

Policies and Programs Affecting Fathers

A State-by-State Report

Jessica Pearson, PhD, Director, Center for Policy Research, Denver, Colorado

Rachel Wildfeuer, PhD Candidate, Research Analyst, Center for Policy Research, Denver, Colorado

Chapter 8: Family Law

Family life has changed dramatically in the United States. Fewer adults marry; those who do frequently divorce; remarriage rates have declined; cohabitation has increased. Finally, and perhaps most importantly, more and more children are being born to unmarried parents. Recent estimates show that about 40% of all births in the U.S. occur outside of marriage, up from 28% in 1990, with this being the case for 52% and 69% of all births to Hispanic and Black women, respectively.¹ The net result of these trends is that about 21.9 million children had a parent who lived outside of their household in 2018, which represented more than one-fourth (26.5%) of all children under 21 years of age.²

Despite the fact that nonmarital childbearing is the norm for many American families (and a majority of Black families), most family law continues to assume that family structure involves marriage and divorce. Under that system, the court establishes the framework for a couple's post-divorce family life by addressing legal custody, financial support, and parenting time simultaneously, and oversees the divorce agreements they generate by themselves or through mediation or negotiated settlements.³

Low-income, nonresident fathers, on the other hand, often struggle to stay involved with their children, with contact dropping off over time.^{4,5} Data from the 2006–2008 National Survey of Family Growth showed that 20% of fathers who live apart from their children visit their children more than once a week, 29% see their

1 Wildsmith, E., Manlove, J., & Cook, E. (2018). *Dramatic increase in the proportion of births outside of marriage in the United States from 1990 to 2016*. Child Trends. Retrieved from <https://www.childtrends.org/publications/dramatic-increase-in-percentage-of-births-outside-marriage-among-whites-hispanics-and-women-with-higher-education-levels>.

2 Grall, T. (2020). *Custodial mothers and fathers and their child support: 2017* (Report number P60-249). U.S. Census Bureau. Retrieved from <https://www.census.gov/library/publications/2020/demo/p60-269.html>.

3 Huntington, C. (2015). Family law and nonmarital families. *Family Court Review*, 53(2), 233–245.

4 Amato, P., & Rezac S. (1994). Contact with nonresident parents, interparental conflict, and children's behavior. *Journal of Family Issues*, 15(2), 191–207.

5 Seltzer, J. A. (1991). Relationships between fathers and children who live apart: The father's role after separation. *Journal of Marriage and Family*, 53(1), 79–101.

children at least once a month, 21% visit children several times a year, and 27% do not visit their children at all.⁶ According to the Census Bureau, the proportion of fathers who had no contact with their children in the past year remained at 35% between 2007 and 2015.⁷ A more recent analysis of nonresident parents' contact with their youngest child in 2017 based on the 2018 Survey of Income and Program Participation (SIPP), a nationally representative longitudinal survey, finds that 17% did not see their child at all and that 22% saw their child only one to several times a year. Contact patterns for male and female nonresident parents in the SIPP analysis are not differentiated although an estimated 75% (7.2 million) were fathers and 25% (2.5 million) were mothers.⁸

In both divorce and nonmarital relationships, children do better when they can maintain high-quality relationships with both parents. Children of involved fathers experience higher levels of academic achievement, fewer behavioral problems, better peer relationships, and increased social-emotional competence.^{9,10} Conversely, they are less apt to experience the negative outcomes associated with living in a single-parent household: poverty, emotional and behavioral problems, becoming teenage parents, and having poverty-level incomes as adults.¹¹

This chapter addresses state policies on a number of family law topics that affect separated/divorced and never-married fathers and their families, respectively. With respect to the separated/divorced population, we present information on court-ordered custody arrangements and court-authorized services to help divorcing parents generate agreements about how the child will spend time with each of them and maintain contact when there are concerns about safety. With respect to nonmarital families, we present information on policies concerning paternity establishment and information on the development of parenting time plans. Additionally, and relevant for all populations, we consider adjustments to child support order levels for parenting time in state child support guidelines, as well as the problem of domestic violence and promising practices to prevent and address it.

Separated/Divorced Fathers and Their Families

In 2019, the U.S. divorce rate reached its lowest level in 50 years. For every 1,000 marriages, only 14.9 ended in divorce. Simultaneously, the marriage rate reached its all-time low, too. For every 1,000 unmarried adults in 2019, only 33 got married. In 1970, these rates were 15 and 86, respectively.¹²

Couples who divorce are regulated by state family laws. And although marital family law is far from ideal for the families it governs, the divorce decree addresses custody, parenting time, child support, property division, and spousal support in a single legal order that is issued by a court. There are also court-related resources to help divorcing parents adjust to their new roles and decrease conflict.¹³

6 Livingston, G., & Parker, K. (2011). *A tale of two fathers: More are active, but more are absent*. Pew Research Center. Retrieved from <https://www.pewresearch.org/social-trends/2011/06/15/a-tale-of-two-fathers/>.

7 Zill, N. (2019). *The new fatherhood is not benefiting children who need it most*. Institute for Family Studies. Retrieved from <https://ifstudies.org/blog/the-njew-fatherhood-is-not-benefiting-children-who-need-it-most>.

8 Landers, P. A. (2021). *Demographic and socioeconomic characteristics of nonresident parents* (R46942). Congressional Research Service. Retrieved from <https://crsreports.congress.gov/product/pdf/R/R46942>.

9 Adamson, K., & Johnson, S. K. (2013). An updated and expanded meta-analysis of nonresident fathering and child well-being. *Journal of Family Psychology*, 27(4), 589–599.

10 Coates, E. E., Tran, Q., Le, Y., & Phares, V. (2019). Parenting, coparenting, and adolescent adjustment in African American single-mother families: An actor-partner interdependence mediation model. *Journal of Family Psychology*, 33(6), 649–660.

11 McLanahan, S., Tach, L., & Schneider, D. (2013). The causal effects of father absence. *Annual Review of Sociology*, 39(1), 399–427.

12 Wang, W. (2020). *The U.S. divorce rate has hit a 50-year low*. Institute for Family Studies. Retrieved from <https://ifstudies.org/blog/number-1-in-2020-the-us-divorce-rate-has-hit-a-50-year-low>.

13 Huntington, C. (2015). Family law and nonmarital families. *Family Court Review*, 53(9), 233–245.

The following describes the status of marital law in the states and the District of Columbia on some key issues pertaining to custody. We also identify some of the services available to help divorcing parents generate parenting time plans, maintain relationships with both parents, and avoid interparental conflict as well as to preserve parent–child contact when there are concerns about safety.

Court-Ordered Custody Arrangements

Increasingly, divorced couples share responsibilities for making important decisions about their children and living with them. Recent data in one state (Wisconsin) revealed that between 1989 and 2010, shared custody increased from about 11% to 50% of all divorce cases.¹⁴ But custody is still a source of conflict for divorced couples and state rules are extremely relevant.

Default Presumption of Shared Placement. A study published by CustodyXChange in 2018 provides information on the most common custody schedules in each state and the District of Columbia as of 2018.¹⁵ CustodyXChange generated its estimates based on state statutes and online surveys of bar associations, attorneys specializing in family law, and custody and county courts. In 20 states and the District of Columbia, the most commonly awarded custody and visitation schedules given to a noncustodial parent was an equal timesharing award of 50%. On the other hand, in 30 states, the default presumption of shared placement was below 50%. The three states with the lowest default presumption of shared placement in 2018 were Tennessee (21.8%), Oklahoma (22.4%), and Mississippi (23.0%).

Shared Parenting. Another read on shared placement and parenting comes from the National Parents Organization's (NPO) 2019 Shared Parenting Report Card.¹⁶ It summarizes their detailed evaluation of states' statutory provisions promoting shared parenting based on 21 factors. Overall, two states received A's, six states and the District of Columbia received B's, 26 states received C's, 14 states received D's, and two states received F's. The states with the highest grades were Kentucky (A) and Arizona (A-). Both got that rating by either implementing a rebuttable presumption law of joint legal custody and equal physical custody (Kentucky) or achieving an implicit presumption of equal physical custody through a court interpretation of prior legislation (Arizona). The states with the lowest grades were New York (F) and Rhode Island (F). The average state grade was C-. Receiving a C (C- or higher) minimally qualifies a state as a "shared parenting state." There were 35 shared parenting states (including the District of Columbia) in 2019, up from 26 in 2014, when the NPO released its prior shared parenting report card. Since 2019, Arkansas has enacted a law that makes equal decision-making responsibility and equal parenting time for divorced parents a rebuttable presumption unless there is "clear and convincing evidence" that equal parenting is not in a child's best interests.¹⁷ In addition, there is pending legislation on this topic in 22 states, most of which would create a legal presumption in favor of shared parenting or establish a goal of maximizing time with each parent.¹⁸

14 Meyer, D. R., Carlson, M. J., & Alam, M. M. U. (2019). *Changes in placement after divorce and implications for child support policy*. Institute for Research on Poverty. Retrieved from <https://www.irp.wisc.edu/wp/wp-content/uploads/2020/03/CS-2018-2020-Task-12.pdf>.

15 CustodyXChange. (2018). *How much custody time does dad get in your state?* Retrieved from <https://www.custodyxchange.com/topics/research/dads-custody-time-2018.php>.

16 National Parents Organization. (2019). *2019 shared parenting report card*. Retrieved from <https://www.sharedparenting.org/2019-shared-parenting-report>.

17 Fraley, P. (2021). *Arkansas SB18 becomes law!* National Parents Organization. Retrieved from <https://www.sharedparenting.org/sharedparentingnews/arkansas-sb18-becomes-law>.

18 Email correspondence with Don Hubin, Board Chair of the National Parents Organization, on March 17, 2022.

Table 1 indicates, for each state and the District of Columbia, the default presumption of shared placement and the NPO shared parenting grade. Grades that minimally qualify a state as a "shared parenting state" are bolded.

Chapter 8, Table 1. **State Shared Placement Percentage and Shared Parenting Grade**

State	Shared Placement Percentage	Shared Parenting Grade	State	Shared Placement Percentage	Shared Parenting Grade
Alabama	33.7%	C-	Montana	26.0%	D-
Alaska	50.0%	C+	Nebraska	32.9%	D-
Arizona	50.0%	A-	Nevada	50.0%	B
Arkansas	28.1%	C+	New Hampshire	50.0%	C
California	32.8%	D	New Jersey	50.0%	D+
Colorado	50.0%	C	New Mexico	50.0%	C+
Connecticut	50.0%	D-	New York	30.4%	F
Delaware	50.0%	C	North Carolina	27.9%	D-
DC	50.0%	B+	North Dakota	50.0%	D
Florida	50.0%	C+	Ohio	23.7%	C
Georgia	23.5%	C	Oklahoma	22.4%	D+
Hawaii	31.0%	C	Oregon	28.7%	C
Idaho	24.1%	C+	Pennsylvania	28.8%	D
Illinois	23.1%	C-	Rhode Island	24.0%	F
Indiana	28.8%	D-	South Carolina	27.8%	D-
Iowa	28.3%	B	South Dakota	23.6%	B-
Kansas	26.4%	C-	Tennessee	21.8%	C
Kentucky	50.0%	A	Texas	33.0%	C-
Louisiana	25.4%	B-	Utah	26.2%	C
Maine	50.0%	C	Vermont	50.0%	C
Maryland	26.1%	D-	Virginia	50.0%	C-
Massachusetts	50.0%	C	Washington	23.8%	C
Michigan	27.1%	C	West Virginia	50.0%	C-
Minnesota	50.0%	B-	Wisconsin	50.0%	B-
Mississippi	23.0%	D-	Wyoming	28.6%	D
Missouri	50.0%	C+			

Sources: CustodyXChange. (2018). *How much custody time does dad get in your state?* Retrieved from <https://www.custodyxchange.com/topics/research/dads-custody-time-2018.php>.

National Parents Organization. (2019). *2019 shared parenting report card*. Retrieved from <https://www.sharedparenting.org/2019-shared-parenting-report>.

Note: Grades that minimally qualify a state as a "shared parenting state" are bolded

Court-Authorized Services for Divorcing Parents

Mediation. Interest in alternatives to adversarial dispute resolution developed in the 1970s as litigation about custody grew and research emerged on the harmful effects of parental conflict on children during divorce. In 1976, discussions began in the legal community about the potential benefits of family dispute mediation. Mediation involves the use of an impartial third party to facilitate an agreement by helping divorcing participants identify the issues in dispute, reduce misunderstandings, clarify priorities, explore

areas of compromise, and find points of agreement.^{19, 20} In 1980, California became the first state to mandate the use of mediation in contested custody cases.²¹ To address the problem of underutilization of mediation, many other states followed suit and introduced their own mandatory custody mediation statutes as well as discretionary statutes that allow courts to refer parties to mediation in the court's discretion. Still other states that lack statutory authorization of mediation adopted court rules that address the mediation process and/or encourage its use. While many states exclude cases from court referral where there are allocations of domestic violence, California mandates its use, specifying that the mediator must meet with the parties separately and at separate times.

A comprehensive compilation of state policies conducted in 2001²² and amended by developments noted in more recent, selected reviews of state provisions,^{23, 24, 25, 26} reveals the following patterns. Fifteen states have mandatory mediation frameworks for contested custody and/or visitation issues; 29 states and the District of Columbia treat mediation as a discretionary process that can be initiated by the parties and/or the court; and six states treat mediation as a purely voluntary process that litigants may choose to pursue on their own, although one of these states, Massachusetts, has statutes on mediator training and the confidentiality of the mediation process.

Parent Education. Begun in 1978 in a court in Johnson County, Kansas, parent education quickly spread and by 1998 there were an estimated 1,500 programs in operation.²⁷ By 2008, 46 states offered or required parent attendance at parent education programs.²⁸ Today, all states either mandate divorcing parents to attend parent education classes to help reduce parental conflict (21 states), mandate it in some jurisdictions (12 states), or leave it up to the judge's discretion (17 states and the District of Columbia).²⁹ Parent education programs are typically available in family court setting where divorce matters are heard. Although a recent pilot project in Indiana offered online parent education classes to unmarried parents scheduled for a court hearing dealing with paternity,³⁰ parent education services are typically unavailable in non-family court settings where unmarried parents establish child support orders and address issues dealing with nonpayment of support.

Table 2 indicates, for each state and the District of Columbia, their mediation policy and their parent education policy.

-
- 19 Maccoby, E., & Mnookin, R. (1992). *Dividing the child: Social and legal dilemmas of custody*. Harvard University Press.
- 20 Pearson, J., & Thoennes, N. (1989). Divorce mediation: Reflections on a decade of research. In K. Kressel, D. G. Pruitt, & Associates (Eds.), *Mediation research*. Jossey-Bass Publishers.
- 21 Barlow, B. (2004–2005). Divorce child custody mediation: In order to form a more perfect disunion. *Cleveland State Law Review*, 499.
- 22 Tondo, C., Coronel, R., & Drucker, B. (2001). Mediation trends: A survey of the states. *Family Court Review*, 39(4), 431–453.
- 23 Barlow, B. (2004–2005). Divorce child custody mediation: In order to form a more perfect disunion. *Cleveland State Law Review*, 499.
- 24 Holmes, K. O. (2018). Transforming family law through the use of mandated mediation. *Resolved: Journal of Alternative Dispute Resolution*, 7(1), 29–50.
- 25 Zylstra, A. (2001). The road from voluntary mediation to mandatory good faith requirements: A road best left untraveled. *Journal of the American Academy of Matrimonial Lawyers*, 17, 69–103.
- 26 Streeter-Schaefer, H. A. (2018). A look at court mandated civil mediation. *Drake Law Review*, 49(2), 367–389.
- 27 Geasler, M. J., & Blaisure, K. R. (1998). A review of divorce education program materials. *Family Relations*, 47, 167–175.
- 28 Pollet, S. L., & Lombreglia, M. (2008). A nationwide survey of mandatory parent education. *Family Court Review*, 46(2), 375–394.
- 29 DivorceWriter. (2021). *Divorce parenting classes: State requirements*. Retrieved from <https://www.divorcewriter.com/parent-education-class-divorce>.
- 30 Tomilson, C. S., Rudd, B. N., Applegate, A., & Holtzworth-Munroe, A. (2021). Challenges and opportunities for engaging unmarried parents in court-ordered, online parenting programs. In J. Fagan & J. Pearson (Eds.), *New research on parenting programs for low-income fathers*. Routledge Press.

Chapter 8, Table 2. State Mediation and Parent Education Policies

State	Mediation Policy	Parent Education Policy	State	Mediation Policy	Parent Education Policy
Alabama	Discretionary	Certain jurisdictions	Montana	Discretionary	Judge's discretion
Alaska	Discretionary	Mandatory	Nebraska	Discretionary	Mandatory
Arizona	Discretionary	Mandatory	Nevada	Mandatory	Certain jurisdictions
Arkansas	Discretionary	Judge's discretion	New Hampshire	Discretionary	Mandatory
California	Mandatory	Certain jurisdictions	New Jersey	Discretionary	Mandatory
Colorado	Discretionary	Certain jurisdictions	New Mexico	Discretionary	Judge's discretion
Connecticut	Discretionary	Mandatory	New York	Voluntary	Judge's discretion
Delaware	Mandatory	Mandatory	North Carolina	Mandatory	Certain jurisdictions
DC	Discretionary	Judge's discretion	North Dakota	Discretionary	Judge's discretion
Florida	Mandatory	Mandatory	Ohio	Discretionary	Certain jurisdictions
Georgia	Voluntary	Judge's discretion	Oklahoma	Discretionary	Mandatory
Hawaii	Mandatory	Mandatory	Oregon	Mandatory	Certain jurisdictions
Idaho	Discretionary	Mandatory	Pennsylvania	Discretionary	Certain jurisdictions
Illinois	Discretionary	Mandatory	Rhode Island	Discretionary	Judge's discretion
Indiana	Mandatory	Judge's discretion	South Carolina	Mandatory	Judge's discretion
Iowa	Discretionary	Judge's discretion	South Dakota	Mandatory	Certain jurisdictions
Kansas	Discretionary	Judge's discretion	Tennessee	Discretionary	Mandatory
Kentucky	Mandatory	Judge's discretion	Texas	Discretionary	Judge's discretion
Louisiana	Discretionary	Judge's discretion	Utah	Mandatory	Mandatory
Maine	Mandatory	Judge's discretion	Vermont	Voluntary	Judge's discretion
Maryland	Discretionary	Certain jurisdictions	Virginia	Discretionary	Mandatory
Massachusetts	Voluntary	Mandatory	Washington	Mandatory	Mandatory
Michigan	Discretionary	Certain jurisdictions	West Virginia	Voluntary	Mandatory
Minnesota	Discretionary	Mandatory	Wisconsin	Mandatory	Mandatory
Mississippi	Voluntary	Certain jurisdictions	Wyoming	Discretionary	Judge's discretion
Missouri	Discretionary	Mandatory			

Sources: Tondo, C., Coronel, R., & Drucker, B. (2001). Mediation trends: A survey of the states. *Family Court Review*, 39(4), 431–453.

Barlow, B. (2004–2005). Divorce child custody mediation: In order to form a more perfect disunion. *Cleveland State Law Review*, 499.

Holmes, K. O. (2018). Transforming family law through the use of mandated mediation. *Resolved: Journal of Alternative Dispute Resolution*, 7(1), 29–50.

Zylstra, A. (2001). The road from voluntary mediation to mandatory good faith requirements: A road best left untraveled. *Journal of the American Academy of Matrimonial Lawyers*, 17, 69–103.

Streeter-Schaefer, H. A. (2018). A look at court mandated civil mediation. *Drake Law Review*, 49(2), 367–389.

Geasler, M. J., & Blaisure, K. R. (1998). A review of divorce education program materials. *Family Relations*, 47, 167–175.

Pollet, S. L., & Lombreglia, M. (2008). A nationwide survey of mandatory parent education. *Family Court Review*, 46(2), 375–394.

DivorceWriter. (2021). *Divorce parenting classes: State requirements*. Retrieved from <https://www.divorcewriter.com/parent-education-class-divorce>.

Nonmarital Fathers and Their Families

Single-Mother Households and Out-of-Wedlock Births

As a result of increases in births to unmarried women, increases in divorce, increases in cohabiting relationships, and decreases in marriage, the percentage of children living with two parents has dropped, while the percentage living with a mother only has increased. Thus, in 1968, 85% of children lived with two parents and 11% lived with a mother only. In 2020, the percentage of children living with two parents was 70% and the percentage living with a mother only was 21%.³¹ Single-parent households have a higher poverty rate than all families with children (24% versus 13.6% in 2017), with the poverty rate of custodial-mother families being the highest (27.2% in 2017).³²

Drawing on American Community Survey data, National Fatherhood Initiative reports the percentage of single-mother households in each state and the District of Columbia in 2017 using the formula of single-mother households/families with their own child under age 18.³³ As shown in Table 3, the four states with the highest proportion of homes in which children lived with a single mother in 2017 were Mississippi (32.5%), Louisiana (31.5%), Alabama (30.5%), and South Carolina (30.1%). Like many other large urban areas, the rate in the District of Columbia was even higher (35.8%). The four states with the lowest proportion of homes in which children lived with a single mother in 2017 were Utah (13.5%), Montana (17.2%), Idaho (17.7%), and North Dakota (17.9%).

The percentage of births to unmarried mothers in the United States in 2019 was 39.9%.³⁴ The National Center for Health Statistics provides data on the percentage of births to unmarried mothers in each state in 2019.³⁵ As shown in Table 3, the three states with the highest percentage of births to unmarried mothers in 2019 were Mississippi (54.9%), Louisiana (54.0%), and New Mexico (51.5%). The three states with the lowest percentage of births to unmarried mothers in 2019 were Utah (19.2%), Colorado (23.4%), and Idaho (27.1%).



31 Hemez, P., & Washington, C. (2021). *Percentage and number of children living with two parents has dropped since 1968*. U.S. Census Bureau. Retrieved from <https://www.census.gov/library/stories/2021/04/number-of-children-living-only-with-their-mothers-has-doubled-in-past-50-years.html>.

32 Grall, T. (2020). *Custodial mothers and fathers and their child support: 2017* (Report number P60-249). U.S. Census Bureau. Retrieved from <https://www.census.gov/library/publications/2020/demo/p60-249.html>.

33 National Fatherhood Initiative. (2019). *Father facts, 8th edition*.

34 Martin, J. A., Hamilton, B. E., Osterman, M. J. K., & Driscoll, A. K. (2021). Births: Final data for 2019. *National Vital Statistics Reports, 70(2)*.

35 National Center for Health Statistics. (2021). *Percent of babies born to unmarried mothers by state*. Retrieved from <https://www.cdc.gov/nchs/pressroom/sosmap/unmarried/unmarried.htm>.

Chapter 8, Table 3. State Percentage of Single-Mother Households in 2017 and Out-of-Wedlock Births in 2019

State	Percentage of Single-Mother Households in 2017	Percentage of Out-of-Wedlock Births in 2019	State	Percentage of Single-Mother Households in 2017	Percentage of Out-of-Wedlock Births in 2019
Alabama	30.5%	48.3%	Montana	17.2%	34.8%
Alaska	20.7%	36.3%	Nebraska	20.2%	33.7%
Arizona	24.6%	45.2%	Nevada	25.5%	48.1%
Arkansas	26.1%	46.8%	New Hampshire	19.2%	31.6%
California	20.7%	37.2%	New Jersey	20.8%	33.6%
Colorado	18.3%	23.4%	New Mexico	29.4%	51.5%
Connecticut	23.5%	36.8%	New York	26.1%	37.5%
Delaware	24.8%	47.1%	North Carolina	25.2%	41.6%
DC	35.8%	Not provided	North Dakota	17.9%	32.1%
Florida	26.1%	46.6%	Ohio	26.9%	43.6%
Georgia	27.7%	45.6%	Oklahoma	25.1%	43.6%
Hawaii	18.8%	38.4%	Oregon	21.5%	36.0%
Idaho	17.7%	27.1%	Pennsylvania	23.9%	40.9%
Illinois	23.3%	39.5%	Rhode Island	25.0%	44.4%
Indiana	25.1%	43.5%	South Carolina	30.1%	46.7%
Iowa	19.9%	35.1%	South Dakota	21.1%	36.2%
Kansas	21.2%	36.4%	Tennessee	25.8%	44.0%
Kentucky	23.8%	42.3%	Texas	23.7%	41.4%
Louisiana	31.5%	54.0%	Utah	13.5%	19.2%
Maine	21.0%	38.3%	Vermont	22.4%	39.8%
Maryland	23.9%	40.5%	Virginia	21.3%	35.1%
Massachusetts	23.9%	32.4%	Washington	19.0%	31.1%
Michigan	24.5%	41.0%	West Virginia	22.4%	46.7%
Minnesota	19.1%	32.0%	Wisconsin	23.3%	37.6%
Mississippi	32.5%	54.9%	Wyoming	20.7%	33.6%
Missouri	24.67%	40.4%			

Sources: National Fatherhood Initiative. (2019). *Father facts, 8th edition*.

National Center for Health Statistics. (2021). *Percent of babies born to unmarried mothers by state*. Retrieved from <https://www.cdc.gov/nchs/pressroom/sosmap/unmarried/unmarried.htm>.

Paternity Establishment, Paternity Registries, and Paternity Revocation

Fathers who were married to the mother of their children are presumed to be the father, with attendant legal rights and responsibilities. Unmarried fathers, on the other hand, must establish paternity to create a legal relationship with their child and to obtain a child support order, a parenting time order, or any legal rights with regard to their children. All states allow paternity to be established via a court order, and federal law requires states to have simple, non-court process for establishing paternity for all children under the age of 18. Federal law requires that states provide an affidavit that men can complete to voluntarily acknowledge paternity, and that this acknowledgement must be considered a legal finding of paternity unless it is rescinded within 60 days or challenged in court based on fraud, duress, or material mistake of fact. Applicants and recipients of the Temporary Assistance for Needy Families (TANF) program, and in some states the Supplemental Nutrition Assistance Program (SNAP) and other benefits, are legally required to cooperate in establishing paternity or obtaining child support payments or face penalties for noncooperation. For fathers who are not present at the birth, choose not to acknowledge paternity, or contest paternity, federal law requires that all parties submit to genetic testing.³⁶

Unfortunately, there is no reliable way to measure the percentage of nonmarital births where paternity is acknowledged each year since child support agencies track paternity acknowledgements generated each year for out-of-wedlock children of any age. On average, the statewide paternity establishment percentage was 94% in 2019 and the paternity establishment percentage in child support cases averaged 102%.³⁷ In the absence of a reliable metric on the percentage of unmarried births for which paternity is established each year, access to paternity must be gauged through policies that facilitate the ease of establishment.

According to the Intergovernmental Reference Guide maintained by the federal Office of Child Support Enforcement (OCSE),³⁸ 31 states have a putative fathers' registry. These permit unwed fathers to register their intent to establish paternity prior to or immediately after the birth of their child. This ensures that they receive the right of notice regarding court proceedings concerning the child, petitions for adoption, and actions to terminate parental rights.

Unmarried parents can establish paternity using court and non-court techniques. According to Child Welfare Information Gateway, in 26 states, fathers and mothers can voluntarily agree to place a father's name on a child's certificate of birth, and in 22 states they can complete a voluntary paternity acknowledgment form in a non-court setting like a hospital and file it with a social services department or vital statistics agency. Finally, in 41 states, when paternity is in dispute, the court may order genetic testing and make a paternity judgement and order based on genetic test results.³⁹ Establishing paternity gives a court the power to enforce a father's duty to support a child financially. It also establishes a parent's right to pursue parenting time orders. Fathers who establish paternity voluntarily are both less likely to have a child support order and more likely to comply

36 Tollestrup, J. (2021). *Child support enforcement: Program basics* (RS22380). Congressional Research Service. Retrieved from <https://sgp.fas.org/crs/misc/RS22380.pdf>.

37 Office of Child Support Enforcement. (2020). *FY 2019 preliminary data report*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from https://www.acf.hhs.gov/sites/default/files/documents/ocse/fy_2019_preliminary_data_report.pdf.

38 Office of Child Support Enforcement. (2021). *Intergovernmental Reference Guide: State questions*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://ocsp.acf.hhs.gov/irg/profileQuery.html?geoType=1>.

39 Child Welfare Information Gateway. (2019). *The rights of unmarried fathers*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. Retrieved from <https://www.childwelfare.gov/pubPDFs/putative.pdf>.

with the child support orders that they do have.⁴⁰ Those who establish paternity in the hospital are more likely to be involved in their children's lives through frequent contact and overnight visits.⁴¹

According to Child Welfare Information Gateway, 48 states and the District of Columbia allow putative fathers to revoke or rescind a notice of intent to claim paternity, with 11 states allowing revocation at any time and 31 states and the District of Columbia limiting the right of rescission to 60 days after the paternity claim is submitted or prior to a court proceeding, whichever occurs first. In 25 states, a paternity claim may not be revoked after the 60-day period, except by court action on the basis of fraud, duress, or material mistake of fact. And 15 states may declare a man not to be a child's father when genetic tests exclude the man as the father.⁴²

Other Policies. A policy that might make paternity more accessible to unmarried parents is the availability of paternity-only services at the child support agency. While all child support agencies will establish paternity in conjunction with establishing a child support order if it has not been established through a voluntary paternity acknowledgement, three states (Idaho, Oregon, and West Virginia) offer paternity-only services.⁴³ This means that the child support agency will help parents establish paternity without also requiring them to establish a child support order. Conversely, Georgia requires that unmarried fathers file a petition for legitimation in addition to establishing paternity in order to obtain the right to petition the court for custody or visitation. This presents a burden for unmarried fathers since they must file a separate petition in court. Without legitimation, only the mother of a child born out of wedlock has any custody rights.⁴⁴

Table 4 indicates whether each state and the District of Columbia has a putative father registry, whether the state limits the right of rescission to 60 days after the paternity claim is submitted or to a court proceeding to establish paternity, and whether the state prohibits revocation of paternity after the 60-day period except by court action on the basis of fraud, duress, or material mistake of fact (noted with an asterisk).



40 Brown, P. R., & Cook, S. T. (2008). *A decade of voluntary paternity acknowledgment in Wisconsin: 1997–2007* (CSPR-05-07-T12). Institute for Research on Poverty. Retrieved from <https://www.irp.wisc.edu/resource/a-decade-of-voluntary-paternity-acknowledgment-in-wisconsin-1997-2007/>.

41 Mincy, R., Garfinkel, I., & Nepomnyaschy, L. (2005). In-hospital paternity establishment in fragile families. *Journal of Marriage and Family*, 67(3), 611–626.

42 Child Welfare Information Gateway. (2019). *The rights of unmarried fathers*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. Retrieved from <https://www.childwelfare.gov/pubPDFs/putative.pdf>.

43 Office of Child Support Enforcement. (2021). State plans. Data compilation requested by authors, May 2021.

44 Bishop, S. (2021). *Legitimation in Georgia*. DivorceNet. Retrieved from https://www.divorcenet.com/states/georgia/georgia_legitimation.

Chapter 8, Table 4. State Putative Father Registry and Revocation of Paternity Claim Policy

State	Putative Father Registry	Revocation of Paternity Claim Limited to 60 Days	State	Putative Father Registry	Revocation of Paternity Claim Limited to 60 Days
Alabama	Yes		Montana	Yes	Yes
Alaska	Yes	Yes*	Nebraska	Yes	Yes*
Arizona	Yes	Yes*	Nevada		Yes*
Arkansas	Yes		New Hampshire	Yes	Yes*
California		Yes	New Jersey		Yes*
Colorado			New Mexico	Yes	
Connecticut		Yes*	New York	Yes	
Delaware			North Carolina		
DC			North Dakota		Yes*
Florida	Yes	Yes*	Ohio	Yes	Yes*
Georgia	Yes	Yes*	Oklahoma	Yes	
Hawaii		Yes*	Oregon		Yes*
Idaho	Yes	Yes*	Pennsylvania	Yes	Yes*
Illinois	Yes	Yes*	Rhode Island	No	
Indiana	Yes	Yes	South Carolina	Yes	Yes*
Iowa	Yes	Yes	South Dakota		
Kansas	Yes		Tennessee	Yes	
Kentucky			Texas	Yes	Yes*
Louisiana	Yes	Yes*	Utah	Yes	Yes*
Maine	Yes	Yes*	Vermont		Yes
Maryland		Yes*	Virginia	Yes	Yes*
Massachusetts	Yes	Yes*	Washington		Yes
Michigan			West Virginia		
Minnesota	Yes		Wisconsin	Yes	
Mississippi		Yes*	Wyoming	Yes	
Missouri	Yes				

Sources: Office of Child Support Enforcement. (2021). *Intergovernmental Reference Guide: State questions*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://ocsp.acf.hhs.gov/irg/profileQuery.html?geoType=1>.
 Child Welfare Information Gateway. (2019). *The rights of unmarried fathers*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. Retrieved from <https://www.childwelfare.gov/pubPDFs/putative.pdf>.
 Note: * indicates that the state prohibits revocation of a paternity claim after the 60 days except by court action based on fraud, duress, or material mistake of fact.

Custody Presumptions and Parenting Time for Unmarried Parents

After they become legally recognized as the father of their child, unmarried parents face a more complicated path to achieving parental rights and parenting time. In 14 states, when a child is born to unmarried parents, even though the father signs a paternity acknowledgement form, the mother is automatically given sole custody. In the other 36 states, unmarried fathers who sign a paternity acknowledgement form are given the same legal presumptions to custody as married fathers.⁴⁵ The lack of an automatic right to custody upon birth for fathers allows mothers to act as de facto gatekeepers, permitting a father to see his child only if the mother approves of the contact. Fathers must petition the court for custody or visitation.

Still another challenge that unmarried parents face is obtaining the right to spend time with his or her children, commonly referred to as visitation, child access, or parenting time. Parenting time is not among the seven major services the child support program is authorized to provide in Title IV-D of the Social Security Act. Nor is it an allowable activity for reimbursement at 66% of each dollar which the federal government spends on allowable child support activities. This means that child support staff, magistrates, judges, or hearing officers who are paid with federal monies to establish, modify, and enforce child support orders are not permitted to spend time educating parents about parenting time, helping them establish a parenting time plan, or resolving parental disagreements about parenting time.⁴⁶ Complicating the picture even further, the venue for resolving child support and parenting time may be different in each state, with some states establishing orders administratively by the child support agency or in court settings that do not have the legal authority to rule on parenting time.⁴⁷

The net result of these policies is that most child support orders for unmarried parents are established without any consideration of parenting time. With few exceptions, unmarried parents who want a parenting time order must file a petition in a separate court, notify the other parent via service of process, and pay a separate filing fee. Not surprisingly, few unmarried fathers do. And in 2015, 72% of nonresident fathers had no legal visitation agreement, up from 43% in 2007.⁴⁸

The OCSE has sponsored studies to explore the connections between child support and parenting time,⁴⁹ as well as strategies to integrate parenting time orders into their process for establishing child support with attention to safety.⁵⁰ These studies show that the two issues are intrinsically connected; that the majority of parents who try to develop parenting plans using facilitation and mediation services can reach an agreement; and that these interventions increase the amount of child support payment that parents made, increase contact between nonresident parents and their children, and reduce conflict between parents.

45 National Conference of State Legislatures. (2019). *Child support and parenting time orders*. Retrieved from <https://www.ncsl.org/research/human-services/child-support-and-parenting-time-orders.aspx>.

46 The PARENTS Act of 2021 allows states to use child support incentive money to "develop, implement, and evaluate procedures for establishing a parenting time agreement" without obtaining a waiver from the Office of Child Support Enforcement, but as of this writing, no state does. 117th Congress (2021–2022): PARENTS Act of 2021. (2021, July 28). Retrieved from <https://www.congress.gov/bill/117th-congress/senate-bill/503/text>.

47 National Conference of State Legislatures. (2019). *Child support and parenting time orders*. Retrieved from <https://www.ncsl.org/research/human-services/child-support-and-parenting-time-orders.aspx>.

48 Zill, N. (2019). *The new fatherhood is not benefiting children who need it most*. Institute for Family Studies. Retrieved from <https://ifstudies.org/blog/the-new-fatherhood-is-not-benefiting-children-who-need-it-most>.

49 Pearson, J. (2015). Establishing parenting time in child support cases: New opportunities and challenges. *Family Court Review*, 53(2), 246–257.

50 Office of Child Support Enforcement. (2019). *Parenting time opportunities for children*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/css/report/research-brief-parenting-time-opportunities-children>.

Nevertheless, although all states have presumptive guidelines to establish a child support order, only four states have legislation that establishes a standard or minimum amount of parenting time for a nonresident parent, with only one state making it presumptive and explicit. Michigan's Family Support Act of 1966 requires that the courts establish a parenting time order with every new child support order, but parenting time in Michigan orders is expressed as "reasonable parenting time as mutually agreed upon by the parties," rather than a specific amount of time. Thus, to get a schedule spelled out, which is necessary when parents do not agree on parenting time, parents must contact the local Friend of the Court (FOC) and file for its modification or enforcement.⁵¹ Texas adopted a statute in 1989 that established a presumptive visitation guideline that every court must apply to children three years of age and older unless the parents agree to an alternative or there is an allegation of domestic violence. Adopted in conjunction with the adoption of the uniform child support guideline, it is known as the "standard possession order." As a result of this measure, parenting time plans are included in child support orders on a universal basis obviating the need for unmarried parents who obtain a child support order to pursue a separate legal filing for parenting time.⁵² As of September 1, 2021, if parents live less than 100 miles apart and do not agree on parenting time, the noncustodial parent has the right to possess the children on the first, third, and fifth weekends of every month; Thursday evenings during the school year; alternating holidays; and 30 days during summer vacation.⁵³

In 2017, Florida enacted a measure that establishes a standard parenting time plan that interested parents may use and have incorporated into an administrative child support order without the need to file a separate legal petition. Unlike the Texas system, the Florida approach is voluntary and available upon the request of the parents; it is not used presumptively.⁵⁴

Legislation enacted in South Dakota in 2020 provides that the state Supreme Court would promulgate rules establishing standard guidelines to be used statewide for minimum noncustodial parenting time. Unlike Texas and Florida, however, the guidelines are only applicable to divorce or any other custody action or proceeding and would not apply to unmarried nonresident parents in child support actions absent a separate legal filing for custody or parenting time.⁵⁵

In Utah, there are minimum schedules for parenting time based on whether the child is under 5 years of age or between the ages of 5 and 18. As with most parenting time laws, these schedules are applicable in cases of divorce and do not necessarily apply to unmarried parents.⁵⁶

Table 5 indicates, for each state and the District of Columbia, the custody presumption for unmarried parents and if they have enacted legislation establishing a standard or minimum amount of parenting time for a nonresident parent.

51 Pearson, J., & Kaunelis, R. (2013). *Child support program and parenting time orders: Research, practice, and partnership project*. Center for Policy Research. Retrieved from <https://centerforpolicyresearch.org/publications/child-support-program-and-parenting-time-orders-research-practice-and-partnership-project-site-visit-report/>.

52 Key, A. G. (2015). Parenting time in Texas child support cases. *Family Court Review*, 53(2), 258–266.

53 S.B. 1936. Texas Senate. 87th Legislature. (Texas 2021). Retrieved from <https://legiscan.com/TX/bill/SB1936/2021>.

54 National Conference of State Legislatures. (2021). *Child support and family law legislation*. Retrieved from <https://www.ncsl.org/research/human-services/child-support-and-family-law-database.aspx>.

55 *Ibid.*

56 National Conference of State Legislatures. (2019). *Child support and parenting time orders*. Retrieved from <https://www.ncsl.org/research/human-services/child-support-and-parenting-time-orders.aspx>.

Chapter 8, Table 5. State Custody Presumption for Unmarried Parents and Legislation for Minimum or Standard Parenting Time

State	Custody Presumption for Unmarried Parents	Legislation for Minimum or Standard Parenting Time	State	Custody Presumption for Unmarried Parents	Legislation for Minimum or Standard Parenting Time
Alabama	Equal custody to father		Montana	Equal custody to father	
Alaska	Equal custody to father		Nebraska	Equal custody to father	
Arizona	Sole custody to mother		Nevada	Equal custody to father	
Arkansas	Sole custody to mother		New Hampshire	Equal custody to father	
California	Equal custody to father		New Jersey	Equal custody to father	
Colorado	Equal custody to father		New Mexico	Equal custody to father	
Connecticut	Equal custody to father		New York	Equal custody to father	
Delaware	Equal custody to father		North Carolina	Equal custody to father	
DC	Not provided		North Dakota	Equal custody to father	
Florida	Sole custody to mother	Yes	Ohio	Sole custody to mother	
Georgia	Sole custody to mother		Oklahoma	Sole custody to mother	
Hawaii	Equal custody to father		Oregon	Equal custody to father	Yes
Idaho	Equal custody to father	Yes	Pennsylvania	Equal custody to father	
Illinois	Equal custody to father		Rhode Island	Equal custody to father	
Indiana	Equal custody to father		South Carolina	Sole custody to mother	
Iowa	Sole custody to mother		South Dakota	Sole custody to mother	Yes
Kansas	Equal custody to father		Tennessee	Sole custody to mother	
Kentucky	Equal custody to father		Texas	Equal custody to father	Yes
Louisiana	Equal custody to father		Utah	Equal custody to father	Yes
Maine	Equal custody to father		Vermont	Equal custody to father	
Maryland	Sole custody to mother		Virginia	Equal custody to father	
Massachusetts	Sole custody to mother		Washington	Equal custody to father	
Michigan	Equal custody to father	Yes	West Virginia	Equal custody to father	
Minnesota	Sole custody to mother		Wisconsin	Sole custody to mother	
Mississippi	Equal custody to father		Wyoming	Equal custody to father	
Missouri	Equal custody to father				

Sources: National Conference of State Legislatures. (2021). *Child support and family law legislation*. Retrieved from <https://www.ncsl.org/research/human-services/child-support-and-family-law-database.aspx>.

National Conference of State Legislatures. (2019). *Child support and parenting time orders*. Retrieved from <https://www.ncsl.org/research/human-services/child-support-and-parenting-time-orders.aspx>.

Access and Visitation (AV) Program

The only regular source of funding available to assist unmarried parents with parenting time is the Access and Visitation (AV) Program, which was established in 1997 as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) and is administered by the OCSE. It provides \$10 million per year to states to support access and visitation programs and partially address the disconnect between parenting time and child support. A program update on FY 2018 data shows that it served over 80,000 individuals, almost equally divided between noncustodial fathers (40%) and custodial mothers (36%). A majority were never married (58%) with substantial proportions with annual incomes below \$10,000 (28%), between \$10,000 and \$19,999 (20%), and \$20,000 to \$29,999 (20%). Nearly half (47%) of program participants were referred by the courts, and a quarter (27%) by child support agencies. Allowable services include but are not limited to mediation, the development of parenting plans, counseling, parent education, and supervised visitation.⁵⁷

Table 6 shows four types of services that many states supported with their AV Program grant funds in FY 2018: mediation, parent plan development, parent education, and supervised visitation/neutral drop-off services. Nationally, mediation services accounted for 23.5% of total services provided, with 19 states reporting at least this level of service activity for mediation. Parenting plan services accounted for 14.9% of the total services provided with 15 states reporting at least this level of service activity for parenting plan development. Parent education services accounted for 38.0% of the total services provided, and in 12 states, parent education services accounted for more than 38.0% of the total services provided. Supervised visitation services and/or neutral pick-up and drop-off services are used to facilitate parenting time when safety is an issue. Nationally, 18.4% of total services fell into these areas. Fifteen states reported no case activity in these areas in 2018. To contrast, 12 states and the District of Columbia reported over 80% of case activity in this area.⁵⁸

Based on self-reports, almost half of all noncustodial parents served by the AV Program reported that it had increased the amount of parenting time they experienced.⁵⁹



⁵⁷ Office of Child Support Enforcement. (2020). *Access and Visitation Program update: FY 2018*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/css/report/access-and-visitation-program-update-fy-2018>.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

Chapter 8, Table 6. State Access and Visitation Program Services

State	Mediation Services	Parenting Plan Services	Parent Education Services	Supervised Visit/Neutral Drop-Off Services
Alabama	10.8%	17.8%	11.7%	57.8%
Alaska	100.0%	0.0%	0.0%	0.0%
Arizona	61.8%	20.0%	14.8%	2.2%
Arkansas	61.0%	39.0%	0.0%	0.0%
California	0.0%	0.0%	11.4%	88.6%
Colorado	91.3%	8.7%	0.0%	0.0%
Connecticut	35.1%	0.0%	0.0%	64.9%
Delaware	0.0%	0.0%	0.0%	100.0%
DC	0.0%	0.0%	0.0%	99.6%
Florida	0.1%	0.6%	45.7%	53.4%
Georgia	0.0%	0.0%	56.6%	9.2%
Hawaii	0.0%	0.0%	0.0%	100.0%
Idaho	0.0%	0.0%	0.0%	100.0%
Illinois	50.2%	35.7%	14.1%	0.0%
Indiana	0.0%	0.0%	100.0%	0.0%
Iowa	22.8%	19.8%	0.0%	4.6%
Kansas	0.0%	0.0%	0.0%	100.0%
Kentucky	0.0%	0.0%	100.0%	0.0%
Louisiana	15.1%	14.5%	43.5%	2.9%
Maine	0.0%	0.0%	84.3%	15.7%
Maryland	7.3%	20.2%	5.3%	64.8%
Massachusetts	28.0%	25.9%	45.0%	1.1%
Michigan	22.7%	14.0%	0.0%	63.2%
Minnesota	0.0%	0.0%	14.5%	81.3%
Mississippi	0.0%	0.0%	100.0%	0.0%
Missouri	100.0%	0.0%	0.0%	0.0%
Montana	0.0%	0.0%	1.6%	98.4%
Nebraska	52.1%	47.9%	0.0%	0.0%
Nevada	18.5%	73.1%	8.5%	0.0%
New Hampshire	67.4%	0.0%	0.0%	32.6%
New Jersey	0.0%	0.0%	0.0%	100.0%
New Mexico	100.0%	0.0%	0.0%	0.0%
New York	5.1%	14.9%	24.5%	26.7%
North Carolina	16.1%	5.7%	50.3%	0.3%
North Dakota	0.0%	0.0%	0.0%	100.0%
Ohio	26.9%	21.6%	0.0%	51.5%
Oklahoma	0.7%	11.2%	24.0%	2.7%
Oregon	40.7%	47.8%	11.5%	0.0%
Pennsylvania	0.0%	14.8%	14.8%	64.4%
Rhode Island	72.2%	0.0%	0.0%	13.9%
South Carolina	12.0%	25.6%	41.5%	7.7%
South Dakota	0.0%	0.0%	0.0%	75.8%
Tennessee	28.9%	31.0%	40.1%	0.0%
Texas	6.8%	5.0%	85.9%	0.0%
Utah	100.0%	0.0%	0.0%	0.0%
Vermont	2.4%	3.0%	3.3%	87.9%
Virginia	56.9%	37.4%	5.2%	0.6%
Washington	32.1%	24.3%	20.3%	27.3%
West Virginia	0.0%	0.0%	1.0%	100.0%
Wisconsin	82.9%	2.6%	10.8%	0.5%
Wyoming	2.6%	3.6%	7.5%	84.0%

Source: Office of Child Support Enforcement. (2020). *Access and Visitation Program update: FY 2018*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/css/report/access-and-visitation-program-update-fy-2018>.

Other Issues for All Fathers and Their Families

Child Support and Parenting Time

Although child support and parenting time orders are legally distinct issues, numerous studies with parents and workers in the child support system confirm that they are inextricably connected, and that lack of parenting time contributes to nonpayment of support.⁶⁰ The two issues are connected in the eyes of legislators, too. Indeed, the Tennessee House of Representatives recently passed a law to terminate custody or visitation rights for noncustodial parents who have not paid child support for three years or more.⁶¹ As amended by the Senate, the bill adds nonpayment of support as one of several factors that courts are required to consider in determining custody and visitation.⁶²

More commonly, states are adjusting their child support guidelines to consider the amount of time each parent spends with the child. The adjustment is viewed as a way to encourage shared parenting and to take account for the economics of dual residency. Currently, 41 states and the District of Columbia have adopted a parenting time adjustment formula, while nine have no parenting time adjustment formula. The most common approach is for states to reduce the presumptive child support amount that the application of a guideline yields once the obligor parent has a specified number of days or overnights with the child. States use a variety of formulas to make the adjustment and differ in the number of days that triggers an order adjustment. In some states it can be as low as one or two days a year, while in others the payer parent must have the children about 180 days a year (49%) for the adjustment to kick in. The average of all state's thresholds is 106.8 days per year and the median threshold is 110 days per year.⁶³

In 2022, the National Parents Organization (NPO) graded each state on their shared parenting adjustment in their child support law. Its assessment considers the existence of a parenting time adjustment and other factors: the threshold needed for it to kick in; whether the threshold creates "cliff effects" that may encourage parental conflicts over small amounts of parenting time; whether the state guidelines include estimates of fixed, duplicated expenses for housing and utilities due to shared parenting to be at least 28 to 40% of total child-related expenses; whether the guidelines impose a de facto penalty for shared parenting by having a higher child support transfer payment for those exercising parenting time; and whether the guideline treats the responsibility for fixed shared parenting expenses equally for both parents. Based on its assessment, four states received grades in the A range, eight states received grades in the B range, six states had grades in the C range, 10 states and the District of Columbia received D's, and 22 states received F's, of which 9 lacked any adjustment for parenting time.⁶⁴

The adjustment of child support orders for parenting time is particularly problematic for never-married parents, who typically get a child support order without getting a parenting time order or plan. Since many states require parents to have a parenting time order or at least a written parenting time agreement to receive a parenting time adjustment, this financial adjustment is less likely to be applied to never-married parents

60 Pearson, J. (2015). Establishing parenting time in child support cases: New opportunities and challenges. *Family Court Review*, 53(2), 246–257.

61 H.B. 1866. Tennessee House of Representatives. 112th General Assembly. (Tennessee 2022). Retrieved from <https://legiscan.com/TN/bill/HB1866/2021>.

62 S.B. 1806. Tennessee Senate. 112th General Assembly. (Tennessee 2022). Retrieved from <https://legiscan.com/TN/bill/SB1806/2021>.

63 National Parents Organization. (2022). *2022 child support and shared parenting report card*. Retrieved from <https://www.sharedparenting.org/csreportcard>.

64 *Ibid.*

compared with their divorced counterparts in states that allow an adjustment. This is because custody and parenting time are standard decisions in divorce proceedings for married couples with minor children.

Table 7 indicates, for each state and the District of Columbia, the parenting time adjustment threshold that triggers an order adjustment and the NPO grade for each state for its parenting time adjustment in its child support guidelines.

Chapter 8, Table 7. State Parenting Time Adjustment Threshold and Adjustment Grade

State	Parenting Time Adjustment Threshold	Parenting Time Adjustment Grade	State	Parenting Time Adjustment Threshold	Parenting Time Adjustment Grade
Alabama	No formula	F	Montana	110 days	F+
Alaska	110 days	C	Nebraska	142 days	D-
Arizona	20 days	B+	Nevada	146 days	F+
Arkansas	No formula	F	New Hampshire	No formula	F
California	2 days	A	New Jersey	102.2 days	C-
Colorado	93 days	B	New Mexico	128 days	D-
Connecticut	No formula	F	New York	No formula	F
Delaware	80 days	D	North Carolina	123 days	D-
DC	123 days	D-	North Dakota	100 days	D
Florida	73 days	A-	Ohio	90 days	F+
Georgia	No formula	F	Oklahoma	121 days	F+
Hawaii	144 days	F+	Oregon	33 days	B
Idaho	92 days	B+	Pennsylvania	146 days	F+
Illinois	146 days	D-	Rhode Island	178.85 days	F+
Indiana	52 days	B-	South Carolina	110 days	C-
Iowa	128 days	F+	South Dakota	180 days	F+
Kansas	182 days	F+	Tennessee	92 days	D-
Kentucky	1 day	A-	Texas	No formula	F
Louisiana	168 days	F+	Utah	111 days	C
Maine	168 days	F+	Vermont	109 days	C
Maryland	128 days	D-	Virginia	91 days	C-
Massachusetts	182 days	F+	Washington	No formula	F
Michigan	69 days	A-	West Virginia	128 days	D-
Minnesota	88 days	B+	Wisconsin	92 days	B+
Mississippi	No formula	F	Wyoming	92 days	B+
Missouri	36 days	D+			

Source: National Parents Organization. (2022). 2022 child support and shared parenting report card. Retrieved from <https://www.sharedparenting.org/csreportcard>.

Father Engagement and Domestic Violence (DV)

Domestic violence (DV), or intimate partner violence (IPV), is a pervasive social problem. A 2010 survey of 9,086 women (and 7,421 men) found that 35.6% of women (and 28.5% of men) reported rape, physical violence, and/or stalking by an intimate partner during their lifetime.⁶⁵ State-by-state rates range from a high of 49.1% in Oklahoma to 25.3% in North Dakota.⁶⁶ Low-income women have higher rates of IPV than do women in households with higher incomes.⁶⁷ Recently separated couples (divorced or never married) have higher rates than married couples.⁶⁸ Some studies link IPV to arguments over child support and parenting time.⁶⁹ Other research suggests that mothers forgo child support due to fears of increased violence associated with pursuing it.⁷⁰ And some researchers have found that more than 60% of men arrested for IPV are in a father role.⁷¹

States rely on the criminal justice system to respond to DV. All states have protective order laws for DV victims, and many have pro-arrest and “no drop” prosecution policies to address the widespread dismissal of DV cases. Approximately 23 states address child witnessing of DV somewhere in statute, with some states considering it an aggravating circumstance when sentencing a perpetrator and others creating a separate offense that may be levied. According to the American Bar Association, the presence of DV is a factor considered when determining custody and visitation in all 50 states and the District of Columbia.⁷²

The most common intervention for perpetrators of DV is attendance at a Batterer Intervention Program (BIP). Most states have enacted legislation to encourage courts to use BIPs in sentencing or as a diversionary program, and as of 2009, 45 states had enacted standards for BIPs.⁷³ There is no nationwide registry of BIPs, but a 2009 survey identified 2,557 BIPs nationally,⁷⁴ while a more recent survey identified 3,200 in the U.S. and Canada.⁷⁵ Even though a majority of referrals to BIPs are made through court-ordered mandates or via child protective services requirements, they can be prohibitively expensive, rendering them unavailable to many users of violence even when mandated or required. They also do not work for many men who use violence. Dropout rates are estimated at 50% to 75%, and research on recidivism rates have yielded mixed results.⁷⁶ One meta-analysis of BIP studies found reductions in reports of DV by the criminal justice system but not by

65 Black, M. C., Basile, K. C., Breiding, M. J., Smith, S. G., Walters, M. L., Merrick, M. T., Chen, J., & Stevens, M.R. (2011). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 summary report*. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Retrieved from https://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf.

66 National Coalition Against Domestic Violence. (2021). *State-by-state statistics on domestic violence*. Retrieved from <https://ncadv.org/state-by-state>.

67 Rennison, C., & Planty, M. (2003). Nonlethal intimate partner violence: Examining race, gender, and income patterns. *Violence and Victims*, 18(4), 433–443.

68 Fertig, A. R., Garfinkel, I., & McLanahan, S. S. (2007). *Child support enforcement and domestic violence*. Retrieved from <https://fragilefamilies.princeton.edu/sites/fragilefamilies/files/wp02-17-ff.pdf>.

69 Allard, M. A., Albelda, R., Colten, M. E., & Cosenza, C. (1997). *In harm's way? Domestic violence, AFDC receipt, and welfare reform in Massachusetts*. McCormack Institute and Center for Survey Research. Retrieved from <https://archives.lib.state.ma.us/bitstream/handle/2452/847274/ocm40114982.pdf?sequence=1&isAllowed=y>.

70 Child and Family Research Partnership. (2015). *Child support unpacked: Examining the factors associated with order establishment and compliance in the Texas child support system* (CFRP Policy Brief B.018.0615). LBJ School of Public Affairs, The University of Texas at Austin. Retrieved from https://childandfamilyresearch.utexas.edu/sites/default/files/CFRPBrief_B0180615_ChildSupportCompliance.pdf.

71 Rothman, E., Mandel, D. G., & Silverman, J. G. (2007). Abuser's perceptions of the effect of their intimate partner violence on children. *Violence Against Women*, 13(11), 1179–1191.

72 National Conference of State Legislatures. (2017). *Child support and domestic violence*. Retrieved from <https://www.ncsl.org/research/human-services/child-support-and-domestic-violence.aspx>.

73 Price, B., & Rosenbaum, A. (2009). Batterer intervention programs: A report from the field. *Violence and Victims*, 24(6), 757–770.

74 *Ibid.*

75 Cannon, C., Hamel, J., Buttell, F., & Ferriera, R. (2016). A survey of domestic violence perpetrator programs in the United States and Canada: Findings and implications for policy and intervention. *Partner Abuse*, 7(3), 226–276.

76 Adams, D. (2003). *Certified batterer intervention programs: History, philosophies, techniques, collaborations, innovations and challenges*. Futures Without Violence. Retrieved from <https://www.futureswithoutviolence.org/certified-batterer-intervention-programs-history-philosophies-techniques-collaborations-innovations-and-challenges/>.

survivors or BIP participants.⁷⁷ Another meta-analysis found robust reductions for programs where facilitating staff were provided with clinical supervision.⁷⁸

Treatment approaches that utilize fatherhood to motivate users of violence to change their behavior appear to be promising.^{79, 80} Exploratory studies suggest that fathers' desires to have a relationship with their children and their awareness of the repercussions of their violent behavior on their children's well-being offers a viable angle to motivate their engagement in interventions that address DV and subsequently improve victim's and children's safety. This approach is endorsed by some clinicians too. Since fathers may not be fully aware of the impact of their violence on their children, these clinicians suggest use of a father-child intervention or another family-focused approach in carefully assessed cases with trained clinicians.⁸¹ A recent randomized controlled trial that examined a BIP treatment that involved voluntary victim participation in treatment with their offender lends support to the effectiveness of "hybrid" approaches that incorporate restorative justice.⁸² Caring Dads⁸³ and Strong Fathers⁸⁴ are two examples of BIP approaches that attempt to better engage fathers by combining elements of parenting, fathering, battering, and child protection practice to enhance the safety and well-being of women and children.

In a similar vein, Responsible Fatherhood (RF) programs may be a promising venue for DV prevention with men. RF programs that are funded by the U.S. Department of Health and Human Services, Office of Family Assistance (OFA) are required to address DV and work collaboratively with DV experts to train staff and develop appropriate program models and activities.⁸⁵ Most fatherhood programs, however, are not funded by OFA (only 58 awards in 23 states were made for FY 2020–2025 and are discussed in a forthcoming chapter on Responsible Fatherhood),⁸⁶ and there has been little guidance on effective ways to integrate DV in RF programs. Two recent qualitative studies address these gaps and suggest ways that RF programs can improve their effectiveness in preventing DV. They urge RF programs to embrace DV as a central concern of fatherhood work, incorporate DV content into existing core curricula, provide a safe space for DV discussion and self-reflection, establish authentic collaborations with DV programs, and address father's experiences as both DV perpetrators and victims. As in the case of the literature on hybrid BIPs, both studies on the treatment of DV in fatherhood programs recommend harnessing men's desire to be a good father by keeping children and their well-being at the center of DV education.^{87, 88}

77 Cheng, S.-Y., Davis, M., Jonson-Reid, M., & Yaeger, L. (2019). Compared to what? A meta-analysis of batterer intervention studies using nontreated controls or comparisons. *Trauma, Violence, & Abuse*, 22(3), 496–511.

78 Gannon, T. A., Olver, M. E., Mallion, J. S., & James, M. (2019). Does specialized psychological treatment for offending reduce recidivism? A meta-analysis examining staff and program variables as predictors of treatment effectiveness. *Clinical Psychology Review*, 73, 101752.

79 Meyer, S. (2018). Motivating perpetrators of domestic and family violence to engage in behaviour change: The role of fatherhood. *Child & Family Social Work*, 23(1), 97–104.

80 Broady, T. R., Gray, R., Gaffney, I., & Lewis, P. (2017). 'I miss my little one a lot': How father love motivates change in men who have used violence. *Child Abuse Review*, 26(5), 328–338.

81 Stover, C. S., & Morgos, D. (2013). Fatherhood and intimate partner violence: Bringing the parenting role into intervention strategies. *Professional Psychology: Research and Practice*, 44(4), 247–256.

82 Mills, L., & Barocas, B. (2019). *An in-depth examination of batterer intervention and alternative treatment approaches for domestic violence offenders*. U.S. Department of Justice. Retrieved from <https://www.ojp.gov/pdffiles1/nij/grants/252265.pdf>.

83 Caring Dads. (2017). *About Caring Dads*. Retrieved from <https://caringdads.org/about-caring-dads-1>.

84 Center for Family and Community Engagement. (2012). *Strong Fathers program*. North Carolina State University, College of Humanities and Social Sciences. Retrieved from https://www.sog.unc.edu/sites/www.sog.unc.edu/files/course_materials/SF%20Handout_Final_No_Crops.pdf.

85 Office of Family Assistance. (2020). *Fatherhood FIRE*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/ofa/programs/healthy-marriage/responsible-fatherhood>.

86 Office of Family Assistance. (2020). *FY 2020 Healthy Marriage and Responsible Fatherhood Grantees (2020–2025)*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/ofa/grant-funding/fy-2020-healthy-marriage-and-responsible-fatherhood-grantees>.

87 Thomas, K. A., & Mederos, F. (2021). "You gotta make them feel": A study of evidence informed strategies for addressing domestic violence in fatherhood programs. In J. Fagan & J. Pearson (Eds.), *New research on parenting programs for low-income fathers*. Routledge Press.

88 Karberg, E., Parekh, J., Scott, M. E., Areán, J. C., Kim, L., Laurore, J., Hanft, S., Huz, I., Wasik, H., Davis, L., Solomon, B., Whitfield, B., & Bair-Merritt, M. (2020). *Preventing and Addressing Intimate Violence when Engaging Dads (PAIVED): Challenges, successes, and promising practices from Responsible Fatherhood programs* (OPRE Report 2020-22). U.S. Department of Health and Human Services, Administration for Children and Families, Office of Planning, Research, and Evaluation. Retrieved from https://www.acf.hhs.gov/sites/default/files/documents/opre/paived_challenges_successes_promising_practices_mar_2020.pdf.

Still another preventive and treatment intervention in DV cases is supervised visitation. Long recognized as a vital service for families whose children have been removed from the home because of child abuse or neglect allegations,⁸⁹ supervised visitation allows parents who may present a risk to their children or to another parent to experience parent-child contact while in the presence of an appropriate third party. It is a vital need for some families embroiled in high-conflict divorces, families with entrenched disputes about child access, and families with a history of violence or allegations of DV. Supervised exchanges allow parents to transfer children from one parent to another in a safe environment.⁹⁰

In 2006, the U.S. Congress acknowledged the need for available and appropriate supervised visitation and exchange services for children and adult victims of DV and established the Safe Havens: Supervised Visitation and Safe Exchange Grant Program as part of the Violence Against Women Act of 2000. Accordingly, the U.S. Department of Justice, Office on Violence Against Women made awards to supervised visitation programs in seven states: California, Florida, Illinois, Indiana, Michigan, New York, and Washington. The program also established a National Steering Committee, technical assistance providers and consultants, and the National



Institute on Fatherhood, Domestic Violence, and Visitation, which conducted an extensive training effort in over 40 communities.⁹¹ Although Safe Havens had many positive benefits, including demonstrating that men could be held accountable for their behavior and simultaneously be encouraged to change it by using fatherhood as a leading approach,⁹² subsequent Justice for Families Program awards by the National Institute of Justice (NIJ) have not focused on supervised visitation.⁹³

89 Straus, R. B., & Alda, E. (1994). Supervised child access: The evolution of a social services. *Family and Conciliation Courts Review*, 32(2), 230–246.

90 Thoennes, N., & Pearson, J. (1999). Supervised visitation: A profile of providers. *Family and Conciliation Courts Review*, 37(4), 460–477.

91 Office on Violence Against Women. (2007). *Guiding principles: Safe havens: Supervised Visitation and Safe Exchange Grant Program*. U.S. Department of Justice. Retrieved from <https://www.ncjfcj.org/wp-content/uploads/2021/03/guiding-principles-svp.pdf>.

92 Goodman, L., Bell, M., & Rose, J. (2013). *The impact of the National Institute on Fatherhood, Domestic Violence, and Visitation on the capacity of supervised visitation centers to engage men and enhance family safety*. Futures Without Violence. Retrieved from <https://www.futureswithoutviolence.org/the-impact-of-the-national-institute-on-fatherhood/>.

93 Office on Violence Against Women. (2020). *FY 2020 OVW grant awards by program*. U.S. Department of Justice. Retrieved from <https://www.justice.gov/ovw/awards/fy-2020-ovw-grant-awards-program>.

The best estimate of the number of supervised visitation programs currently in the United States comes from the membership roster of the Supervised Visitation Network (SVN). Created in 1991, SVN establishes standards for practice, provides public education, conducts training, and organizes professional conferences and forums for networking and information sharing for its 590 members. As a professional association, it engages an unknown fraction of service providers. Thus, while its directory is not comprehensive, it is the only state-by-state listing of supervised visitation services in the United States.

Supervised visitation programs struggle to survive financially as they typically serve low-income families who can't afford to pay user fees and must rely on contributions and underfunded grant programs for support. Parental challenges to the use of supervised visitation include the lack of nearby programs, unaffordable user fees, and the need to obtain a court order to access and exit from services.⁹⁴

Concerns about DV have understandably affected state policy concerning child support and parenting time. The Office of Child Support Enforcement (OCSE) has sponsored several demonstration projects to explore approaches to establishing parenting time that examine and address safety. One such project was the Child Support and Parenting Time Orders project that was conducted in Illinois, Michigan, Ohio, Oregon, and Texas and described how safety might be addressed in states that use one of the three major approaches to establishing parenting time: standard parenting time presumptions, self-help resources, and mediation and facilitation.⁹⁵ A second OCSE project was Parenting Time Opportunities for Children (PTOC).⁹⁶ Conducted in California, Florida, Indiana, Ohio, and Oregon, PTOC found that close to 30% could not receive parenting time services because of DV issues that may have made parenting time unsafe. More work in this area is expected. The OCSE has issued solicitations for the creation of the Safe Access for the Victims' Economic Security (SAVES) Demonstration in 2022, which will involve awards to child support agencies in 16 states, as well as the creation of a national, \$11.8 million SAVES Center to provide training, research, technical assistance, and other services for victims for child support and parenting time.^{97, 98}

Table 8 indicates, for each state and the District of Columbia, the number of OFA-funded RF grants requiring programs to address DV, and the number of programs that are members of the SVN.

94 Thoennes, N., & Pearson, J. (1999). Supervised visitation: A profile of providers. *Family and Conciliation Courts Review*, 37(4), 460–477.

95 Pearson, J., & Kaunelis, R. (2013). *Child support program and parenting time orders: Research, practice, and partnership project*. Center for Policy Research. Retrieved from <https://centerforpolicyresearch.org/publications/child-support-program-and-parenting-time-orders-research-practice-and-partnership-project-site-visit-report/>.

96 Office of Child Support Enforcement. (2019). *Parenting time opportunities for children*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/css/report/research-brief-parenting-time-opportunities-children>.

97 Office of Child Support Enforcement. (2022). *Save Access for Victims' Economic Security (SAVES) demonstration* (HHS-2022-ACF-OCSE-FD-0017). U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.grants.gov/web/grants/view-opportunity.html?oppld=335465>.

98 Office of Child Support Enforcement. (2022). *Save Access for Victims' Economic Security (SAVES) center* (HHS-2022-ACF-OCSE-FD-0018). U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.grants.gov/web/grants/view-opportunity.html?oppld=335445>.

Chapter 8, Table 8. State Number of Current OFA-Funded RF Grantees Required to Address DV and Number of Supervised Visitation Programs that are Members of the SVN

State	Current OFA-Funded RF Grantees Required to Address DV	Supervised Visitation Programs that are Members of the SVN	State	Current OFA-Funded RF Grantees Required to Address DV	Supervised Visitation Programs that are Members of the SVN
Alabama		20	Montana		8
Alaska		10	Nebraska		2
Arizona		31	Nevada	2	7
Arkansas	2	6	New Hampshire		5
California	10	204	New Jersey	3	10
Colorado	2	44	New Mexico	1	16
Connecticut	1	13	New York	5	42
Delaware		3	North Carolina		23
DC		1	North Dakota		4
Florida	1	10	Ohio	3	32
Georgia	3	17	Oklahoma	1	22
Hawaii		10	Oregon		10
Idaho		6	Pennsylvania	3	11
Illinois	2	13	Rhode Island		2
Indiana		20	South Carolina	1	15
Iowa		2	South Dakota		8
Kansas	1	10	Tennessee		19
Kentucky	3	5	Texas	5	60
Louisiana		17	Utah	1	3
Maine		6	Vermont		12
Maryland	3	27	Virginia	1	14
Massachusetts		37	Washington		52
Michigan		15	West Virginia		3
Minnesota		47	Wisconsin	1	17
Mississippi		2	Wyoming		7
Missouri	2	11			

Sources: Office of Family Assistance. (2020). *FY 2020 Healthy Marriage and Responsible Fatherhood Grantees (2020–2025)*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/ofa/grant-funding/fy-2020-healthy-marriage-and-responsible-fatherhood-grantees>.

List of current supervised providers by state from Joe Nullet, the Executive Director of the Supervised Visitation Network, on August 23, 2021.

Needed Information

It would be helpful to have annual indicators of paternity establishment by state that are limited to the annual number of out-of-wedlock births. The current measures used by the child support agency consider annual paternity establishments for out-of-wedlock children of all ages and routinely exceed the total number of nonmarital births per year. Similarly, it would be helpful to have annual state-level information on methods of paternity establishment. This would enable public health personnel, advocates, and others to identify barriers to establishment by method and to appropriately disseminate information to parents and programs. A national directory of certified Batterer Intervention Programs (BIPs) by state is needed, as well as a state-by-state listing of domestic violence courts and other coordinated community responses that combine and integrate interventions by the justice system, BIPs, and community organizations. We also need more accessible information on supervised visitation programs along with information on fees and user access.

Conclusions

National trends toward shared custody, the use of non-adversarial approaches to foster better relationships between separating parents, and equal rights for unmarried fathers belie huge variation at the state level in the parental rights of unmarried, separated, and divorced fathers. For example, CustodyXChange finds that parenting time varies by the political classification of the state. While shared custody was the norm in 59% of purple states, with fathers getting an average of 3,500 hours of parenting time per year, it was less common in blue states where fathers got an average of 3,200 hours, and far less common still in red states, where fathers got an average of only 2,800 hours of parenting time.⁹⁹

With respect to services to reduce conflict between parents over child custody and parenting time, 15 states have a mandatory mediation framework, 30 states make it discretionary upon the initiation of the parties and/or the court, and six states treat it as purely voluntary. And while all states have some parent education services to reduce conflict, it is required and widely available in 21 states, mandated and available on a limited basis in 12 states, and totally discretionary in 17 states and the District of Columbia. Supervised visitation services are available in all states, but on a very limited basis in most, and there is no data on the scope of services and the level of unmet need.

States also differ in whether and when they reduce child support order levels based on the amount of parenting time the nonresident parent spends with the child. Although 41 states and the District of Columbia adjust their child support order amount for parenting time and nine states do not, the threshold for the presumptive adjustment to kick in ranges from one or two days per year in California and Kentucky to 178 to 180 days in Rhode Island and South Dakota, which is essentially an equal physical custody criterion.

While there is less variation in the parenting rights that states extend to unmarried fathers, they are uniformly more limited. At a minimum, all unmarried parents must establish paternity in order to have parental rights. Once established, 14 states do not confer any custodial rights to the father and the mother is automatically given sole custody. And in virtually all states, unmarried fathers who want parenting time must pursue a

⁹⁹ CustodyXChange. (2018). *How much custody time does dad get in your state?* Retrieved from <https://www.custodyxchange.com/topics/research/dads-custody-time-2018.php>.

separate court filing with a substantial fee to obtain a visitation order. The exception to this is Texas, which requires child support orders to be accompanied by a parenting time plan that spells out when the children will see each parent. Although all states receive funds to assist parents with parenting time, funding for the Access and Visitation (AV) Program remains at its 1997 level of \$10 million per year, which translates into less than \$.70 per child for the 14.3 million children covered in the nation's child support cases. Finally, because the reduction in child support for parenting time in the 41 states is only conferred for cases with a written parenting time plan or order, most unmarried fathers do not qualify for any presumptive action for child-related expenses associated with visitation and shared parenting.

Some of these challenges and inequities must be addressed at the federal level, such as the treatment of parenting time interventions as unallowable activities for child support and court personnel funded by regular federal funds and their consequent inability to help parents with parenting time when child support orders are being established, modified, or enforced. Another needed federal measure is to increase in the annual allocation for the AV Program, which is the main funding source for help with parenting time for unmarried parents in the child support program

Other changes, however, can and should be addressed at the state level. All states should audit their family law policies, including those dealing with parenting time, coparenting, and relationships, to make sure that they serve families regardless of their marital status. They should also develop services to prevent and address domestic violence so that the parent-child relationship can be preserved while children and mothers are protected. Massachusetts is the only state to have a preventive helpline for perpetrators,¹⁰⁰ an approach used in Britain, Australia, and Sweden.¹⁰¹ In addition to developing preventive helplines, states can enhance safety and promote accountability while also respecting men as fathers by making free and accessible Batterer Intervention Programs available for men who use violence and enacting legislation to make supervised visitation programs universally available, accessible, and affordable.

¹⁰⁰ The 10 to 10 Helpline. (2021). Retrieved from <https://10to10helpline.org>.

¹⁰¹ Snyder, R. L. (2021). *Helping perpetrators over the phone*. The New York Times. Retrieved from <https://www.proquest.com/docview/2578542752>.



Fatherhood Research & Practice Network

About the FRPN

The Fatherhood Research & Practice Network (FRPN) was created and operated by Temple University and the Center for Policy Research through funding by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Planning, Research and Evaluation from 2013-2019 (OPRE grant #90PR0006). FRPN promotes rigorous evaluation of fatherhood programs, disseminates information to fatherhood practitioners and researchers, and catalyzes system-level changes that support father engagement and equity. Visit www.frpn.org for an extensive library of resources for practitioners, researchers, and policymakers.

Policies and Programs Affecting Fathers: A State-by-State Report was prepared with the support of the Center for Policy Research in Denver, Colorado. Thanks are extended to Jay Fagan, Professor Emeritus of Social Work at Temple University; Johan Dellgren, Student at Pomona College; Jane Venohr, Research Associate and Economist at the Center for Policy Research; Christopher Brown, President, National Fatherhood Initiative; and various subject matter and policy experts with whom we consulted in the course of developing this report.

To the best of our knowledge, the information we provide is current as of report publication and/or the date indicated in the report and table sources. Nevertheless, since state policies and programs continually evolve, there are inevitable changes and developments that we have not captured. The views expressed in the report are those of the authors.

©2022. Center for Policy Research, Denver, Colorado. Suggested citation: Pearson, J., & Wildfeuer, R. (2022). Policies and Programs Affecting Fathers: A State-by-State Report. Center for Policy Research and Fatherhood Research & Practice Network.