This study is not an evaluation of the Australian Child Support Agency. It only explores and presents the views of one small sub-set of its clients, namely, non-resident fathers with second family children who pay child support for first family children with whom they had limited access. While, clearly it is conceivable that this small group of non-resident fathers could be projecting a biased and unrepresentative view of their interface experiences with the Child Support Agency, it has to also be acknowledged that in order for a system to be perceived as fair and just it must be seen to be equitable in the eyes of the community and all of its end users. Hence, the perception of procedural fairness needs to remain an issue of high importance to governments, contemplating the rapidly changing family dynamic, where second (+) families and non-traditional families are on the increase. For, any child support system to be construed to be fair and just in such a diverse and changing populace greater effort needs to be extended into devising a system that is perceived to be fair by the majority of its subjects.

### Limitations and implications for future study

This study is limited by size. In addition, the perceptions of non-resident fathers located in the geographically isolated metropolitan city of Perth, Western Australia cannot be construed as being

representative of a larger or global community. The benefit of the study is that the raised inequity perceptions can subsequently be tested quantitatively to see if they hold true in the broader community. Future research could also investigate how fathers (and mothers) from culturally and linguistically diverse communities perceive themselves to be affected by Child Support Agency payment decisions. Furthermore, the present knowledge in this area would benefit from an evaluation of resilience levels among parents with different levels of custody access. Such information would have significant benefit to government and non-government agencies dealing with issues relating to the mental health of males and females post-divorce.



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Table 1: Non-resident fathers' experience of the Child Support Agency interview questions

#	Question
1	Tell me a little about yourself, how old are you, are you in a partnered relationship, how many children do you have and how many of these children are from your current relationship and how many are from a previous relationship?
2	Tell me about your first experience with the Child Support Agency after your first relationship ended?
3	How satisfied are you with your current child support arrangements?
4	How have these arrangements impacted on your second family?
5	What do you think could be done to make child support payments fair for both first and second families?
6	Since re-partnering and or having more children, what changes have been made to your child support payment arrangements?
7	Are you better or worse off? Why is that?
8	Where these changes made in agreement with your former partner? How did you feel about that?
9	When there was disagreement about the change did you feel like you had any input into the decision? Why was that?
10	In what ways have these changes altered your views on the child support agency?

Table 3: Summary of themes and subthemes

Themes	Subthemes	Categories
1) Experience of dealing with the rigidity of the Child Support Agency	a) Administration	i. Lack of professionalism
		ii. Harassment
		iii. Conflicting advice
	b) Legislative policy	iv. Inflexibility
		v. Second family inequity
		vi. New policy reforms
		vii. Lack of control
2) Resultant consequences of dealing with the rigidity of the Child Support Agency	c) Financial distress	viii. Dependency
		ix. Humiliation
	d) Psychological distress	x. Angst
		xi. Despair