Coordinating Parenting Time and Child Support: Experiences and Lessons Learned From Three States

On average 40 percent of births in the United States are to unmarried mothers. Many of these children will be served by the child support program (Title IV-D), a federal, state, local partnership that provides services to families, such as establishing and enforcing child support orders. In 2018, one in five children were served by Title IV-D. Given both mothers and fathers strongly influence child outcomes (Osborne 2016), policy makers and program administrators often look for ways to better promote the healthy involvement of both parents in their children’s lives. One strategy has been to help parents set and keep agreements about how they will share time with their children—that is, setting and enforcing parenting time orders. Research shows noncustodial parents who spend time with their children are more likely to comply with child support orders and have stronger relationships with their children (Amato and Gilbreth 1999; Carlson and Magnuson 2011; Nepomnyaschy 2007). Increasing parenting time also has positive effects on parent-to-parent relationships (OCSE 2019).

Historically, establishing parenting time has been a central part of divorce proceedings. However, there is no standard process for ensuring both parents secure parenting time among couples who never married. From a legal perspective, parenting time and child support are two separate issues for never-married parents; failure to meet child support obligations does not mean a parent cannot spend time with their child and vice versa. Nonetheless, parenting time is strongly related to the child support program: many states consider the time that parents spend with their children when they set the amount of the child support order. As of August 2015, child support guidelines in 36 states and the District of Columbia adjust child support order amounts based on parenting time (Pearson and Kaunelis, 2015).
With the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the federal government acknowledged the need to facilitate the involvement of noncustodial parents in the lives of their children. The Child Access and Visitation Grants (referred to as the AV grant) is a mandatory, formula grant program created under PRWORA “...to establish and administer programs to support and facilitate noncustodial parents’ access to and visitation [with] their children.” Since the first grant program year in 1997, states have used the funds for allowable activities such as parent education, the development of parenting plans, and supervised visitation (Fender 1999). The AV grant funding, however, has remained at the same level since 1997 and is thus limited in its reach and the number of families it can serve.

The last decade has seen increased attention on parenting time establishment as a family strengthening proposal that cuts across issues related to parenting, child wellbeing and economic support. Most recently, President Trump’s 2020 Budget proposed increasing funding to establish parenting time orders at the time of child support order establishment, thus increasing flexibility and providing resources to deliver services.

However, the process of developing, implementing, and enforcing parenting time orders at the state and local levels is not well established. Moreover, there is little information available on the costs of and funding for services related to parenting time orders.

To fill gaps in the literature and increase knowledge and awareness of the associated policy issues, we conducted 60-to 90-minute interviews with representatives from state- and local-level child support programs and court systems, and with mediation service providers from five jurisdictions about how parenting time orders are implemented in practice and what lessons they have learned. The jurisdictions selected for this study include Harris County, Texas; Isabella, Chippewa, and Macomb Counties in Michigan; and St. Joseph and Monroe Counties in Indiana. We also spoke with representatives from the state child support agencies in all three states. We selected the sites for this study because they have procedures to establish parenting time orders at the same time they are establishing child support orders. This brief highlights local practices for establishing and enforcing parenting time orders and key policy implications and considerations.

Recent federal policy actions on parenting time

- President’s 2012 Budget allocated $448 million over ten years and required states to establish parenting time at the time of child support order establishment.
- In 2012, OCSE awarded 4-year Parenting Time Opportunities for Children (PTOC) grants to 5 child support agencies to plan, pilot and evaluate strategies to establish parenting time at the time of the child support order establishment.
- In 2014, the Preventing Sex Trafficking and Strengthening Families Act (PL1830113) stated, “It is the sense of the Congress that establishing parenting time arrangements when obtaining child support orders is an important goal which should be accompanied by strong family violence safeguards...”
- President’s 2020 Budget allocates $34 million over ten years for states to establish parenting time at the time of child support orders establishment, at state option.
The child support program has a limited role in establishing parenting time orders

The separation of child support and parenting time order establishment for never-married parents has the potential to send a message to noncustodial parents that only financial support is important and may devalue that parent’s other contributions to their child’s wellbeing. Nearly three-quarters of states have child support guidelines that consider parenting time in calculating the amount of the support order; however, most states do not help parents establish parenting time orders at the time of child support order establishment. Here we describe the practices of the sites included in this study, because they offer insight into how states could establish parenting time orders as part of the process of establishing child support orders.

In all the study sites, child support staff are permitted to explain to parents the terms of the parenting time orders and the effect of parenting time on the amount of the child support order, but they are prohibited from providing legal advice. In most cases, either child support staff or the attorneys who attend child support order hearings can obtain consent from the parties on the parenting time plan before the hearing. However, in some cases, parenting time is not addressed until the hearing. If the parties agree on the parenting time plan, the judge will approve the plan at the time the support order is established, and the parenting time order will become an official, enforceable court order.

If the parties do not agree on a parenting time plan, localities vary in the services available to reconcile their differences. Indiana and Texas have statewide help lines that parents can access for help with parenting time questions and referrals to legal services. In Harris County, Texas, families are referred to the Domestic Relations Office within Family Court Services to develop a parenting plan. In Macomb County, Michigan, parents are referred to the Friend of the Court, the agency responsible for enforcing parenting time orders and dealing with challenges in establishing orders. In Monroe County, Indiana, parents are referred to partner service providers that offer mediation services.

Texas
- The establishment of child support and parenting time are facilitated by the Texas Office of the Attorney General, the Title IV-D agency for the State of Texas.

Michigan
- In paternity and family support cases, county prosecuting attorneys establish child support and parenting time orders. In some instances, parenting time orders may be established by the Friend of the Court.
- In post-judgement cases, the Friend of the Court enforces parenting time orders.

Indiana
- Petitions to establish child support can be filed by local county prosecuting attorneys or by private parties with or without private attorneys.
- Requests for parenting time come from private parties with or without attorneys and may be decided during a child support hearing. The local court can instruct the prosecuting attorney to include the local court’s order on parenting time in the larger child support order that is the result of the hearing.
The main differences across localities are the procedures that take place if there is not agreement between the parents on the parenting time plan. All study localities use state-developed parenting time guidelines to set the support order. In Texas, the law presumes (TFC Sec. 153.252) that the Standard Possession Order provides reasonable minimum parenting time and is in the best interest of the child. Further, Texas law (TFC Sec. 153.603) requires that a final child support must include a parenting plan. Thus, families in Texas generally do not leave their child support order hearing without an enforceable parenting time order. In Indiana, if the parties are unable to agree on a parenting plan before the hearing to establish the support order, the state’s standard parenting guideline is used to establish the support order; however, the standard guideline does not become the enforceable parenting time order. In Michigan, if the parties are unable to agree on a parenting plan prior to the support order establishment hearing, parenting time will be recorded as “unaddressed, reserved, or as the parents agree”. As is the case in Indiana, it is possible that parents do not have enforceable parenting time orders.

## Parenting time guidelines for study states

### Texas
- 1st, 3rd and 5th weekends, Thursday evenings, alternating holidays, expanded summer visitation.
- Modifications based on children under age three and with evidence of domestic violence.
- Separate guidelines for parents living more than 100 miles apart.

### Indiana
- Guidelines are developed by members of the Domestic Relations Committee of the Judicial Conference and are intended to provide a starting point for counties. Implementation varies by county. For study sites:
  - Parenting time guidelines are based on the age of the child.
  - From birth to 18 months, parenting time is scheduled on non-consecutive days throughout the week and includes one overnight per week. Beginning at 19 months, parenting time includes alternating weekends and a midweek evening visit. When the child enters school, parenting time guidelines include summer vacation.
  - Guidelines include accommodations and scheduling variation for Christmas or winter break, New Year’s Eve and Day, Martin Luther King, Jr. Day, Presidents’ Day, Memorial Day, Labor Day, Thanksgiving, spring break, Easter, Fourth of July, fall break, Halloween, and religious holidays.

### Michigan
- The Michigan Friend of the Court Act requires the State Court Administrative Office, Friend of the Court Bureau to develop guidelines that are a starting point for counties. For study sites:
  - Parenting time includes alternating weekends (from 6 p.m. Friday through 6 p.m. Sunday) and one evening per week from 6 p.m. to 8:30 p.m., as agreed on by both parties. If there is no agreement, parenting time is on Wednesdays.
  - Guidelines include accommodations and scheduling variation for Memorial Day, Labor Day, Fourth of July, Thanksgiving, Christmas or winter break, Mother’s Day, Father’s Day, spring breaks, summer break, and the child’s birthday.
How child support guidelines account for parenting time

- Texas Family Code Sec. 154.123 outlines additional factors for the court to consider when setting child support. Among these factors is the amount of time a parent has possession of and access to the child.

- Michigan’s child support guidelines use a Parental Time Offset Equation to adjust the base support obligation to reflect the costs and savings associated with a child who spends time with both parents. The support order obligation considers the amount that each parent owes for a child, and balances some of the duplicated costs with the savings that result from the child spending time in the other parent’s household. Michigan’s Guideline applies the offset beginning with the first overnight, rather than requiring a threshold first.

- Indiana child support guidelines include a parenting time credit, which is awarded for the number of overnights each year that the child or children spend with the noncustodial parent. The credit is granted toward the total amount of calculated child support for either the “duplicated” or the “transferred” expenses incurred by the noncustodial parent. The allocation of these expenses is based on a parenting time credit worksheet.

Local-level courts enforce parenting time

Child support has less involvement with enforcing parenting time orders than with establishing them. The role of child support staff is limited to directing parents with complaints to the appropriate agency or service providers. There is also less state-level involvement with processes and procedures for enforcing parenting time. The Michigan Friend of the Court Act requires the Friend of the Court Bureau to create enforcement guidelines, including operational policies and procedures, for when parenting time has been wrongfully denied. Local Friend of the Court offices may create their own guidelines or use those developed by the Friend of the Court Bureau. Texas and Indiana established statewide help lines that are free to anyone seeking information about parenting time. The Texas help line also has a corresponding web page. Besides these resources, enforcement practices are set by local courts.

According to the Michigan Support and Parenting Time Enforcement Act, the Friend of the Court may take one or more of the following actions pursuant to MCL 552.641:

1. Apply a makeup parenting time policy
2. Commence a civil contempt proceeding
3. Petition the court for a modification of existing parenting time provisions to ensure parenting time
Establishment of parenting time begins when parents meet with a caseworker from the Prosecutor’s office prior to their child support hearing to review data needed to complete a child support obligation worksheet. This includes gathering information regarding the parents’ current parenting time plan. First, the parties will attend a summary proceeding in which a judge can make minor rulings from the bench and suggest ways the parties can reach a parenting time agreement. Typically, establishment and support order hearings last 10–15 minutes. If there is debate during the hearing regarding the parenting time entered on the child support worksheet, each parent has the opportunity to complete a separate worksheet and the judge will make a decision on which parenting time plan to follow to establish the support order amount. If the parties agree to the parenting plan during the hearing, the child support worksheet will include the agreed upon parenting plan. If the parties are unable to agree on matters at the summary hearing, they may be referred to mediation services and the Judge will schedule a protracted hearing on parenting time for another day.

Once the initial child support order is established, the St. Joseph County Prosecutor’s Office gives the parents a welcome packet that includes the parenting time guidelines, information about resources that can assist with parenting time enforcement, information about the parenting time helpline, and mediation service providers. Initiation of the enforcement process varies across sites. In Harris County, Texas, cases that need enforcement are referred to the Domestic Relations Office and begin with an attorney consultation to review the dispute with the parties. In Chippewa County, Michigan, parents can complete online complaint forms to schedule a hearing about the parenting time issue.

For the most part, study sites try to offer mediation services to parents with parenting time disputes. Typically, the same agencies that help with mediation and dispute resolution also provide enforcement support. For example, in Harris County, Texas, the Domestic Relations Office helps families develop parenting time plans and provides attorneys to consult on and litigate cases involving parenting time enforcement, if necessary. In Michigan, families are referred to the local Friend of the Court for mediation to address challenges developing the parenting time plan and for assistance with enforcing the plans. Many Friend of the Court offices have contracts for referrals to local mediation centers. Other alternative dispute resolution procedures are also available at some Friend of the Court offices. Respondents reported that mediation is typically successful in resolving parenting time disputes without escalating to court action. One county reported that 85 to 90 percent of its issues get resolved at this early step.

In addition to using mediation services, localities differ in their attempt to limit the involvement of the courts. In Michigan, Isabella and Chippewa counties use “referees” or appointed, quasi-judicial officials that preside over hearings and make findings and recommendations to a judge that determine the custody, parenting time, and child support amount to be ordered. If parties do not agree with the referee’s recommendation and order, a hearing can be scheduled with a judge for a final ruling. However, in Harris County, Texas; Macomb County, Michigan; and St. Joseph and Monroe County, Indiana, judges hear the enforcement case directly if mediation services have proven to be ineffective at resolving parenting time disputes.
When referees or other court representatives help resolve parenting time disputes, a judge’s approval is still needed to formalize any changes to the parenting time order or to make final rulings that might result in consequences for noncompliance with the parenting time order. Respondents noted that judges rarely punish parenting time violations with jail time. One respondent said noncompliance with child support payment would never result in a loss of parenting time.

**Spotlight:**
**Enforcement process in Macomb County, MI**

In Macomb County, each Family Division Judge is assigned two Friend of the Court Referees to specifically handle enforcement of parenting time. Enforcement action begins with a warning letter sent to the noncompliant parent. The parent has 21 days to respond by either complying or filing a motion for a change to the parenting time order. If the issue is not resolved in 21 days, there will be a contempt hearing, which can take up to another 21 days to schedule. The referees typically hear a motion or hold a hearing on behalf of the Judge. If the issue is resolved at the time of the contempt hearing, the referees can enter an order to be signed by a Judge, or they can object and have a hearing in front of the Family Division Judge. If the parent continues to be noncompliant, he or she may be ordered to pay fines or serve jail time. It is estimated that 95 percent of the issues are resolved before the case is brought to court.

Localities have multiple procedures to protect those experiencing family violence

The court system and child support agencies have procedures in place to protect families that may be experiencing family violence. Under PRWORA, the Family Violence Indicator (FVI) was established as one way to safeguard the information of families in the child support system experiencing family violence. States set the FVI on a case which is reported in the Federal Case Registry within the Federal Parent Locator Service. This flag alerts child support workers, and other court personnel, that there is family violence and ensures that personal information, such as their current address, is not released to the other parent. All study sites pay careful attention to safety and have additional procedures, beyond the FVI, to more safely serve cases in which family violence is an issue.

At the state level, the study sites offer various levels of guidelines to the counties on how to handle domestic violence and encourage counties to set up procedures to ensure the safety of the parties. While generally an allegation or finding of domestic violence exists will not automatically preclude establishment of a parenting time order if the child is not determined to be at risk of harm, it is important to address domestic violence both in the process of order establishment and in the parenting time arrangements. For example, Michigan court rules (MCR 3.224) provide that mediation services should not occur until after a hearing to determine whether it is appropriate for the case when families experience domestic violence. In St. Joseph County, Indiana, when domestic violence issues are brought to the attention of the court, the court can assign a guardian ad litem to advocate for the best interests of the child. The court can also ask the Domestic Relations Counseling Bureau (DRCB), a county agency supervised by the circuit court that assesses parents’ ability to safely care for the child, to investigate any domestic violence complaints.
The investigation concludes with a detailed report and recommendations about parenting time. Monroe County, Indiana, was the recipient of a PTOC grant, and established a partnership with Indiana University to develop a screening tool for identifying cases of domestic violence. The screening tool included over 70 questions that took 30 minutes to administer. Parents were interviewed separately, and if the tool indicated the presence of domestic violence, the parents were subjected to additional investigation to ensure the safety of the family before issuing a parenting time order. After the PTOC grant ended, prosecuting attorneys continued to use a truncated version of the tool, but funding limitations forced the county to reduce its use of investigators. To increase safety for parents when executing their parenting time order, Texas courts may order the use of supervised visitation centers where available, or exchange of the child(ren) at a neutral location or via a neutral third-party, such as family members.

Partnerships are critical to serving the needs of families and child support staff are instructed to refer parents experiencing family violence to local family violence programs and legal service providers. The type and degree of partnerships arranged to provide domestic violence services vary across study sites. The Texas Office of the Attorney General has a formal partnership with the Texas Council on Family Violence, which provides information on the intersection of child support and domestic violence and trains OAG staff and attorneys on how to handle cases with domestic violence.

There is limited funding available to do the work required to establish and enforce parenting time

Respondents said a combination of the AV grant, state funding sources, county funding sources, grants, and, in some instances, small amounts of IV-D funds are used for the establishment and enforcement of parenting time orders. For the most part, respondents agreed that restricted use of IV-D funding makes it challenging to address parenting time as part of the process of establishing child support orders. Respondents report that the AV grant is not enough to do the work of establishing parenting time or enforcing it, and they look for other sources of funding out of necessity.

Restrictions in IV-D limit funding for establishing and enforcing parenting time

Respondents consistently noted that because IV-D funds cannot be used to establish or enforce parenting time orders, there is a division between child support and parenting time in policy and practice. As one representative from the court system said, “The law in [state] and what my practice is, is there is no connection whatsoever [between child support and parenting time]. They are totally different tracks.” Another representative from the court system concurred, saying, “In parties’ minds, there may be a connection, a quid pro quo. Call it a two-way street if you want. But in my perspective and what [state] law says, they’re completely separate issues. One is not conditioned on the other.”

However, because parenting time affects the amount of a support order, in practice, some states do use a small amount of IV-D funding to establish those orders. In four of the study counties, respondents said that when parenting time orders are agreed on at the same time that support orders are established, IV-D funds are used to pay for the attorney’s time, and there is no distinction between time spent on the support order and time spent on the parenting order. The costs are considered necessary and reasonable since parenting time is built into the child support order. However, if the parenting order is not agreed on at the time the support order is established, the separate establishment activities are not eligible for IV-D funds. Nonetheless, the inability to use IV-D funds for other parenting time activities is frustrating to some practitioners. One respondent’s state has reportedly come a long way in the past 10 years to recognize that parenting time is important.
and is trying to incorporate that understanding into the child support program. However, funding limitations have been a challenge for the state, and its ability to grow in this area has been “suppressed by that reality.” Therefore, the respondent’s IV-D agency has been limited in what it can do.

**Access and Visitation Grants do not fill the need for parenting time services**

Since 1997, the AV grant has complemented the financial focus of child support enforcement. Initially funded at $10 million annually, this funding stream has been frozen at the same amount since 1997. Study sites use this funding for different purposes, such as staffing a statewide help line or providing mediation services for IV-D cases at no charge. Across all sites, however, respondents noted that the funding was not enough to establish and enforce the parenting time requirements. One respondent with a large caseload said that the AV grant, when spread across the entire child support caseload, comes to less than 50 cents per case. Another state-level respondent reported that because of a lack of funding, IV-D cases with domestic violence do not have access to supervised visitation centers. Respondents also said they run out of AV grant funds to cover mediation fees for IV-D participants. Moreover, one local-level mediation service provider talked about being restricted to using AV grant funds to provide free mediation services to noncustodial parents looking to increase their parenting time. Custodial parents who would like to reduce parenting time for the noncustodial parent must pay the $125 mediation fee.

**Locality use other sources to fill funding gaps**

Locality finds ways to support their parenting time establishment and enforcement services, though these avenues are typically not enough to fill the need that exists. County budgets are the most common source of funding. For example, in Michigan, parenting time activities led by the Friend of the Court are supported entirely through local funds. Even in localities where Title IV-D funding is used to establish parenting time orders when they are established concurrently with child support orders, county funds are used when parenting orders are established apart from support orders.

To offset or minimize the cost to parents, some localities use the fees collected from divorces or other case filings to fund the enforcement line of the county budget or to offset the use of enforcement services by the IV-D population. One locality uses AV funds to cover fees for mediation services for IV-D participants, but these funds often run out before the end of the year. Parents looking for services in the last two months of the fiscal year frequently have to cover the fees themselves. Under the PTOC grant, Monroe County, Indiana, used civil investigators to help develop parenting plans that would be in the best interest of the child. The county also used PTOC funds to offer supervised visitation with a therapeutic component, in which a trained therapist would monitor the supervised visitation sessions. Since this funding has ended, the county no longer offers this specific type of supervised visitation and has scaled back the use of civil investigators. Other localities also have limited ability to cover the cost of parenting time services and report that families have to cover the costs for mediation, legal representation, and court filing fees.

When programs lack funding for services, it puts a strain on the programs and can reduce service take-up by participants, particularly those that are low-income. One respondent noted that in some counties that do not have enough funding, staff might prioritize non-IV-D cases because their office is paid for those cases. Other respondents noted that parents are less likely to seek services to establish parenting time if they have to pay for those services themselves.
Considerations for policymakers moving forward

The high-level findings of this study generate important questions for policymakers to contemplate as this topic continues to be relevant at the national, state, and local level. Three key policy considerations are:

1. **What are the benefits and drawbacks of having parenting time orders established when support orders are established for never-married parents?** Policymakers should consider the benefits and drawbacks of mandating or offering that parenting time orders be established at the time of support order establishment. Texas, which has a process governed in statute, noted families appreciate having an enforceable parenting time order when they leave the support order establishment hearing, as it reduces time, and uses less resources of the families and court system. In both Michigan and Indiana, where families may leave establishment without an enforceable parenting time order, respondents talked about the challenges of enforcing when not all families have those agreements in place. Requiring or permitting the establishment of parenting time orders at the time support orders are established could potentially reduce court costs and court backlogs by cutting down on the need for separate hearings to establish parenting time. It could also provide more equitable access to these services to low-income or never-married families. By strengthening the connection between child support and parenting time, families may feel that their needs are better addressed by the child support program, which may lead to better child support compliance.

2. **Are parents’ individual needs better balanced with statewide parenting time guidelines or with local variation?** All three study states set up guidelines for parenting time that help them to establish enforceable parenting time orders. The Michigan courts have modified parenting time guidelines to address changing demographics. For example, they are now examining the increase in shared parenting time and what that means for parenting time orders. Currently, the guidelines include sixteen types of parenting time arrangements that provide parents with options. Additionally, each county has the authority to establish county-level parenting time policies. Texas, however, has statewide parenting guidelines that were set in statute in 1989. It is a more standardized approach that may reduce time and costs. Future research could explore how these two models differ in terms of benefits and costs to the federal, state, and local governments, as well as the impacts for families.

3. **How should the establishment and enforcement of parenting time orders be funded?** All respondents discussed the limits on their ability to use IV-D funding and how this creates a segmented approach to handling parenting time and child support. Although parenting time and child support are separate legal issues, these issues are not separate in the lives of families. As one state child support representative put it, “We know that, legally, [child support and parenting time] are two separate issues … but, what we know to be true in almost every instance is that there’s just no way you can untangle those things … and they feel linked whether or not they legally are.” Respondents believe that if they can meet the need for parenting time better, it improves child support outcomes. As one respondent succinctly put it, “We know that people who exercise parenting time are more likely to pay support.” Moreover, respondents think that by addressing parenting time, noncustodial parents have more positive views of the child support program. At the federal level, policymakers could consider ways to encourage streamlining the processes to establish child support and parenting time, such as increasing funding opportunities through grants or
highlighting other federal funding flexibilities. The PTOC grants revealed that processes designed to establish parenting time orders come at little additional cost to child support operations (OCSE 2019).

Implications for research

An important finding of this study is that only a few localities report systematically tracking their establishment or enforcement of parenting time orders. To offer answers to the key policy questions here, more data will need to be available on these activities. Therefore, one recommendation of this study is that states and localities strengthen their tracking efforts.

Although the findings of this study are not representative of all states’ experiences with parenting time orders, they illustrate key differences in localities’ approaches to establishing, enforcing, and funding parenting time orders. More research on this topic could include participants’ perspectives of their experiences establishing and enforcing parenting time orders as well as build on past studies examining child support outcomes for parents with parenting time orders. There could also be benefit-cost analysis on the costs of establishing and enforcing parenting time in relation to the benefits for child support and other key family strengthening outcomes.

References


Endnotes

1 [https://www.cdc.gov/nchs/pressroom/sosmap/unmarried/unmarried.htm](https://www.cdc.gov/nchs/pressroom/sosmap/unmarried/unmarried.htm)

2 See [https://www.ssa.gov/OP_Home/ssact/title04/0469B.htm](https://www.ssa.gov/OP_Home/ssact/title04/0469B.htm)

3 The statewide helpline in Texas is specific for parenting time issues. Texas has a separate call center that handles child support case inquiries.

4 [http://txaccess.org/visitations](http://txaccess.org/visitations)

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