

# Fairer child-custody system would help end deadbeat daddy problem

ARMIN A. BROTT

**W**ith welfare reform heading the agenda for the 104th Congress, "deadbeat daddies" are sure to be big news again. We'll hear a lot about the rich guys who live in mansions while their ex-wives and kids eat dog food. Men who don't pay child support will be blamed for everything from poverty to the breakdown in family values, and conventional wisdom will tell us that tracking these men down is the quickest cure for America's welfare ills. But is it?

Most people, when they hear about deadbeat dads, think of men like Michael Kojima, who, while delinquent over \$100,000 in child support, still came up with \$500,000 for a seat at George Bush's table at a 1992 Republican party fund-raising dinner. But despite the insistence of politicians and the media, men like Mr. Kojima are the exception rather than the rule.

Lloyd R., a divorced father of two, is perhaps a more typical "deadbeat." A few years ago, Lloyd, who lives in a sparsely furnished apartment, broke his leg and was unable to work. With worker's compensation as his sole income, he could no longer make his support payments. And during the year he was unemployed, Lloyd fell further and further behind. When he finally found a new job, his wages were garnished and the IRS seized his tax refund.

Overall, according to a report by the Government Accounting Office, 66 percent of mothers who receive less child support than they are entitled to say the fathers are simply financially unable to pay — for a number of legitimate reasons. For example, other government data shows that unemployment during the previous year is the most accurate predictor of whether child support will be paid.

But of course, not all men who don't pay their support are on disability or otherwise unemployed — some really ARE deadbeats. There's no question that men who

don't pay their child support when they are financially able are behaving immorally and every effort should be made to enforce payment. But the various solutions already proposed by both parties — seizing divorced men's tax refunds, restricting their right to travel, revoking their business or professional licenses, or putting them in jail — are NOT the answer. The simplest, most cost effective means of increasing child support compliance (and reducing welfare expenditures) is to institute a fairer system of child custody.

Although most states now have some kind of "gender-blind" legislation specifically barring judges from granting custodial preference based solely on gender, our family law system still favors women by a huge margin. Nationwide, the mother is the sole custodian an overwhelming 82 percent of the time. Only 11 percent of men get sole custody of their children, and just 1 percent have joint custody. Women are presumed to be "fit" parents. Men have to prove it.

Worse yet, nearly 40 percent of non-custodial fathers have NO legal visitation or custody rights at all. And the men who DO have court-ordered access to their children are traditionally limited to visits every other weekend, on alternate holidays, and for a couple of weeks in the summer.

The correlation between child support payment and visitation is clear and inescapable. The U.S. Census Bureau found that 90 percent of men with joint custody and 79 percent of those with visitation privileges pay their entire child support obligation on time. Adjusted for men who are unemployed, underemployed, disabled, or otherwise legitimately unable to pay, compliance is well over 90 percent in both categories.

The courts are not alone in making it difficult for men to be with their children. Mothers themselves often see no value to the father's relationship with his children and frequently interfere with it. In her landmark study, "Surviving the Breakup," researchers Joan Berlin Kelly found that as many as 50 percent of custodial mothers routinely and actively tried to sabotage father/child meetings.

Not surprisingly, denying a non-custodial parent his court-ordered access to the children has a direct impact on compliance with support orders. One recent study found that only 1.9 percent of non-custodial parents who had access to their children didn't pay what they owed. But when access was denied by the custodial parent, the non-payment rate topped 60 percent.

Women trying to collect child support are usually represented for free by their local district attorney. But men who go to court to enforce their visitation rights pay an average of about \$4,000 in attorneys' fees. And, even if they win, visitation still isn't guaranteed; judges rarely — if ever — put uncooperative mothers in jail.

Unfortunately, the critical relationship between custody, visitation, and child support seems to be lost on most legislators and family law judges. Instead of focusing on joint custody, enforcing men's visitation rights, and encouraging father/child relationships, society's attitude continues to be "Throw the bums in jail."

Divorced fathers, on the whole, love and care for their children as much as any other parents. And the day society starts treating them as parents instead of as cash cows whose only contribution to their children is financial, we might just wake up and find that the deadbeat daddy problem — and much of the welfare problem — has simply gone away.

Armin A. Brott is a columnist for the Knight-Ridder/Tribune News Service.

"The probability that we may fail in the struggle ought not to deter us from the support of a cause we believe to be just."

—Abraham Lincoln