
Children and Divorce: Overview and Analysis

Over the past two decades, more than one million children each year have experienced a family divorce, and the proportion of children affected by divorce is expected to grow substantially in the twenty-first century. Most of these children experience significant changes in their living arrangements, and the poverty rate for children of divorce is about twice the rate for all children in the United States. We are, therefore, devoting this issue of the journal to divorce because it is a crucial factor in the lives of millions of children in this country.

In the United States during 1990, only 58% of children lived with two biological parents, although more than 79% lived in two-parent households. Most of the remaining children lived in a variety of other types of households headed by one or more adults.¹ Whatever his or her family structure, a child has the best opportunity to thrive only when the household provides a loving, nurturing, stable, and protective environment.

Divorce receives a great deal of attention in the professional and academic literature as well as in other media. The journal's goal is not to repeat this literature, but rather to highlight key issues in divorce that are particularly significant for the well-being of children. These issues include the actual *process of divorce*, *custody and visitation decisions*, and the *financial support of children* following divorce, all of which we focus on in this Overview and Analysis. However, it is important first to appreciate the dimensions of divorce in this nation: how many children are affected by divorce, who they are, what living

arrangements are made for them, and how these arrangements relate to other major trends in domestic situations for children. It is also helpful to put this problem in historic perspective. And of great import is the need to appreciate what is known and not known about the impact of divorce itself on the psychological and emotional development of children.

About 26% of all children under 18 years of age (17 million) live with a divorced parent, a separated parent, or a stepparent, according to the most recent available data (1988) summarized by Shiono and Quinn. In 1990, about 9.5% of all children (6 million) were living with a divorced single parent. In comparison, 7.7% (4.9 million) were living with a single, never-married parent. About 90% of these single parents are mothers. Generally, when single-parent families are compared by race, significantly higher proportions of white children are found to be living with divorced or separated mothers, and African-American children are found to be living with never-married mothers.

The trends in marriage, divorce, remarriage, and out-of-wedlock births which have resulted in these living arrangements for children are analyzed and discussed in the articles by Shiono and Quinn and by Furstenberg. Since the mid-1940s, annual first-marriage rates have declined from about 14% to about 7% of single women. In addition, between the 1960s and 1980s, the proportion of women marrying after becoming pregnant declined by about 50%, and the number of unmarried couples living in the same household increased fourfold. In general, women today are marrying at older ages, and African-American women are less likely to marry than white women.

Divorce rates have been increasing since the 1860s (about 10 per 1,000 married women per year), although there have been considerable fluctuations over the decades. There was a peak after World War II (24 per 1,000), followed by a trough in the 1950s (15 per 1,000). Through the 1970s, the rates rose dramatically to reach an all-time high of 40 per 1,000. Divorce rates have leveled off since the late 1980s (37 per 1,000 in 1988); however, at least 40% of young adult women today are likely to divorce sometime in their lives. An increase in divorce rates during the early years of marriage has resulted in a higher proportion of divorces occurring among parents with young children. Many believe the increased employment of married women outside the home has been a significant concomitant societal change related to the divorce rate (see the article by Furstenberg). This relationship is probably not a causal one in which either divorce or employment outside the home has caused the other, but rather a complex one in which both employment and divorce are influenced by an entire spectrum of social changes as well as by each other. The rate

of employment of married women with preschool children has been particularly noteworthy; it rose from 11% in 1949 to 58% in 1988. Economic stress and deprivation also increase the risk of divorce.

Remarriage and the resulting restructured family have important consequences for many children. In the late 1960s, remarriage rates soared to an all-time high. Sixty percent of white women whose marriage ended in divorce between 1965 and 1984 had remarried by 1988. This was almost twice the rate occurring among divorced African-American women. Today, at least 30% of young adult women who divorce are likely to remarry. In general, younger women are more likely to remarry than older women, although this age differential does not occur among divorced men. During the first few years of remarriage, the risk of divorce is increased over that of first marriages.

Similar trends in marriage, divorce, remarriage, and cohabitation have occurred in many population subgroups in this country and Western Europe, although there are some important quantitative differences (see the article by Furstenberg).

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Hypotheses for the changing marriage patterns include the breakdown of the traditional gender-based division of labor where men work outside the home for wages and women specialize in domestic activity; the enhanced opportunity for women who enter the labor market to exercise the individual choice and per-

sonal freedom so valued in our society; the “sexual revolution” with increased availability of ways to prevent conception and terminate pregnancy; and changes in the divorce law.

Given that more than a quarter of all children in the United States have experienced the divorce or separation of their parents and that, at current divorce rates, this proportion is expected to grow to 40%, careful attention must be given to the direct effects of divorce on children. Perhaps the most obvious effects are changes in children’s living situations and economic status. In 1991, 39% of divorced women with children lived in poverty, and 55% of those with children under six years of age were poor (see the article by Teachman and Paasch). In this same year, the

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poverty rate for all children was 22%. These issues are reviewed below in the context of custody and child support. There is also related and crucial concern about the effects of divorce on children’s emotional and psychological well-being, and on their successful development and transition to adulthood.

Divorce and events related to divorce, including marital conflict and separation, are almost universally very stressful events in the life of a child. Most children exhibit a variety of signs of disturbance in the months after the separation, including anxiety, sadness, anger, aggression, non-compliance, sleep disturbances, and disrupted concentration at school. The length of this initial period of distress varies from child to child. Most children adapt reasonably successfully after this initial period, and most apparently evidence no long-term ill effects. However, children who experience divorce, as compared with children in continuously intact two-parent families, are at somewhat greater risk for symptoms of psychological

maladjustment, behavior and social problems, negative self-image, and low academic achievement (see the article by Amato). Similarly, when comparing these two groups as adults, those adults who experienced parental divorce as children are more likely to evidence poorer psychological adjustment, lower socioeconomic attainment, and greater marital instability. However, the differences between the two groups, either as children or as adults, with respect to these untoward effects seem, in light of current research, to be small.

Further, there is considerable variation in each individual child’s reaction to divorce: an affected child’s psychological well-being can range from poorer to better than it was before divorce. Variables that are believed to account for children’s adjustment to divorce include the amount and nature of involvement of the noncustodial parent, the custodial parent’s adjustment to divorce and his or her parenting skills, interparental conflict before and after divorce, economic hardship, and other life stresses (for example, moving, changing schools, parental remarriage). Little is known about how these factors interact to affect a child’s response to divorce, what the variations are in the response to divorce among children of different ethnic and racial backgrounds, what the long-term effects are on individual children, and how various legal and therapeutic interventions influence the outcomes for children.

Knowledge about the effects of marital conflict and divorce on children is limited by both the quantity and quality of available research. It is difficult to design and carry out research projects involving these families. Long-term follow-up studies are especially problematic. Further, there is a paucity of funding for such investigations.

Although many children adjust well to divorce without the need for therapeutic intervention, a minority have significant adjustment problems which warrant counseling. Interparental conflict after divorce (characterized by verbal and physical aggression, overt hostility, and distrust) and a high level of custodial parent emotional distress place children at high risk for emotional and behavioral maladjustment and disturbed parent-child relationships (see

the articles by Amato and by Johnston). In general, evaluations of therapeutic intervention programs for children having adjustment problems related primarily to divorce have been favorable, although only a small number of studies are available. There is need for more research to improve the efficacy of treatment of these children.

Marriage and the Process of Divorce

The trends in divorce law, division of labor between husband and wife in marriage, the family's right to privacy, and the family's responsibility for children have changed significantly over the past four decades. Laws and public policy relating to marriage and divorce, reflecting some of these changes, have gradually moved away from the concept of marriage as a state-sanctioned, husband-dominated, hierarchical institution, toward the view of marriage as an economic partnership of autonomous individuals, although not necessarily of equals (see the article by Katz). Under the earlier concept, a divorce was granted only after an often adversarial adjudication to find one party at fault for having done something wrong during the marriage, such as being cruel or adulterous. Katz indicates that all 50 states have now enacted some changes in divorce laws to incorporate the more recent concept, that is, over the past 40 years, states have generally expanded the grounds for divorce and simplified the process of terminating a marriage. Most states now grant "no-fault" divorces, but only a few states have entirely done away with fault as a basis for divorce.

There is controversy about some of the effects of these widespread changes in divorce laws (see the articles by Furstenberg and by Katz). To the degree that no-fault divorce has decreased the acrimony and hostility between spouses, as is generally believed to be the case, children have benefitted. There is, however, a difference of opinion as to whether laws permitting no-fault divorce have increased the divorce rate. The advent of no-fault divorce legislation is associated with increased divorce rates in some states but not in others. However, an increase in marital disruption preceded the change in public opinion favoring more liberal divorce laws, and the

laws enacted were, in part, a response to public demand and also may have engendered some demand for divorce (see the article by Furstenberg).

Much of the current emphasis in divorce law is on defining the marital assets and determining how they should be distributed to the economic partners of the shared enterprise of marriage when it is terminated. Katz points out that changes in statutory law have, to a certain extent, limited judicial discretion as to this distribution and given more consideration to the noncash contributions of wives and to the financial needs of children. Although there is difference of opinion as to whether no-fault divorce systematically favors one spouse over the other, there is no question that, despite changes in the law, divorce itself has greater negative social and financial effects on women than on men (see the articles by Teachman and Paasch, by Carbone, and by Thompson).

The increased demand for and availability of divorce have focused attention on the dramatic rise in the financial costs of divorce and some of the serious limitations of terminating a family relationship in a court setting using a judicially managed adversarial process (see below). Alternatives to traditional divorce proceedings include summary dissolutions (where children are not involved) and simplified divorce procedures (also called *summary process* or

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divorce by mutual consent). These streamlined procedures are being used in a few states because they are more expeditious and less costly for both the parties and the court system than traditional divorce procedures (see the article by Katz).

Divorce through mediation is another alternative for making decisions about property division, spousal maintenance (alimony), child support, and custody.

Most states have laws encouraging or requiring mediation to resolve conflicts over child custody and visitation rights. The advantages of mediation over adversarial proceedings are lower costs and, what is more important, the direct involvement of the parties speaking for themselves and actively participating in the decisions affecting children for whom they share concern. However, unfair agreements can result if spouses possess unequal bargaining or negotiating power or skills. All of these alternatives to an adversarial divorce proceeding deserve critical evaluation. Unfortunately, little research on these issues is currently available.

Of primary importance, there is need for education about divorce (see the article by Kelly). Parents need to be educated about the effects of family conflict on children. They need a range of educational and mediational services to diminish

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rather than escalate conflicts, to focus on what is best for their children at various developmental stages, and to increase the chance for mutual agreement between parents about custody, visitation, and the financial arrangements for their children. Educational and mediational services should be available to prevent divorce. Not only parents, but judges, lawyers, and mediators involved in determining the best interest of a child need a better appreciation of child development, including information about attachment, separation anxiety, the importance of continuity and nurturing relationships between children and adults, and the needs of children during and after divorce. The costs of education about divorce need to be planned for and funded.

Custody and Visitation

Because the well-being of a child is critically dependent on parenting received

from adults throughout childhood, the issues of custody and of continuing relationships with the noncustodial parent after divorce are of paramount importance (see the article by Thompson). Historically in the United States, custody decisions by colonial courts, following English legal doctrines, were based on a strong paternal preference. This gradually changed over time. By the 1920s, a strong maternal preference was the presumption on which custody decisions were made, and this has continued for many decades (see the article by Kelly).

As Kelly and Furstenberg discuss, this shift in preference to the mother reflected and was reinforced by a number of societal changes. These included a gender-based division of family responsibilities in which the father was viewed as the wage earner and the mother was viewed as the child nurturer, primarily as a consequence of the industrial revolution, which caused fathers to seek work away from home; an improvement in the legal status of women; psychoanalytic theory arguing for the unique role of a mother as love object; and research on the development of infant attachment to mothers.

The maternal presumption for custody remained firm until the 1960s and 1970s when there began a transition to gender-neutral laws (see the article by Kelly). This change was influenced by the entry of large numbers of women into the work force, the gradual realignment of some gender roles within the family, the increased divorce rate, fathers' claims of sex discrimination in custody decisions, the feminist movement, and psychological research on the importance of a child's attachment to both parents and the father's continuing contribution to his child's development. Kelly further points out that the idea of basing custody decisions on the child's needs and interests is a relatively new one that emerged about 20 years ago and eventually became embodied in the "best interests" of the child standard. Subsequently, support for the related idea of awarding joint custody to both parents evolved rapidly so that, by 1991, almost all states had recognized this latter concept in some form.

The prevailing standard for courts to determine custody is the "best interests

of the child." We concur with Kelly that it is the most appropriate legal standard for making decisions in custody disputes because it is "centered on children's developmental and psychological needs rather than parental demands, societal stereotypes, or legal tradition." Under this standard, there is a case-by-case determination of the best way to meet the unique needs of each child. This process is also potentially responsive to changing social or legal trends outside custody law. For courts to make the best custody judgment with respect to the child's needs, this standard should employ multiple variables about the family, such as information about the loving and emotional relationships between parents and child, information about the parents' mental and physical health, the child's age and developmental stage, and the pattern and quality of the primary caretaking arrangements. Unfortunately, this approach can result in a lack of uniformity from one case to the next about the weight given to these different variables and how to take into account children's changing developmental needs. However, on balance, the advantages of using "the best interests of the child" standard appear to outweigh the disadvantages of relying on a single more uniform standard such as a determination of the "primary caretaker" during the marriage (also see the articles by Carbone and by Thompson).

Exactly what custody arrangements are being decided upon and implemented in divorce decrees is difficult to determine nationally because of considerable variation in definition of legal, physical, and joint custody among the states and difficulty in collecting data from individual divorce decrees (see the article by Kelly). Joint legal and sole maternal physical custody is probably the most common legal arrangement, followed by awarding sole legal and physical custody to the mother. Only 10% to 15% of divorced fathers have their children living with them more than half of the time. Thus, mothers continue to be primarily responsible for their children during marriage and after divorce, although shared physical custody arrangements and paternal visitation time are increasing.

The majority of these arrangements are made by private agreement between parents when parents are unable to agree

on their own, and nonadversarial mediation is increasingly being utilized. Research does not support the concern of some commentators that mothers are systematically disadvantaged in such forums (see the articles by Katz, by Kelly, and by Carbone). Mediation has significantly reduced the use of adversarial proceedings with their high financial costs and often substantial disruption of the lives of children and parents. Kelly points out that, at whatever level custody decisions are made, they

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are subject to powerful statutory, judicial, cultural, educational, and research influences. Efforts to educate parents, attorneys, and judges about the impact of divorce and conflict on children and the needs of children for continuity in the relationships with fathers and mothers should be priorities, even though the effectiveness of such efforts is unknown.

As mentioned, access of the noncustodial parent, usually the father, to the children through visitation has increased over the past two decades. Although no general relationship has been found between visit frequency and lack of the adjustment problems of children to divorce in the near term, some studies suggest that continued involvement of fathers with their children after divorce is beneficial to the children under certain circumstances (see the articles by Amato and by Thompson). There is, in addition, a definite economic advantage to continued paternal involvement as it is associated with an increased likelihood of payment of child support. More research, however, is needed on the long-term effects on children of continuing contact with the noncustodial parent.

After the divorce decree and custody award are final, modifications of child custody and visitation arrangements are sometimes needed to adapt to the changing circumstances of parents, and to the chang-

ing developmental needs of children, including their own wishes. Adjustments to custody and visitation arrangements should be able to be made in a timely and inexpensive manner. Custody and visitation arrangements are obviously in the best interest of children when they facilitate effective coparenting.

Mediation should be widely available and mandatory, with certain exceptions, as the initial step for all parents disputing or modifying child custody and access arrangements before continuing adversarial proceedings, but settlement of the disputes via mediation should not be mandatory (see the articles by Katz, by Carbone, and by Thompson). Mediation results in 50% to 75% settlement rates, and the costs are substantially less than with litigation. Those who mediate are more likely to reach an agreement than those who do not mediate (which, in part, reflects self-selection), and both parents are more likely to be satisfied with the agreement than those who litigate. However, exceptions to required mediation are needed for those who are unable or afraid to negotiate on their own behalf, such as women subjected to or at risk of domestic violence, families in which there has been

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child neglect or abuse, parents who are substance abusers, and parents who are mentally incapacitated. Racial, ethnic, cultural, and socioeconomic factors also need to be taken into consideration in structuring fair and effective mediation policies, procedures, and safeguards. Further, mediators (including attorneys) need specialized training and experience in divorce and custody matters, in assessing domestic violence, and in the process of mediation itself.

Mediation up to this point has not generally been available to resolve the financial disputes of divorce, with most states requiring that financial matters be settled in a separate proceeding. How-

ever, as Katz points out, with the adoption of federal guidelines for child support by states, the custody and financial conflicts become more closely linked. These guidelines also reduce the potential for bargaining inequities in which women may feel the need to reduce their child support demands to avoid losing custody. Simple support matters might also lend themselves most appropriately to the mediation process.

The Financial Consequences of Divorce and the Support of Children

The primary social and financial responsibility for children in the United States rests with parents. In marriage or cohabitation, it is assumed that total family income, at whatever level, will be shared in a manner that at least provides for the basic needs of children. This is fundamentally a private matter except when there is child neglect or resources are transferred to the family through public programs. After divorce, initially the same income must be used to pay for the greater fixed costs of maintaining two households as well as legal, relocation, and other expenses related to family dissolution. Further, the basic dynamic of meeting the changing financial needs of children from the income of custodial and noncustodial parents is different than in marriage, and the state becomes significantly involved in the relationship between these parents and children in a variety of ways. First, we will review the financial readjustments and consequences of divorce and remarriage. Then, we will analyze the processes by which child support is determined and awarded, and payment is collected from the noncustodial parent.

Divorce results in a significant decline in the income of women compared with that of men after divorce. However, there is some improvement in the economic well-being of divorced women if remarriage occurs relative to the divorced state (see the article by Teachman and Paasch). Family income after divorce drops on the average by more than 20% and, as previously indicated, a substantial number of divorced women with custody of children live in poverty (39%). Poverty is not only

more prevalent in these families, but it starts immediately after marital disruption, and it lasts longer than for two-parent families living in poverty.

The substantial increase in the percentage of mother-child families living below the poverty line following divorce results, in part, from the fact that a large fraction of these families were close to the poverty line as intact families before divorce. This situation occurs in a larger proportion of African-American families because they generally have lower income levels.

Conversely, in single-parent families, the substantial increase in family income with *remarriage* is immediate and significantly reduces the incidence of poverty. The current trend of lower remarriage rates probably increases the duration of poverty, but the countervailing trend for increased cohabitation of unmarried parents may decrease the poverty rate.

Teachman and Paasch point out that *employment of divorced mothers* may not be “an effective buffer against economic deprivation.” The number of mothers with children who are employed outside the home increases after divorce, but the average amount they earn declines, although it constitutes about 60% of women’s postdivorce income. Over time the proportion of these working mothers declines to just above what it was before marriage disruption. As discussed by Teachman and Paasch, this decline is probably the result of a number of factors, including lack of prior continuous work experience; employment in low-status and part-time jobs, usually without career advancement opportunities; low wages; discrimination against single mothers in the workplace; the costs and constraints of child care; and the availability of public assistance benefits, especially those that erode with earned income.

Public assistance plays a substantial role in the financial well-being of divorced women and children. Immediately following divorce, the number of children living in families receiving public assistance through the Aid to Families with Dependent Children (AFDC) program doubles and the number receiving food stamps triples. These numbers continue to in-

crease slightly over time. According to Teachman and Paasch, the proportion of average family income constituted by these benefits increases from 18% before divorce to 25% to 30% after divorce. These benefits go to those most in need. Mothers in the lowest third of the income distribution before divorce are 18 times more likely to receive these benefits after divorce than those in the highest third of income distribution before divorce.

Taken together, the major cash (such as AFDC and earned income tax credits) and noncash (such as food stamps, Medicaid, and housing subsidies) public assistance programs are critical to decreasing the effects of poverty on divorced women who are awarded child custody, although many of these families remain in poverty even after these benefits are taken into account. However, these programs were not intended to provide long-term support for raising children. They are based on the premise that this responsibility remains with both parents. Thus, child sup-

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port from the noncustodial father is central to maintaining the financial status of children after divorce and also has a significant effect on welfare costs.

Historically, state laws have established the responsibility of the noncustodial parent to provide *child support* under general guidelines of reasonableness, delegating the implementation to local courts (see the article by Garfinkel, Melli, and Robertson). State court judges were given considerable discretion in determining what constituted an adequate amount of money for noncustodial child support and in approving the support settlements negotiated by the parties’ lawyers. These private agreements were usually approved. The rules which judges developed focused on the needs of the child and on the ability of the noncustodial parent to pay. However, the application of these rules and the

exercise of judicial discretion resulted in considerable variation in the awards from case to case, even given similar family circumstances. Furthermore, these awards have generally been regarded as inadequate to cover a fair share of the reasonable costs of raising the children.

In contrast to this traditional approach to child support, as a result of federal legislation passed in 1984 and 1988, court-ordered child support awards over the past decade have had to conform to standardized numerical formula guidelines or judges have had to provide appropriate reasons for deviation from the standards.

The children of low-income women, whether divorced or never married, are especially disadvantaged under the present system of obtaining support from a noncustodial father.

This federal legislation was enacted, in part, to have more child support (including available medical insurance) provided by the noncustodial parent, usually the father, and to contain the growing costs of the AFDC program. The states were required to adopt a numerical formula guideline to determine the amount of child support awarded as a condition for receiving federal funds for their AFDC programs and were authorized to initiate automatic wage withholding for AFDC cases. States were also authorized to withhold wages of noncustodial parents to provide child support in non-AFDC cases starting in 1994.

Almost all of the states have adopted variants of one of two approaches for income sharing between custodial and noncustodial parents to support their children: either the *income shares formula* or the *percentage of income formula*, both of which are discussed in the article by Garfinkel, Melli, and Robertson. Issues which receive special attention are the inclusion of actual child care costs in support awards; the provision for ordinary and extraordinary medical care expenditures; the treatment of higher education costs; the way in which child support orders are updated for

changing child needs and parental income; the ways in which remarriage and multiple support obligations are taken into account; and the effect of dual residence on child support obligations.

Even with the implementation of federal guidelines for determining awards, substantial problems persist. Child support awards continue to be small, much less than the reasonable costs of child rearing, and the pattern of payments is often irregular (see the articles by Teachman and Paasch, and by Roberts). The average amount of support received by divorced mothers in 1989 was \$3,138 per year for a family with an average of slightly more than 1.5 children. In addition, the receipt of support payments declines over time. Further, a large proportion (28%) of divorced mothers do not have a child support award at all. Of the 72% who do have awards, 25% do not receive any payment. Nevertheless, the receipt of child support payments, even at a low level, can make a significant difference in the economic well-being of divorced low-income mothers with children. In 1989, although child support payments represented 17% of the total income of all divorced mothers who received them, they made up 38% of the total income of divorced mothers and children living in poverty because of their low income.

As discussed by Teachman and Paasch, research to determine how much child support absent fathers can reasonably afford to pay suggests they can afford three to four times the amounts they are currently paying or two to three times what they are currently obligated to pay under child support awards. If this increase were received by custodial parents, children would be benefitted economically and, possibly, by the absent father's increased involvement in their lives (see the article by Thompson). However, a substantial reduction in welfare cost would not necessarily result because payments would not be distributed equally among divorced mothers; those at higher income levels are more likely to receive a greater proportion of the increased payments.

All mothers, whether divorced or never married, who have custody of their children may be awarded child support.

However, about 42% of all custodial mothers and 56% of all poor custodial mothers are not awarded child support. The reasons for the absence of awards are varied and include a mother's decision not to pursue an award, often to get custody without dispute; privately arranged settlements for support; inability to establish paternity or locate the known father; and the inability of the father to pay or the mother to afford the costs of legal proceedings to enforce awards. Marital status is the most important factor in being awarded child support; as noted above, 72% of mothers who were married receive child support awards on divorce while only 24% of never-married mothers receive support awards from their children's biological father. However, having a court-ordered award, which is an important determinant in obtaining payment from many fathers, does not guarantee payment. Payment compliance, which is not public and somewhat insulated from normative and legal pressures, is highly dependent on the father's motivation and ability to pay. Teachman and Paasch, Garfinkel and colleagues, and Roberts analyze a number of additional factors that have a significant influence on mothers' obtaining awards and receiving payment. The children of low-income women, whether divorced or never married, are especially disadvantaged under the present system of obtaining support from a noncustodial father.

The *enforcement* of child support award orders presents additional problems such as locating the noncustodial parent, serving legal papers on the parent, scheduling timely hearings, undertaking discovery, obtaining and implementing health insurance orders, and collecting arrears in payments (see the articles by Roberts, by Carbone, and by Thompson). The inadequacies of the current enforcement system have obvious serious consequences for the specific children who would have been the immediate beneficiaries of the awards that are not paid. They also have broader policy implications by contributing to the increasing number of children who live in poverty and the untoward effect of this trend on our society.²

Roberts makes a number of very specific recommendations to strengthen some aspects of the state system and sug-

gests complementary federal responsibilities. We believe a number of these changes could be beneficial. At the state level, these include offering parents easy means to routinely establish paternity of newborn infants and children by voluntary agreement; streamlining the legal processes for determining contested paternity at low cost, including the provision of appropriate genetic testing; developing a greater

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capacity to locate parents through access to federal records such as tax returns and a sharing of this database among all the states; having the states continue to be responsible for establishing and modifying custody, visitation, and child support orders but requiring that a national guideline be used as a rebuttable presumption of the level of child support to be paid; and requiring states to deal with interstate cases under the Uniform Interstate Family Support Act (UIFSA) that has been approved by the National Conference of Commissioners on Uniform State Laws.

At the federal level, Roberts recommends adoption of a national guideline, percentage of income, to determine the economic contribution of the noncustodial parent because of its basic fairness and ease of administration and because it does not create work disincentives. In addition, she proposes the creation of a national registry for child support orders within the Internal Revenue Service (IRS); the gradual transfer of responsibility for enforcement of child support orders from the states to the IRS; and the authorization of the IRS to withhold wages for child support, collect quarterly payments from the self-employed for child support, and routinely apply all of the other IRS collection mechanisms against those who do not pay. The IRS would also be charged with the responsibility for keeping records and dispensing payment to custodial parents.

All of the efforts to increase the number of child support awards, have the amount of the awards represent an appropriate contribution toward the costs of caring for children, and assure payment of awards will accomplish little when the non-custodial parent does not earn enough to make the required payments. A direct government payment to make up the difference between what the noncustodial parent can reasonably be required to pay and a basic level of child support has been proposed. This idea is usually incorporated in what is referred to as a Child Support Assurance program (see the articles by Teachman and Paasch, by Garfinkel and colleagues, and by Roberts). This difficult and controversial issue also needs to be considered within the context of providing financial support for never-divorced families who live in or near poverty. Poor divorced families are a special subset of this problem because of the complex state and federal systems which currently exist to provide support for these children. Thus, child support assurance relates closely to a variety of proposals for welfare reform, job training, and creation of employment opportunities. It should not be considered in isolation.

Conclusion

As discussed in this analysis, divorce and separation of parents affect millions of children in the United States. Currently, there are serious problems with the process of obtaining a divorce, in deciding about what custody and visitation arrangements will be in the best interests of children, and in providing financially for children when parents divorce. Further, divorce needs to be considered in a broader context. One of the greatest challenges facing our society in the years ahead is the increasing diversity of the families responsible for raising children. Children will be living in one- and two-parent families of married, divorced, remarried, and never-married individuals from an increasing variety of racial, ethnic, and cultural backgrounds. Whatever the family structure, children will still need a loving, nurturing, stable, economically secure environment for their optimal growth and development. Children are not responsible for who their parents are or for what they do; rather it is the parents and the community who are responsible for who their children are and for what they become.

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1. The number of children and youth who do not live in family settings cannot be accurately estimated. However, some perspective on this group is gained by considering the following information. The foster care population was 442,000 at the end of FY 1992 and the system served an estimated 659,000 children during the course of the year. An additional unknown number of drug-exposed newborn infants were held in acute care hospitals pending foster care placement. The population of children 10 to 18 years of age admitted to custody in juvenile justice confinement facilities in 1988 was 760,644 with an additional 65,263 juveniles held in adult jails. A one-day census in 1989 indicated that 93,945 juveniles were incarcerated. The number of runaway and throwaway children and youth in 1988 totaled 577,800 and at least 192,700 of these children had no familiar and secure place to stay. In 1986, some 44,375 adolescents were admitted to residential treatment centers for mental health services. It has been estimated that about 6% of children 10 to 19 years of age (33,762 in 1990) live in nonfamily situations as emancipated minors.
2. Lewit, E.M. Children in poverty. *The Future of Children* (Spring 1993) 3:176-82.