The Use of Child Support Guidelines in Wisconsin: 2017–2020

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INTRODUCTION

Wisconsin, like all states, has established presumptive guidelines for use by courts and administrative officials when setting child support obligations.1 In this report, we use data on a sample of court cases in Wisconsin to assess the extent to which these guidelines are followed in divorce and paternity cases entering the courts during the 2017–2020 period. We also look at guidelines use among parents with different placement arrangements and assess the extent to which low-income guidelines are used when relevant. Additionally, we summarize the extent to which court records provide explicit reasons for deviating from guidelines and we describe the magnitude of deviations based on information in the record. Finally, we summarize patterns of payments and compliance among cases with orders that do and don't align with guidelines.

This report continues an ongoing series of reports prepared by the Institute for Research on Poverty which have examined the use of child support guidelines in the state over the last few decades.2 These reports use a largely consistent set of criteria to assess conformance to guidelines based on information available in the court records. Most recently, Hodges and Cook (2019) examined guideline usage during 2009–2013, including attention to imputed and default orders. Prior to that, Bartfeld, Cook, and Han (2015) examined guidelines usage from 2007 to 2009 and Cook and Brown (2013) conducted a comprehensive examination of guidelines usage from 1996 through 2006. Collectively, past reports have highlighted growth over time in the share of cases without orders; different patterns between paternity and divorce cases; and lower rates of guideline use in divorce cases with shared as compared to sole placement. In related

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[1]Wisconsin's guidelines are issued as Chapter DCF 150 of the Wisconsin Administrative Code.

[2]Earlier guidelines reports include Hodges & Cook, 2019; Bartfeld, Cook, & Han, 2015; Brown & Cancian, 2007; Rothe et al., 2007; Caspar, Rothe, & Yom-Tov, 2006; Cook, 2002; Rothe & Hu, 2002; Rothe, Hu, & Wimer, 2000a and 2000b; Meyer & Hu, 1996; Melli & McCall, 1993; Melli & Bartfeld, 1991.

work, Costanzo, Vogel, and Reilly (2024) examined changes in the use of imputed and default orders, finding declines in such orders that may have implications for guidelines use. The current report updates past work by focusing on the most recent cohorts. It also includes additional information not addressed in past reports, including a more detailed breakdown of cases with no order; examination of guidelines use in paternity cases with shared placement (in addition to divorce cases); and summary of the magnitude of estimated deviations when orders don't align with guidelines. It also includes a new section on payments and compliance, with attention to differences among cases that do and do not have guidelines-aligned orders and specifically to differences among low-income cases that do and do not appear to conform to low-income guidelines.

The courts have a series of guidelines available to address a range of circumstances spanning sole placement, shared placement, high- and low-income payers, serial families, and split placement. In our calculations of guidelines usage, we consider the guideline or guidelines that appear to be applicable to the circumstances of each case. It should be noted that while guideline calculations are considered presumptively correct under federal and state law, they are not mandatory. Courts are permitted to modify the order amount if they find that the guidelines calculation results in an order that is "unfair to the children or to any of the parties" (Wis. Stats. 767.511 (1m)). In such cases, the court is required by state law to state "in writing or on the record" the order calculated from the guidelines, the amount of the modification, and the reasons for finding the modification necessary (Wis. Stats. 767.25(1n)). For example, the courts may modify the order amount for reasons such as "the financial resources of the child," "the financial resources of both parents," "the award of substantial periods of physical placement to both parents," or "any other factors which the court in each case determines are relevant" (Wis. Stats.

767.511 (1m)). Thus, inconsistency with the numeric guidelines should not be interpreted as noncompliance with the underlying law, in that deviations are permitted as described above. We examine the extent to which such deviations are found in the written record (such as court findings, orders, or minutes), recognizing that our data do not necessarily contain all statements considered part of the record.

DATA AND METHODS

Sample

Data are from the Wisconsin Court Record Data (CRD), a representative sample of divorce and paternity cases collected from 21 counties in Wisconsin.3 Paternity cases include voluntary paternity establishment as well as adjudicated paternity cases. All cases selected for inclusion in the CRD have the potential for child support payments for at least one year. Our analyses are weighted to adjust for sampling differences across counties and between divorce and paternity cases.

Our primary analyses focus on Cohorts 37–40, which include cases filed with the courts during 2017–2020. Our total sample consists of 6,339 cases roughly evenly divided among the four cohorts. We eliminate cases in which the parents are known to be reconciled or are known to be living together at the time of the final judgment (n=342); cases in which there was no physical placement order (n=160); cases in which the children were placed with a third party (n=2); and cases in which the parents have split placement of the children (often with a split of sole placement of one child, and shared placement of another child—such that the appropriate

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[3]The 21 CRD counties are: Calumet, Clark, Dane, Dodge, Dunn, Green, Jefferson, Juneau, Kewaunee, Marathon, Milwaukee, Monroe, Oneida, Ozaukee, Price, Racine, Richland, St. Croix, Sheboygan, Waukesha, and Winnebago.

child support guideline is undetermined) (n=37); and cases with other types of missing

information (n=119).

Assigning Guidelines Category

To assess guidelines usage, we largely follow the example of previous IRP reports on

child support guidelines, described in more detail below. In determining guidelines use, we

consider the child support order (or lack thereof) established at the time of final judgment.[4]

We assign all cases to one of the following categories, as best we can determine from the

available data in the court record:

- Consistent with guideline (including zero orders, if warranted)
- Inconsistent with guideline, with the following subgroups:
  - o Higher
  - o Lower
  - o Zero order / no order if inconsistent with all relevant guidelines
- Unknown consistency, with the following subgroups:
  - o Zero order of unknown consistency (typically due to missing income information)
  - o Positive order of unknown consistency (typically due to missing income information)

These categories have one important difference from past reports, namely that they differentiate

zero orders that are inconsistent with guidelines from those of unknown consistency. In adding

this distinction, we reduce the number of cases that cannot be classified, and we add a category

of inconsistent cases (the inconsistent zero-orders). Other than adding this distinction, which we

believe provides valuable additional information on cases without orders, we have adhered to

criteria from past reports in determining adherence to guidelines. Because of the more nuanced

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[4]An exception is that, consistent with past reports, among paternity cases with no order at the primary action examined and in which the noncustodial parent did not attend the hearing and/or an order was pending, we consider an order in the subsequent action if it occurs within six months.

treatment of zero-order cases, we caution readers that the distribution of 'classifiable' cases should not be compared to past reports, because 'classifiable' cases now include inconsistent zero-orders and, as a result, a smaller share of classifiable cases appear consistent. When presenting trends over a longer period, we combine the zero orders that are inconsistent with those of unknown consistency into a single 'no order' category to facilitate comparisons with prior results that have been handled in that fashion. Note that in past reports as well as here, zero-orders that are consistent with guidelines are subsumed into the 'consistent' category. Note also that we use 'zero-order' and 'lacking an order' interchangeably in this report.

Assessing consistency with guidelines is sometimes straightforward and other times more complicated. Other than the more detailed no-order categories described above, we use the same rules as past reports to determine guidelines adherence. To calculate the appropriate guidelines-based order, we identify the placement arrangements ordered for the case (based on the number of nights per year with each parent) to determine whether the shared placement formula should be used. We then use the income of the parents, the number of children, and the placement arrangement to calculate the expected order amount based on either the shared placement guideline or the percent-of-income guideline. We also consider, when relevant, whether orders adhere to the low-income guideline, the high-income guideline, and/or the serial payer guideline, considering only one guideline at a time. Thus, in sole-placement cases where more than one guideline could potentially apply, we consider a case to be consistent if it conforms to any guideline that is potentially relevant in the particular case, including the percentage standard or any of its variants as appropriate (i.e., the serial family guideline, low-income guideline, or high-income guideline). In cases where the shared placement guideline applies, we only consider that guideline rather than adapting it to incorporate special circumstances. More generally, while

guidelines can be used in combination, such as combining the serial family or shared-placement guideline with the high-income or low-income guideline, we have not incorporated combinations of guidelines in assessing guidelines consistency, consistent with practice in prior reports.

We consider orders consistent with the guideline if they are within 1 percentage point above or below the requisite percentage (for example, 16–18 percent of income in a standard one-child case).5 We also consider the absence of an order to be consistent with guidelines if a relevant guidelines-based order would yield an order of $50 or less, following the practice in prior reports. When we can determine consistency, and orders do not appear consistent, we variously classify then as "higher," "lower," or "zero-order—inconsistent." When we are unable to determine consistency, we differentiate between "zero-order—consistency unknown" and "positive order—consistency unknown."

There are several types of cases in which the guideline-specified amount is not completely clear. A brief discussion of the treatment of the most common of these cases follows (in short, we used the same treatment as Bartfeld, Cook, & Han, 2015, and Cook & Brown, 2013). Under Chapter 150.03.3, courts are permitted, under certain circumstances, to set an order based on imputed income, rather than actual income. We base our calculation of orders consistent with the guideline only on data available in the CRD; the actual income amount recorded in the CRD, if available; or on the percentage of income ordered in the CRD,6 when actual income is not available but the percentage used in the calculation is specified. Under

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5When the guidelines-based order is not a simple percent of income—such as with shared placement or serial payers, which have more complicated formulas—we transform the actual and guidelines-based amounts into a percent of income and use the same criteria (that is, within one percentage point) to assess consistency.

6In the CRD, all orders in Cohorts 37–40 are expressed as fixed dollar amounts (as opposed to percentage-expressed), but for some cases the CRD also records the percentage of income that the order uses, so when income amount is unknown, but the percentage-of-income is recorded, we use the percentage-of-income in our calculation of guidelines consistency.

Chapter 150.05.1(b), the court "may incorporate responsibility for a contribution to the cost of private health insurance as an upward or downward adjustment to a payor's child support obligation." For example, if the payee is paying for insurance, the payor may be asked to share in this cost, increasing the order; if the payor is paying for insurance, the order might be adjusted downward. We have not attempted to incorporate potential adjustments that might reflect health insurance payments, although we do show percentages of mother-sole and equal-shared placement cases where judges have referenced such expenses in justifying a deviation from the guidelines. Another example of a difficult case is a "multipart" order—some orders are for different amounts in different types of circumstances (for example, the order amount may change after a house has been sold)—in these cases we determine consistency with the guidelines based on the circumstance in effect at the time of final judgment if we could determine this.

Another complication is when the noncustodial parent's income is missing from the court record. When the relevant income is missing from the court record, but the court has indicated a percentage of income ordered, we use that percentage to determine consistency. If that percentage is within 1 percentage point of the expected percentage of income according to the relevant guidelines and the number of children on the case, we have classified the cases as consistent with the guidelines. Otherwise, we classify the case as unknown consistency, with either a positive order or no order.

Finally, when no potentially relevant guidelines yield a consistent order based on our own calculations, we also examine whether there is relevant information in the court record indicating a relevant guideline had nonetheless been used. Specifically, if the data collection team has flagged that the serial guideline, low-income guideline, and/or high-income guideline (when relevant) was used, the case is coded as consistent.

Using the final guidelines categories, we present a series of descriptive analyses. We summarize overall guidelines disposition for the sample as a whole and separately for divorce and paternity cases. We also examine guidelines among the subset of cases involved in the IV-D system. We compare guidelines usage by placement type, looking separately within divorce and paternity cases, and also look at guidelines usage by a range of other characteristics. In addition to describing guidelines usage, we provide information about deviations from guidelines. We examine the extent to which reasons for such deviations are found in the written record (e.g., court findings, orders, or minutes), recognizing that our data do not necessarily contain all statements considered part of the record, and summarize these reasons to provide a broadbrush look at the kinds of factors that are identified. New to this report, we also calculate the magnitude of deviations, limiting this analysis to cases in which only one guideline appears to be relevant.

Payment and Compliance Patterns

After the descriptive analyses of guidelines, we consider payments and compliance for our sample. We first descriptively assess average orders, payment amounts, and compliance rates in the first and second years of the order for the full sample. Compliance rates are defined as the average amount paid over the year divided by the average amount owed over the year. We also separately assess the share of individuals who are paying in full, defined as paying 90% or more of their annual order amount. We then evaluate the payments and compliance within each cohort, by adherence to guidelines, by case type (i.e., divorce or paternity) and within case type across placement arrangements. The final part of our report considers payments and compliance for low-income non-custodial parents and by case consistency with low-income guidelines.

RESULTS

Use of Guidelines Among Recent Cohorts

Among child support-eligible divorce and paternity cases entering the courts during 2017–2020 (Table 1), just over one-third (37.2%) have child support outcomes that are consistent with guidelines, including those with positive orders as well as those that do not have an order (or an order set at zero) yet are still consistent due to the specifics of the case. A similar share (36%) are inconsistent with guidelines, including 7.4% with an order that is higher than the guidelines, 10.4% with an order that is lower, and 18.2% that lack a positive order when an order would be warranted under relevant guidelines. Finally, just over one-quarter (26.8%) have unknown consistency with guidelines, including 7.4% with a positive order and 19.4% without an order. It is possible that these cases are consistent, but the available court record data lacks sufficient information to make a determination. Looking only at classifiable cases, which exclude all in the "consistency unknown" group, half of cases (50.8%) are consistent with guidelines.

Table 1 also looks separately by case type. Just over two in five paternity cases are consistent with guidelines (41.9%), almost one-quarter (22.6%) are inconsistent, and one-third (35.6%) have unknown consistency, most commonly involving not having an order (26.9%). Among divorce cases, in contrast, far more are inconsistent (57.2%, including 29.2%with no support owed), fewer are consistent (29.8%), and fewer lack information to determine consistency (13.1%). Looking solely at the classifiable cases, two-thirds of paternity cases (65%) are consistent with guidelines, compared to only one-third (34.3%) of divorce cases. Thus, adherence to guidelines appears higher among paternity than divorce cases, in terms of the sample as a whole and among the subset for which consistency can be determined.

Table 1. Consistency with Child Support Guidelines among Divorce and Paternity Cases Filed 2017–2020

	All Cases	Classifiable Cases
All Cases		
N	6,339	4,734
Consistent with Guidelines	37.2%	50.8%
Inconsistent with Guidelines	36.0%	49.2%
Lower	10.4%	14.3%
Higher	7.4%	10.2%
No Order	18.2%	24.8%
Consistency Unknown	26.8%	
Order	7.4%	
No Order	19.4%	
Paternity Cases		
N	3,525	2,295
Consistent with Guidelines	41.9%	65.0%
Inconsistent with Guidelines	22.6%	35.0%
Lower	7.9%	12.2%
Higher	3.6%	5.6%
No Order	11.1%	17.2%
Consistency Unknown	35.6%	
Order	8.7%	
No Order	26.9%	
Divorce Cases		
N	2,814	2,439
Consistent with Guidelines	29.8%	34.3%
Inconsistent with Guidelines	57.2%	65.7%
Lower	14.4%	16.6%
Higher	13.5%	15.5%
No Order	29.2%	33.6%
Consistency Unknown	13.1%	
Order	5.4%	
No Order	7.7%	

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD. All percentages are weighted to reflect sampling differences across counties and case types. Cases are considered consistent if the order is within one percentage point of the applicable guideline percentage of income, or if there is no order and the guideline-specified order would have been $50 or less.

The difference between paternity and divorce cases may reflect, in part, the higher involvement of child support agencies in the former. We thus present a similar analysis in Table 2, limited to the subset of cases that have IV-D involvement at the time of the court hearing. There is very little difference in the paternity sample when compared to our initial analysis of all paternity cases—which is to be expected as a large majority of paternity cases are in the IV-D subsample. On the other hand, only a minority of divorce cases are in the IV-D subsample. When limited to IV-D cases, the primary differences are that divorce cases in the IV-D system are less

likely to lack an order when an order appears warranted by relevant guidelines ((21.4% of the IV-D sample compared to 29.2% of all divorces), and more likely to have a consistent order (35.7% of the IV-D sample compared to 29.8%of all divorces). Even in the IV-D sample, however, divorce cases are more likely than paternity cases to lack an order despite an order appearing warranted; more likely to have orders that are either higher or lower; but much less likely to lack an order when consistency cannot be determined. Overall, the differences between divorce and paternity cases do not seem driven by their differing rates of involvement with child support agencies, though the differences are somewhat attenuated in the IV-D sample.

Table 2. Consistency with Guidelines, IV-D Cases Only

	All Cases	Classifiable Cases
All Cases		
N	4,612	3,280
Consistent with Guidelines	40.8%	58.7%
Inconsistent with Guidelines	28.7%	41.3%
Lower	9.5%	13.7%
Higher	5.9%	8.5%
No Order	13.3%	19.2%
Consistency Unknown	30.5%	
Order	8.3%	
No Order	22.3%	
Paternity Cases		
N	3,417	2,253
Consistent with Guidelines	42.2%	65.1%
Inconsistent with Guidelines	22.6%	34.9%
Lower	7.9%	12.2%
Higher	3.6%	5.6%
No Order	11.0%	17.0%
Consistency Unknown	35.2%	
Order	8.6%	
No Order	26.7%	
Divorce Cases		
N	1,195	1,027
Consistent with Guidelines	35.7%	41.4%
Inconsistent with Guidelines	50.5%	58.6%
Lower	15.2%	17.6%
Higher	13.9%	16.1%
No Order	21.4%	24.9%
Consistency Unknown	13.8%	
Order	7.2%	
No Order	6.7%	

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD. All percentages are weighted to reflect sampling differences across counties and case types. Cases are considered consistent if the order is within one percentage point of the applicable guideline percentage of income, or if there is no order and the guideline-specified order would have been $50 or less.

Use of Guidelines by Placement Type and Other Characteristics

A common finding in past analyses of guidelines consistency has been differential use of the guidelines in divorce cases with sole placement as compared to shared placement. Past reports have not examined differences by case type in paternity cases. We examine guidelines consistency in divorce cases (Table 3) and also in voluntary paternity cases (Table 4), in both cases looking separately at the three most-frequent placement categories: mother-sole placement, mother-primary placement (defined as 51%–75% of time with the mother and 25%–49% of time with the father), and equal-shared placement.7 These three placement categories account for over 90% of the divorce and voluntary paternity cases in our analysis sample. As with the previous tables, the center column shows the full sample, while the right-side column shows the subset with classifiable orders.

There are notable differences among placement groups in the extent to which orders are consistent with relevant guidelines and, when not consistent, the extent to which this reflects orders that are high, low, or absent. Looking first at divorce cases (Table 3), consistency is much higher among those with sole as compared to shared placement, as was seen in past reports. Those with mother-sole placement are about as likely to have consistent (43.1%) or inconsistent orders (42.1%), while 14.9% have unknown consistency. Inconsistent outcomes are similarly likely to be lower than the guidelines (16.9%), higher than the guidelines (10.9%), or lacking an order (14.2%). For both of the shared-placement groups, by comparison, consistency is much less common. Only 19.2% of cases with mother-primary shared placement have consistent orders, while almost three quarters (70.2%) are inconsistent—most commonly higher than the

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7We do not look at guidelines use by placement for adjudicated paternity cases as shared placement remains uncommon in that group.

guidelines (27.9%), followed by the absence of an order (23.3%) or an order that appears too low (19.1%). The remaining 10.6% have unknown consistency. Among those with equal-shared placement, consistency is also uncommon (22.5%). Two-thirds appear to be inconsistent with guidelines, including 41.7% without an order and the remainder equally likely to be higher or lower. Thus, while consistency appears much less common with shared as compared to sole placement, inconsistency among the equal-shared group is dominated by lack of orders, while higher-than-guidelines orders play a larger role among inconsistent orders in the unequal-shared group.

Table 3. Consistency with Guidelines, Divorce Cases by Placement Arrangements

	All Cases	Classifiable Cases
Mother Sole		
N	1,021	874
Consistent with Guidelines	43.1%	50.6%
Inconsistent with Guidelines	42.1%	49.4%
Lower	16.9%	19.9%
Higher	10.9%	12.8%
No Order	14.2%	16.7%
Consistency Unknown	14.9%	
Order	7.7%	
No Order	7.2%	
Unequal Shared, Mother Primary		
N	359	318
Consistent with Guidelines	19.2%	21.5%
Inconsistent with Guidelines	70.2%	78.5%
Lower	19.1%	21.4%
Higher	27.9%	31.1%
No Order	23.3%	26.0%
Consistency Unknown	10.6%	
Order	5.0%	
No Order	5.6%	
Equal Shared		
N	1,219	1,074
Consistent with Guidelines	22.5%	25.2%
Inconsistent with Guidelines	66.6%	74.8%
Lower	12.3%	13.8%
Higher	12.6%	14.2%
No Order	41.7%	46.8%
Consistency Unknown	10.9%	
Order	3.7%	
No Order	7.1%	

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD. All percentages are weighted to reflect sampling differences across counties and case types. Cases are considered consistent if the order is within one percentage point of the applicable guideline percentage of income, or if there is no order and the guideline-specified order would have been $50 or less.

Turning to cases with voluntary paternity (Table 4), consistency is also much higher among those with mother-sole as compared to either of the shared-placement groups. Unknown consistency is more common than among divorces across placement groups, due to more missing income information. Half of the mother-sole group have consistent orders (50.8%), while roughly one-quarter have inconsistent orders (most commonly no order), and one quarter have unknown consistency (also most commonly involving no order). In contrast, only one-third of the mother-primary shared placement group have consistent orders (32.1%), while 44.9% have inconsistent orders (most commonly too low, which differs from the analogous placement group among divorces, where too-high orders and lack of orders are both more common) and 23% have outcomes of unknown consistency. Finally, among voluntary paternity cases with equal-shared placement, only 18.5% are consistent, while 29.6% are inconsistent (usually lacking an order). The remaining 51.9% have unknown consistency, almost always without an order. The large share with unknown consistency among the equal-shared placement voluntary paternity group is striking, and is almost five times the analogous rate among equal-shared-placement divorce cases. Thus, equal-shared placement cases frequently lack orders among divorce and paternity cases alike, but in paternity cases, information to assess whether this is consistent with guidelines is usually unavailable in the court record. Note also that cases for which lack of orders is known to be consistent are subsumed in the "consistent" category and not explicitly flagged as lacking an order.

Table 4. Consistency with Guidelines, Voluntary Paternity Case by Placement Arrangements

	All Cases	Classifiable Cases
Mother Sole		
N	883	656
Consistent with Guidelines	50.8%	66.3%
Inconsistent with Guidelines	25.8%	33.7%
Lower	7.8%	10.2%
Higher	5.1%	6.6%
No Order	12.9%	16.8%
Consistency Unknown	23.4%	
Order	7.3%	
No Order	16.1%	
Unequal Shared, Mother Primary		
N	107	72
Consistent with Guidelines	32.1%	41.7%
Inconsistent with Guidelines	44.9%	58.3%
Lower	23.4%	30.4%
Higher	8.0%	10.4%
No Order	13.6%	17.6%
Consistency Unknown	23.0%	
Order	7.2%	
No Order	15.9%	
Equal Shared		
N	240	99
Consistent with Guidelines	18.5%	38.4%
Inconsistent with Guidelines	29.6%	61.6%
Lower	3.8%	8.0%
Higher	6.9%	14.4%
No Order	18.9%	39.3%
Consistency Unknown	51.9%	
Order	6.9%	
No Order	45.0%	

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD. All percentages are weighted to reflect sampling differences across counties and case types. Cases are considered consistent if the order is within one percentage point of the applicable guideline percentage of income, or if there is no order and the guideline-specified order would have been $50 or less.

We also examine differences in guidelines use by several other case characteristics (Table 5). Here again, we show the share of cases consistent with guidelines; the share of cases with outcomes that are inconsistent with guidelines, differentiating orders that are too low, too high, and absent; and the share of cases with unknown consistency, differentiating those with and without orders, respectively. We classify cases by cohort, case type, location, combined parental income, and source of child support decision (i.e., by stipulation versus by judge or Family Court Commissioner). It is important to keep in mind that we only look at one case dimension at a time

(e.g., by cohort or by case type), so this analysis does not control for multiple ways in which cases differ. In this discussion, we simply highlight some of the notable patterns.

There is little difference across the four cohorts (spanning cases entering the courts 2017–2020), other than a modest increase in the share that have no order with insufficient information to assess consistency. Differences by case type are consistent with those shown previously; the further differentiation between voluntary and adjudicated paternity cases shows that voluntary paternities are somewhat more likely to lack orders when an order would be warranted, while adjudicated paternities are more likely to lack orders with unknown consistency due to incomplete information. Looking across locations, Milwaukee County cases are about twice as likely as either other urban counties or rural counties to lack orders with unknown consistency; this likely reflects the larger share of adjudicated paternity cases in the Milwaukee caseload. Stipulated cases are much less likely to have outcomes consistent with guidelines than are cases settled by a judge or Family Court Commissioner (28% compared to 42.6%), less likely to have unknown consistency, and three times as likely to lack an order when an order would be consistent with guidelines (30.2% vs. 10.5%).

Table 5. Consistency with Guidelines by Case Characteristics

	N	Consistent	Lower (Inconsistent)	Higher (Inconsistent)	No Order (Inconsistent)	Order (Consistency Unknown)	No Order (Consistency Unknown)
All Cases (%)	6,339	37.2	10.4	7.4	18.2	7.4	19.4
Cohort							
37 (%)	1,715	36.2	11.2	7.6	18.4	8.4	18.3
38 (%)	1,523	38.6	10	7.5	19.8	7.4	16.7
39 (%)	1,542	36.8	11.4	7.7	16.7	6.8	20.6
40 (%)	1,559	36.8	8.8	6.8	17.6	6.7	23.3
Case Type							
Vol. Paternity (%)	1,292	42.6	8.2	5.4	14.3	7.2	22.3
Adj. Paternity (%)	2,233	41.5	7.7	2.6	9.5	9.5	29.3
Divorce (%)	2,814	29.8	14.4	13.5	29.2	5.4	7.7
County							
Milwaukee (%)	1,430	34	9.5	5	15.8	9.7	26.1
Other Urban Counties (%)	3,290	40.9	11.3	9.8	19.4	5.1	13.5
Rural (%)	1,619	36.4	11.4	8.5	23.1	6.5	14.2
Parents' Combined Total Income (from CRD or UI)[a]							
No Income/Missing (%)	536	23.8	0.6	2.3	0	17.1	56.2
$1–25,000 (%)	1,518	40.6	4.6	2.9	6.7	11.6	33.6
$25,000–50,000 (%)	1,593	46	10.5	5.6	17.6	6.4	13.9
$50,000–75,000 (%)	1,143	37.7	14	11.8	26.2	3.2	7.1
$75,000–100,000 (%)	679	31.5	15.8	14.1	31.4	2.5	4.7
$100,000 or more (%)	870	25.5	20.5	13.3	35.2	2.9	2.6
Child Support Order Decision							
By Stipulation	2,870	28.1	14.1	12.2	30.2	4.5	10.9
By Judge/Family Court Commissioner (%)	3,441	42.8	8.3	4.6	10.5	9.2	24.6

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD. All percentages are weighted to reflect sampling differences across counties and case types. Cases are considered consistent if the order is within one percentage point of the applicable guideline percentage of income, or if there is no order and the guideline-specified order would have been $50 or less.

[a] For assessment of guidelines use we use only WCRD-reported income; for parents' combined total income, we use UI wage records for the four quarters prior to the final judgement or the WCRD-reported income, whichever is greater.

Outcomes differ considerably across income levels. Note that in this table, we incorporate income information from Unemployment Insurance wage records in the four quarters preceding the final judgment, using the higher of parents' combined income in the court record or the UI records. Inconsistent outcomes of all types (too low, too high, and no order) all increase as combined income increases. Outcomes of unknown consistency are, as expected, dramatically more common among couples with no or missing income and decline rapidly as incomes increase. Consistency is highest in the low-to-mid income ranges, declining considerably as income exceeds $50,000. Note that incomes are correlated with other factors that are linked to guidelines adherence—particularly case type and placement arrangements—and those dimensions play a role in the patterns seen here.

Guidelines Use Among Low-Income Noncustodial Parents

In this section, we look specifically at consistency with the low-income guidelines among cases with low-income noncustodial parents—that is, cases for whom the low-income guideline appears to be appropriate. The criteria is income below 150% of the single-person poverty line. The income cutoff is updated annually, and we use the cutoff pertaining to the year of the final judgment to determine if a parent is low-income. For low-income parents between 75% and 150% of the poverty line, the low-income guideline specifies a declining percent of income that varies with the number of children and provides detailed tables. Below the 75 percent-of-poverty threshold, the courts may, per statute, order whatever is deemed appropriate to the economic circumstances including amounts below the lowest amount listed in the table; here we consider any amount (including $0) at or below the amount specified for 75percent-of-poverty to be consistent. We limit our attention to cases with mother-sole placement, where the application of the low-income guideline is fairly straightforward. Table 6 shows the allocation of cases with

low-income non-custodial parents across four outcome categories: 57% have outcomes consistent with the low-income guidelines, which includes consistent $0-orders; 43% have inconsistent outcomes based on the low-income guideline, including 17.1% with a higher order, 11.6% with a lower order, and 14.3% with no order when one appears warranted. Note that the 'consistent' group includes $0-orders when consistent with the guideline; for the low-income sample overall, roughly three-quarters of the cases with consistent outcomes have no order, as many low-income cases have incomes below the low end of the guidelines table. There are no instances in which consistency with the low-income guideline is unclear, because we necessarily know the income in order to classify a case as low-income. The table also differentiates between low-income paternity and divorce cases. The large majority of the low-income cases (still limited to mother sole placement) are paternity cases. Low-income paternity cases are much more likely to align with the low-income guideline than are low-income divorce cases (60.4% vs. 38.4%), and much less likely to be classified as higher than the guidelines (13.4% vs. 37%). An important distinction between the outcomes shown here and the guidelines disposition of the prior tables is that here we exclusively focus on consistency with the low-income guideline. In our main results, cases can be classified as consistent if their outcome is consistent with any of the potentially relevant guidelines, as well as if there is other evidence in the court record data that a relevant guideline was used to reach the order (or lack thereof).

Table 6. Consistency with Guidelines among Low-Income Noncustodial Parents, Mother Sole Placement Cases

	Percentage of All Cases
All Low-Income Cases	
N	740
Consistent with Low-Income Guidelines	57.0%
Lower	11.6%
Higher	17.1%
No Order, not Consistent	14.3%
Paternity Cases	
N	579
Consistent with Low-Income Guidelines	60.4%
Lower	12.5%
Higher	13.4%
No Order, not Consistent	13.6%
Divorce Cases	
N	168
Consistent with Low-Income Guidelines	38.4%
Lower	6.3%
Higher	37.0%
No Order, not Consistent	18.1%

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD. Sample limited to mother-sole placement cases with NCP income below 150% of single-person poverty line. All percentages are weighted to reflect sampling differences across counties and case types. For non-custodial parents between 75–150% of the poverty line, orders are considered consistent if the amount is within one percentage point of the applicable low-income guideline percentage of income; for non-custodial parents below 75% of the poverty line (the bottom of the low-income guideline table), amounts (including zero) at or below the guideline-specified order for 75% of the poverty line are considered consistent.

Amount of Deviations

The above analyses show that it is quite common for outcomes to differ from the guidelines. Table 7 provides additional information by describing the magnitude by which outcomes differ from application of the guidelines, based on calculations using available information. We focus here on the most straightforward cases: mother-sole placement when there do not appear to be circumstances that would warrant an alternative guideline (such as low income, high income, or serial payers); and shared-placement cases.

In the case of mother-sole placement cases not appearing eligible for special-case guidelines, the median deviation for orders that appear low relative to the guideline is $151 per month, meaning half of deviations are lower than this amount and half are higher. Thus, among too-low orders, half are at least $151 lower. When orders appear high relative to the guidelines,

the median deviation is $177, meaning half of this group are higher by at least $177. When there

is no order despite one seeming to be warranted by the guideline, the median deviation—in this

case, what the order would be based on application of the guideline—is $525. For reference,

among all mother-sole placement cases with orders and not eligible for special-case guidelines

(regardless of consistency), the median order amount is $433 (not shown on table).

Table 7. Monthly Deviation Amount from Guidelines-Based Order, Cases with Inconsistent Outcomes

	N	**Median**	**Mean**	**Min**	**Max**
Mother-Sole Placement Not Eligible for Special-Case Guidelines					
Inconsistent, Lower	262	$151	$220	$23	$1,463
Inconsistent, Higher	95	$177	$258	$1,183	$28
Inconsistent, No Order	209	$525	$596	$259	$1,725
Shared Placement Cases					
Inconsistent, Lower	238	$243	$524	$26	$6,936
Inconsistent, Higher	291	$161	$327	$0	$4,811
Inconsistent, No Order	711	$241	$385	$51	$6,771

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD. All percentages are weighted to reflect sampling differences across counties and case types. Sample limited to cases for which consistency with guidelines can be determined; sole placement sample excludes cases which appear eligible for low-income, high-income, and/or serial payer guidelines. Deviation amounts are calculated as the absolute values of the should-be order minus the actual order.

Turning to shared-placement cases (combining mother-primary, father-primary, and

equal-shared), the median deviation is $243 in the case of below-guideline orders, $161 in the

case of above-guideline orders, and $241 when there is no order but one appears warranted. For

reference, among all shared-placement cases with orders, the median order amount is $447 (not

shown). These results combine instances in which the guidelines-based payer would be the father

and those in which it would be the mother—we just focus on the amount of the deviation.

Explicit Deviations from Guidelines

Although use of guidelines is presumptive, the courts are also permitted to deviate from

the guidelines-based amounts as described previously, if evidence indicates that the use of the

guidelines would result in an unfair order. Thus, inconsistency with the guidelines does not

necessarily imply nonconformance with the relevant law. However, in cases where the guidelines are not used because they are deemed to be unfair in a particular case, the law does require that the reasons for the deviation be included in the court record. This may include reasons in the written record (such as court orders, findings, or minutes)—which we have access to in our data—as well as reasons stated in court but not necessarily in the written record. Because we do not review court transcripts, we are not able to capture such statements that may have occurred; we thus report only on written reasons for deviations that are included in the filed court record.

In Table 8, we present a summary of the explicit deviations or considerations listed in the court records, looking at three of the most common placement situations: paternity cases with sole-mother placement; divorce cases with sole-mother placement; and divorce cases with equal-shared placement. Within each group, we look separately at the three categories of inconsistent outcomes: low, high, and no/zero order. We report how common it is to have any reason for an explicit deviation or consideration in the written record within each outcome group. Additionally, we report what share have reasons that fall within each of four broad areas: reasons involving the earnings or employment capability of one or both parents—including, for instance, reasons such as high earnings, sporadic earnings, low earnings, unemployment, or issues with employability (such as that a parent is a minor, a student, or has a temporary or permanent disability); reasons having to do with household costs or payments for one or both parents, which could include (for example) payments made to one parent's household by the other parent, continued payment of the mortgage until the house is sold, payment of childcare costs, payment of medical or health insurance costs, or payments on behalf of other children; a reason suggesting that the parents had agreed to the deviation, which most commonly explicitly

references a stipulation; and a reason related either to a failure of a parent to appear in court or a reference to a related or pending case or action.

From the household cost and payment category, we have further broken out the two most common subcategories: medical or health insurance costs and childcare costs. Note that there may be multiple reasons given for a deviation in a given case.

We note two main patterns in these data. First, across most types of cases, the majority of cases that appear to have inconsistent outcomes have no written reasons for deviations (with written reasons ranging from 16% to 50% across subgroups). Second, written reasons for deviations are observed more frequently in divorce cases (whether sole or mother-shared) than paternity cases. In paternity cases, limited here to mother-sole placement, the prevalence of written reasons for deviations in cases with inconsistent outcomes is 16% in the absence of an order, 17% with orders lower than the guidelines, and 25% with orders higher than the guidelines. In contrast, among mother-sole placement divorce cases with inconsistent outcomes, the court record includes written reasons in just over one-third of those with no order, 40% of those with an order higher than the guidelines, and half of those with orders that are lower. These rates are similar for the shared placement group: there are written reasons for 39% of those with no order, 48% of those with lower orders, and half of those with higher orders. While the specifics vary across subgroups of divorced mothers, reasons related to household expenses are considerably more common than those related to parental earnings or employment; reasons that reference a stipulation or imply parents agreed to the outcome comprise one-third to two-thirds of the reasons (sometimes in combination with another category); and reasons explicitly referencing failure to appear in court or that there is another past or pending action are rare. Note that we only report reasons for those cases that appear to deviate from the relevant guideline(s),

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and we reiterate that half or more of all categories of inconsistent cases have no written reason

found in the record.

Table 8. Written Reasons for Deviation from Child Support Guidelines

	Order not Consistent with Guidelines		
	Lower	**Higher**	**No Order**
Mother Sole - Paternity Cases			
N	190	73	199
No Written Reason for Deviation	82.7%	74.8%	83.6%
Written Reason for Deviation	17.3%	25.2%	16.4%
Deviation Reason:			
Parental Earnings or Employment	2.6%	12.8%	1.5%
Potential Earnings of Payor	0.4%	6.7%	0 %
Household Costs	10.6%	14.4%	3.1%
Medical or Health Insurance Costs	5.5%	3.7%	0.4%
Childcare Costs	0.3%	7.9%	1.0%
Failure to Appear in Court or other Hearing Pending	1.1%	0.3%	3.4%
Parents Stipulated	4.1%	2.6%	11.2%
Mother Sole - Divorce Cases			
N	185	114	140
No Written Reason for deviation	49.8%	60.2%	63.8%
Written Reason for Deviation	50.2%	39.8%	36.3%
Deviation Reason:			
Parental Earnings or Employment	3.9%	1.8%	13.0%
Potential Earnings of Payor	0.3%	0%	1.0%
Household Costs	36.8%	30.2%	11.9%
Medical or Health Insurance Costs	30.4%	27.5%	3.4%
Childcare Costs	1.8%	3.1%	1.5%
Failure to Appear in Court or other Hearing Pending	0%	0%	0%
Parents Stipulated	27.8%	14.9%	22%
Equal Shared - Divorce Cases			
N	138	149	519
No Written Reason for Deviation	52.3%	50.0%	61.3%
Written Reason for Deviation	47.7%	50.0%	38.7%
Deviation Reason:			
Parental Earnings or Employment	5.5%	2.6%	5.7%
Potential Earnings of Payor	1.4%	0%	0%
Household Costs	36.4%	41.2%	23.1%
Medical or Health Insurance Costs	21.4%	31.2%	11.4%
Childcare Costs	0.5%	1.5%	2.9%
Failure to Appear in Court or other Hearing Pending	0%	0%	0.8%
Parents Stipulated	21.7%	23.3%	27.7%

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD. All percentages are weighted to reflect sampling differences across counties and case types.

Composition of Inconsistent Cases

The above analyses have focused on the extent of guidelines consistency, overall and

among subgroups. Here, we shift our focus and look at a related question: What are the

predominant characteristics of cases with inconsistent orders? To examine this, we look at the composition of cases in which the guidelines do not appear to have been used (Table 9). While the information discussed previously allows us to identify the types of cases with greater likelihood of guidelines usage, this perspective, focusing on the characteristics of cases with inconsistent outcomes, may be useful for policymakers interested in targeting cases where orders are not consistent with guidelines.

We focus our discussion on cases with inconsistent outcomes, including orders that are higher or lower than the guidelines or in which an order is lacking. We show the composition of all cases with inconsistent orders, and also show separate breakdowns for each of the above subgroups; we also show the composition of the sample as a whole and of consistent and unknown-consistency cases as references. More than half of the inconsistent orders are in divorce cases (61.7%, compared to 38.9% in the sample as a whole), while slightly fewer than one-quarter (22.1%) are in adjudicated paternities and 16.2% are in voluntary paternities. Divorce cases are more common among inconsistent orders that exceed the guidelines (70.5%) than among those that fall below guidelines (53.8%).

Table 9. Composition of Cases

	All	Consistent	Inconsistent				Consistency Unknown	
			All	Lower	Higher	No Order	Order	No Order
N	6,339	2,494	2,240	630	490	1,120	443	1,162
Case Type								
Vol. Paternity	20.8%	23.9%	16.2%	16.4%	15.2%	16.4%	20.2%	23.9%
Adj. Paternity	40.3%	44.9%	22.1%	29.8%	14.3%	21.0%	51.5%	60.7%
Divorce	38.9%	31.2%	61.7%	53.8%	70.5%	62.6%	28.3%	15.4%
Placement Type								
Mother Sole	64.2%	79.5%	46.0%	63.2%	40.2%	38.5%	75.6%	64.2%
Mother Primary	7.9%	4.7%	12.9%	13.0%	23.8%	8.5%	7.4%	5.0%
50-50 Shared	23.5%	13.1%	35.9%	21.1%	33.4%	45.4%	14%	24.2%
Father Primary	1.2%	0.3%	1.8%	0.6%	1.7%	2.6%	0.6%	1.8%
Father Sole	3.2%	2.4%	3.3%	2.1%	0.9%	5.1%	2.4%	4.9%
Parents' Combined Total Income (from CRD or UI)[a]								
No Income/Missing	8.5%	5.5%	0.7%	0.5%	2.6%	0%	19.8%	24.7%
$1–25,000	27.6%	30.1%	10.9%	12.0%	10.8%	10.2%	43.4%	47.7%
$25,000–50,000	24.5%	30.3%	22.9%	24.7%	18.5%	23.7%	21.2%	17.5%
$50,000–75,000	16.9%	17.1%	24.4%	22.7%	26.8%	24.3%	7.3%	6.1%
$75,000–100,000	9.5%	8.1%	16.2%	14.4%	18.0%	16.5%	3.2%	2.3%
$100,000 or more	13.1%	9.0%	25.1%	25.7%	23.4%	25.4%	5.2%	1.7%
Parents' Legal Representation								
Both	15.7%	12.4%	23.3%	26.5%	31.4%	18.2%	13.7%	8.8%
Father Only	3.2%	2.7%	3.4%	3.4%	2.6%	3.8%	3.6%	3.6%
Mother Only	61.9%	70.0%	41.9%	48%	36.0%	41.0%	72.6%	79.1%
Neither	19.2%	14.8%	31.3%	22.2%	30.0	37.1%	10.1%	8.5%
Child Support Order Decision								
By Stipulation	37.8%	28.5%	59.5%	51.0%	61.5%	63.7%	23.0%	21.3%
By Judge/Family Court Commissioner	62.2%	71.5%	40.5%	49.0%	38.5%	36.3%	77.0%	78.7%
Child Support Enforcement Type								
Non-IV-D Cases	23.2%	15.8%	38.8%	30.0%	39.3%	43.6%	14.3%	12.0%
IV-D Cases	76.8%	84.2%	61.2%	70.0%	60.8%	56.4%	85.7%	88.0%

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD. All percentages are weighted to reflect sampling differences across counties and case types. Cases are considered consistent if the order is within one percentage point of the applicable guideline percentage of income, or if there is no order and the guideline-specified order would have been $50 or less.

Almost half of all inconsistent orders are in mother-sole placement cases, while half are in some form of shared placement, most commonly equal shared (35.9%). Looking specifically at low orders, almost two-thirds have mother-sole placement, compared to around 40% of those with high orders or no orders. Almost half of those with no order (despite one being warranted) have equal-shared arrangements, roughly twice the share as in the overall sample. In terms of parents' combined incomes, inconsistent orders are quite variable, and patterns are broadly similar across income groups for both below-guidelines and above-guidelines orders. Almost none have income that is zero or missing, because we rarely can determine if orders are consistent in such cases so they are almost always classified as consistency unknown. Notably, 40%-42% of parents in all three groups of inconsistent cases (low, high, and no order) have combined incomes over $75,000, compared to only 17% of parents with consistent orders. In close to one-third of all inconsistent orders neither parent was represented in court, while only mothers were represented in 41.9% and both parents in 23.3%. This differs from the sample as a whole, most notably in that sole-mother representation is far less common among the inconsistent cases, while representation of both parents as well as absence of any representation are much more common. Inconsistent orders are more likely to have been reached by stipulation than to have been issued by a judge or Family Court Commissioner (59% vs. 41%), with stipulated outcomes particularly common among no-order cases (64%). This differs considerably from both the consistent and unknown-consistency groups, where only around one-quarter (ranging from 21% to 28%) of outcomes are stipulated. Below-guidelines orders are more likely than above-guidelines orders to be issued by a judge (49% vs. 39%). Finally, 61% of cases with inconsistent orders are in the IV-D system, including 70% of below-guidelines, 61% of above-

guidelines orders, and 56% of no-order cases. In contrast, over 80% of consistent and unknown-consistency cases are in the IV-D system.

Trends in Use of Guidelines

To put the results from this report in longer-term context, we summarize how consistency with guidelines has changed from the mid-1990s to the 2017–2020 period (Table 10). To facilitate this comparison, we combine the "no order (inconsistent)" and "no order (consistency unknown)" categories into a single "no order" category, which is how these were categorized in prior reports. With this approach, we identify three broad categories: no order (including inconsistent and unknown consistency); consistency unknown (limited to positive orders); and consistency known (differentiating consistent, too low, and too high). Unlike in our main results, the 'consistency known' category does not include cases with no orders that are known to be inconsistent, as those are subsumed in the "no order" category. We show these for the newest cohorts (entering the courts in 2017–2020), as well as for three earlier cohort groups: those entering the courts in 1996–2007, 2007–2009, and 2009–13 (excluding 2011–12 which are not available in our data).

Over the four time periods, the share of cases in the "no order" group roughly doubled, from 19.6% of cases in the 1996–2007 period to 37.6% in the 2017–2020 period. The share with positive orders of unknown consistency declined from 19% to 7.4% over the period, indicating more complete income information in the court record. The share with known consistency (which, again, excludes zero-orders that are inconsistent) also declined slightly, from 61.4% to 55%. Looking at the various categories of cases with known consistency, consistency with guidelines has been stable at around 37% throughout the period, while low orders and high orders both declined slightly. Looking specifically at changes since the most recent guidelines

report, which spanned 2009–2013, the biggest change is the increase in the no-order group. This is consistent with the decline in use of imputed and default orders (see Costanzo, Vogel, and Reilly, 2024), as those orders were often issued in cases with zero or unknown income. However, the increase in the no-order group is also the continuation of a longer trend. There was no change in the share of consistent orders compared to the most recent cohorts. These general trends are evident within both paternity and divorce cases. However, divorce cases have seen a decline in consistency with guidelines, from 35.4% to 29.8% while paternity cases have seen a small increase.

Table 10. Consistency with Guidelines: Comparing Current Cohorts with Prior Cohorts

Cohorts	17–27 (1996–2007)	28 & 29 (2007–2009)	30 & 33 (2009–2010, 2013)	37–40 (2017–2020)
All Cases				
N	11,909	3,008	3,240	6,339
No Child Support Order	19.6%	23.5%	28.2%	37.6%
Consistency Not Known	19.0%	19.3%	14.2%	7.4%
Consistency Known	61.4%	57.2%	57.6%	55.0%
Order Lower than Guidelines	13.2%	13.8%	11.9%	10.4%
Consistent with Guidelines	37.3%	33.3%	37.1%	37.2%
Order Higher than Guidelines	10.9%	10.1%	8.7%	7.4%
Paternity Cases				
N	5,761	1,533	1,795	3,525
No Child Support Order	18.8%	20.3%	29.0%	38.0%
Consistency Not Known	27.3%	27.8%	17.6%	8.7%
Consistency Known	53.9%	51.9%	53.4%	53.3%
Order Lower than Guidelines	10.9%	12.6%	10.0%	7.9%
Consistent with Guidelines	37.4%	34.4%	38.2%	41.9%
Order Higher than Guidelines	5.6%	4.9%	5.2%	3.6%
Divorce Cases				
N	6,148	1,475	1,445	2,814
No Child Support Order	20.6%	27.9%	26.8%	36.9%
Consistency Not Known	8.1%	7.9%	8.6%	5.4%
Consistency Known	71.3%	64.2%	64.6%	57.7%
Order Lower than Guidelines	16.3%	15.4%	14.9%	14.4%
Consistent with Guidelines	37.1%	31.8%	35.4%	29.8%
Order Higher than Guidelines	17.9%	17.0%	14.4%	13.5%

Notes: All percentages are weighted to reflect sampling differences across counties and case types. Cases are considered consistent if the order is within one percentage point of the applicable guideline percentage of income, or if there is no order and the guideline-specified order would have been $50 or less. The "no child support order" category combines no-order cases that are consistent with guideline along with those in which consistency is not known.

Orders, Payments and Compliance

For our final analyses, we shift from looking at guideline usage to looking at payment and compliance, including how these outcomes vary in accordance with orders that do and do not align with guidelines. Whereas our report thus far has focused on orders at the time of the final judgment as documented in the CRD, in this section we utilize monthly data from KIDS to characterize child support outcomes over the two years following that action. Limiting our focus to cases with positive amounts of support in KIDS during the follow-up period, we summarize the amounts owed and paid, the mean compliance (pay-to-owe) ratio, and the percent of obligors paying in full (defined as paying at least 90 percent of an order) during the first and second years following the final judgment. Dollar amounts for orders and payment statistics are adjusted to 2020 dollars. We show this for all who owe support, as well as separately by cohort and by guidelines status. We also look at other subgroups including case type (i.e., divorce or paternity; shared or sole placement; stipulation or court order), and mother-sole placement cases that have a low-income noncustodial parent; and summarize child support outcomes for those that do and do not conform to the low-income guideline. Note that, in focusing this analysis on cases with a positive amount owed in the relevant year, we capture some cases that lacked an order initially but have one that starts at some point over the two years following the final judgment.

OUTCOMES

Overall

Table 11 presents the overall summary statistics for the four cohorts in the first and second years of the order. In the first year of the order, the average amount ordered was about $6,100, with compliance rates of about 69% (translating to an average $5,177 paid). About half

of the sample paid in full in the first year. In Year 2, order amounts were marginally lower

($5,392) but compliance rates remained the same and about 53% of the sample paid in full.

Table 11. Annual Child Support Orders, Payments, and Compliance Rates, among Cases with Positive Orders

	Year 1			Year 2		
	N	**Mean**	**Std. Dev.**	*N*	**Mean**	**Std. Dev.**
Order Amount	3,826	$6,099	$7,718	3,239	$5,392	$6,673
Payment Amount	3,826	$5,177	$7,749	3,239	$4,585	$6,800
Compliance Rate (%)	3,826	69.0	37.3	3,239	69.2	38.1
Paying in Full (%)	3,826	51.2	50.0	3,239	53.1	49.9

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD, limited to cases with support owed in the relevant year. Results are weighted to reflect sampling differences across counties and case types. Years 1 and 2 are the first two years following the final judgment. Orders and payments are based on monthly KIDS data. Compliance rate is the paid-to-owed ratio over the year, top-coded at 1. Payment in full means a paid-to-owed ratio of at least 90%.

When looking by cohort, there is some variation in order amounts, payments and

compliance across the four cohorts, as shown in Table 12. Cohort 37 had a lower average order

amount in both Year 1 and 2 ($5,508 and $4,873, respectively) compared to the later cohorts that

had average order amounts over $6,000 in the years analyzed. Average compliance rates

remained comparable between Cohorts 37 and 38 even as the order amounts increased for Cohort

38. Compliance rates were higher for the latter two cohorts, Cohorts 39 and 40. These cohorts

had average compliance rates of 70% to 76% across the two years, compared to the first two

cohorts, where compliance rates stayed around 65% to 67%. In particular, Cohort 40, which

starts with cases filed in 2020, had full compliance rates of 54% and 59% in Year 1 and 2,

respectively—the highest of all cohorts. Of note is that payments and compliance for these later

two cohorts were evaluated during the pandemic period. In general, the pandemic period saw

short-term declines in financial strain among many child support involved families, as many

families received increased federal and state support through expanded unemployment and

SNAP benefits, child tax credits, and up to three rounds of stimulus payments (Parolin et al.,

2022; Raphael & Schneider, 2023). Indeed, other research on Wisconsin child support payments

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during the pandemic found that payments on child support increased in latter half of 2020

(Ybarra et al., 2024).

Table 12. Annual Child Support Orders, Payments, and Compliance Rates, by Cohort

	Year 1			Year 2		
	N	**Mean**	**Std. Dev.**	*N*	**Mean**	**Std. Dev.**
Cohort 37						
Order Amount	1,104	$5,508	$5,899	953	$4,873	$5,397
Payment Amount	1,104	$4,665	$6,193	953	$4,040	$5,715
Compliance Rate (%)	1,104	67.7	38.1	953	66.9	39.4
Paying in Full (%)	1,104	51.0	50.0	953	52.5	50.0
Cohort 38						
Order Amount	920	$6,369	$9,470	823	$5,771	$8,239
Payment Amount	920	$5,311	$9,197	823	$4,857	$8,242
Compliance Rate (%)	920	65.9	38.7	823	66.1	39.6
Paying in Full (%)	920	48.0	50.0	823	50.7	50.0
Cohort 39						
Order Amount	928	$6,026	$7,059	744	$5,516	$6,446
Payment Amount	928	$5,202	$7,231	744	$4,735	$6,589
Compliance Rate (%)	928	71.4	35.8	744	70.2	36.7
Paying in Full (%)	928	52.7	50.0	744	52.1	50.0
Cohort 40						
Order Amount	874	$6,729	$8,138	719	$5,469	$5,986
Payment Amount	874	$5,750	$8,233	719	$4,839	$6,083
Compliance Rate (%)	874	72.2	35.7	719	76.3	34.1
Paying in Full (%)	874	54.3	49.8	719	59.3	49.2

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD, limited to cases with support owed in the relevant year. Results are weighted to reflect sampling differences across counties and case types. Years 1 and 2 are the first two years following the final judgment. Orders and payments are based on monthly KIDS data. Compliance rate is the paid-to-owed ratio over the year, top-coded at 1. Payment in full means a paid-to-owed ratio of at least 90%.

By Consistency with Guidelines

Table 13 returns to the full sample and presents results by whether the order is consistent

or inconsistent with state guidelines. For obligors with orders consistent with guidelines, the

average order is $5,432 in Year 1. The average obligor pays about $4,419, resulting in an

average compliance rate of about 66% for the first year. About 47% of individuals pay in full in

this group. Findings are similar for Year 2. When orders are inconsistent with guidelines, either

lower or higher, we see higher order and payment amounts in both years, and higher compliance

rates of about 80% for both types of inconsistencies across the two years. In Year 1, about 63%

of obligors paid in full in both of these groups, and this share climbed to 66% in the too-low group and 69% in the too-high group in Year 2. It is notable that compliance is higher among both groups of inconsistent orders—those in which orders appear too low, but also when they appear too high. Compared to the consistent cases, both groups of inconsistent cases (low and high), on average, have higher incomes and include a larger share of divorce cases, shared placement cases, and cases in which parents stipulated to an order (as shown in Table 9), all of which may play a role.

When consistency with guidelines is unknown, on the other hand, the order amount and relative payments are lower than the consistent group or either of the inconsistent groups, resulting in lower compliance rates than in any of the other groups. For example, in Year 1, the average order was $4,503 and the average payment was $3,306, yielding a compliance rate of about 52%. About 33% of obligors pay in full in this group. The low orders, payments, and compliance among this group may reflect that those who lack income information in the record are disproportionately low income and/or may have orders that are poorly aligned with actual ability to pay support, which could contribute to the comparatively low compliance seen here.

Table 13. Annual Child Support Orders, Payments, and Compliance Rates, By Guidelines Category

	Year 1			Year 2		
	N	**Mean**	**Std. Dev.**	*N*	**Mean**	**Std. Dev.**
Consistent						
Order Amount	1,907	$5,432	$5,220	1,615	$4,977	$4,551
Payment Amount	1,907	$4,419	$5,393	1,615	$4,071	$4,747
Compliance Rate (%)	1,907	66.2	37.9	1,615	67.8	37.8
Paying in Full (%)	1,907	47.1	49.9	1,615	49.6	50.0
Inconsistent, Lower						
Order Amount	575	$7,070	$7,995	428	$6,236	$7,115
Payment Amount	575	$6,397	$8,255	428	$5,698	$7,375
Compliance Rate (%)	575	79.7	30.5	428	78.9	32.9
Paying in Full (%)	575	63.4	48.2	428	65.8	47.5
Inconsistent, Higher						
Order Amount	435	$8,755	$10,909	316	$8,104	$11,121
Payment Amount	435	$7,885	$10,934	316	$7,564	$11,364
Compliance Rate (%)	435	80.2	31.1	316	81.0	33.7
Paying in Full (%)	435	63.8	48.1	316	70.0	45.9
Consistency Unknown, Order						
Order Amount	420	$4,503	$6,469	337	$3,760	$5,109
Payment Amount	420	$3,306	$6,632	337	$2,721	$5,076
Compliance Rate (%)	420	51.5	40.5	337	51.9	41.9
Paying in Full (%)	420	33.3	47.2	337	37.2	48.4

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD, limited to cases with orders as of the final judgment and support owed in the relevant year. Results are weighted to reflect sampling differences across counties and case types. Years 1 and 2 are the first two years following the final judgment. Orders and payments are based on monthly KIDS data. Compliance rate is the paid-to-owed ratio over the year, top-coded at 1. Payment in full means a paid-to-owed ratio of at least 90%.

By Case Type

We also summarize differences in child support outcomes by case type. Table 14 shows that divorce cases have higher average orders, payments, and compliance rates, compared to paternity cases. Order amounts are almost three times higher for divorce cases (e.g., $9,775 vs. $3,651 in Year 1), while the payment differential is even larger ($8,981 vs. $2,644). Higher relative payments result in compliance rates of over 80% for divorce cases, compared to rates of around 60% for paternity cases. In Year 1, 73% of obligors in divorce cases paid support in full, compared to only 36% of obligors in paternity cases. The higher orders, payments, and compliance among divorce cases are consistent with those being, on average, higher income than paternity cases.

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Table 14. Annual Child Support Orders, Payments, and Compliance Rates, By Case Type

	Year 1			Year 2		
	N	**Mean**	**Std. Dev.**	*N*	**Mean**	**Std. Dev.**
Divorce Cases						
Order Amount	1,589	$9,775	$10,593	1,016	$9,435	$10,121
Payment Amount	1,589	$8,981	$10,536	1,016	$8,761	$10,157
Compliance Rate (%)	1,589	84.5	29.0	1,016	86.2	29.6
Paying in Full (%)	1,589	73.1	44.4	1,016	78.2	41.3
Paternity Cases						
Order Amount	2,237	$3,651	$3,094	2,223	$3,641	$3,056
Payment Amount	2,237	$2,644	$3,178	2,223	$2,777	$3,284
Compliance Rate (%)	2,237	58.6	38.7	2,223	61.8	39.0
Paying in Full (%)	2,237	36.7	48.2	2,223	42.2	49.4

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD, limited to cases with support owed in the relevant year. Results are weighted to reflect sampling differences across counties and case types. Years 1 and 2 are the first two years following the final judgment. Orders and payments are based on monthly KIDS data. Compliance rate is the paid-to-owed ratio over the year, top-coded at 1. Payment in full means a paid-to-owed ratio of at least 90%.

We break these down further by placement arrangements, looking separately within divorce and voluntary paternity cases and comparing mother-sole placement, mother primary, and equal shared.[8] As described earlier, substantial shares of divorce and paternity cases with equal-shared placement lack orders altogether; the comparisons discussed here are among those who have positive support orders during some or all of the observation period. Looking first within divorces, there is variation based on placement type, as shown in Table 15. Obligors with equal-shared placement have both the lowest orders and the highest compliance rates, with average compliance of about 95% in Years 1 and 2. In other words, the average obligor in this group meets our definition of "full compliance," and close to 90% of obligors in this group are paying in full. Order amounts tend to be lower for this group (e.g., $8,617 in Year 1) consistent with the structure of shared placement guidelines, compared to those for divorce cases where the mother has sole or primary placement ($10,019 and 11,936 in Year 1, respectively). Payments

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[8]As in our earlier analysis of guidelines usage among different placement groups, we do not include adjudicated paternity cases here as the large majority of that group have mother-sole placement.

are likewise lower (averaging $8,366, compared to $8,748 and $11,381 for those with mother-sole or primary placement, respectively). Despite lower orders and payments, compliance rates remain higher than in the other placement groups, particularly cases where the mother has sole or primary placement. For obligors in sole-placement cases, the average compliance rate was 78%; 62% of parents in this group paid in full. Compliance for obligors involved in cases where the mother has primary placement are higher, with a compliance rate of 89%.

Table 15. Annual Child Support Orders, Payments, and Compliance Rates among Divorce and Voluntary Paternity Cases, by Placement

	Year 1			Year 2		
	N	**Mean**	**Std. Dev.**	*N*	**Mean**	**Std. Dev.**
Divorce, Mother Sole						
Order Amount	703	$10,019	$9,223	441	$9,837	$9,166
Payment Amount	703	$8,748	$9,576	441	$8,583	$9,342
Compliance Rate (%)	703	77.5	33.6	441	78.7	35.4
Paying in Full (%)	703	62.3	48.5	441	67.2	47.0
Divorce, Mother Primary						
Order Amount	264	$11,936	$15,532	169	$11,790	$15,044
Payment Amount	264	$11,381	$14,741	169	$11,435	$14,523
Compliance Rate (%)	264	88.8	24.9	169	90.6	24.9
Paying in Full (%)	264	78.8	41.0	169	84.0	36.8
Divorce, Equal Shared						
Order Amount	522	$8,617	$9,086	346	$8,075	$7,895
Payment Amount	522	$8,366	$9,109	346	$7,955	$7,990
Compliance Rate (%)	522	93.7	16.6	346	95.2	15.5
Paying in Full (%)	522	86.6	34.1	346	90.7	29.0
Voluntary Paternity, Mother Sole						
Order Amount	622	$4,580	$3,845	608	$4,457	$3,774
Payment Amount	622	$3,495	$3,888	608	$3,744	$4,085
Compliance Rate (%)	622	62.8	37.6	608	68.6	36.1
Paying in Full (%)	622	39.3	48.9	608	49.2	50.0
Voluntary Paternity, Mother Primary						
Order Amount	91	$4,587	$3,372	91	$5,303	$4,631
Payment Amount	91	$4,373	$3,710	91	$5,168	$4,824
Compliance Rate (%)	91	86.1	24.1	91	91.1	21.7
Paying in Full (%)	91	72.3	45.0	91	82.3	38.4
Voluntary Paternity, Equal Shared						
Order Amount	82	$2,365	$1,702	81	$2,527	$1,509
Payment Amount	82	$2,190	$1,833	81	$2,245	$1,575
Compliance Rate (%)	82	87.5	24.9	81	85.3	27.8
Paying in Full (%)	82	71.7	45.3	81	73.4	44.4

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD, limited to cases with support owed in the relevant year. Results are weighted to reflect sampling differences across counties and case types. Years 1 and 2 are the first two years following the final judgment. Orders and payments are based on monthly KIDS data. Compliance rate is the paid-to-owed ratio over the year, top-coded at 1. Payment in full means a paid-to-owed ratio of at least 90%.

For voluntary paternity cases, we see similar trends by custody type. Obligors with equal-shared placement have lower orders (e.g., $2,365 in Year 1), but higher payments that result in average compliance rates of 85% or more across the two years. Obligors in voluntary paternity cases where the mother has primary custody see similar compliance rates, though their orders are higher (e.g., $4,586 in Year 1). When the mother has sole placement, orders are high (e.g., $4,579 in Year 1), but obligors' payments are lower, on average, yielding lower compliance rates (e.g., 63% in Year 1).

In additional analyses, not shown, we compare cases with child support established by court order or by stipulations between parents. On average, orders, payments, and compliance rates are all substantially lower for court-ordered child support compared to support agreements made through stipulations.

In the above, we consider orders, payments, and compliance using one case characteristic at a time. In Appendix A, we present a regression model that estimates annual compliance as a function of cohort, case type, custody arrangements, stipulation status, guidelines consistency, and order amount. This supplemental analysis jointly models all characteristics to understand how each may be associated with compliance net of other factors included in the model. Results are generally in line with the descriptive statistics, though some of the differences reported above are attenuated after accounting for other case characteristics. In the full model, we see few differences across cohorts, and there is no substantive difference in compliance between divorce and voluntary paternity cases, though involuntary paternity cases see lower compliance, on average. Custody arrangements remain strongly predictive of compliance, all else being equal; cases with equal-shared placement and with mothers having primary custody are associated with higher compliance than other arrangements. When child support is established by court order,

compliance rates are modestly lower. Differences in compliance by order consistency are modest, with orders lower than the guidelines associated with higher compliance. On the other hand, unlike in the bivariate analyses, compliance is not significantly different for high as compared to consistent orders. Finally, as order amount increases (while controlling for its consistency with guidelines), so does compliance. This supplemental analysis provides some additional context to our descriptive work above, but we caution that these models only control for a small number of factors that may influence compliance. They are not causal: they indicate, for instance, that compliance is significantly higher for cases with below-guidelines orders compared to those with consistent orders and otherwise similar characteristics, but they do not indicate that low orders necessarily cause the higher compliance.

Among Low-Income Cases

Finally, we consider order, payment, and compliance outcomes among low-income non-custodial parents (below 150% of the poverty line) where the mother has sole placement, seen in Table 16. As expected, given the low incomes of this group, the order amounts are lower than the average for the overall sample. For low-income non-custodial parents, the average order is $2,389 in Year 1 and $2,311 in Year 2. The typical obligor pays $1,475 in Year 1 and $1,495 in Year 2, yielding compliance rates of 49% and 51%, respectively. About 27% to 29% of obligors in this group pay in full. These compliance outcomes, both the average rate and especially the share paying in full, are considerably lower than seen earlier for the sample as a whole.

Table 16. Annual Child Support Orders, Payments, and Compliance Rates, among Mother Sole Placement Cases with Low-Income Noncustodial Parents

	Year 1			Year 2		
	N	Mean	Std. Dev.	*N*	Mean	Std. Dev.
Overall						
Order Amount	364	$2,389	$2,583	326	$2,312	$2,188
Payment Amount	364	$1,475	$2,663	326	$1,495	$2,202
Compliance Rate (%)	364	49.2	39.1	326	51.6	39.9
Paying in Full (%)	364	27.7	44.8	326	29.4	45.6
By Guidelines Category						
Consistent						
Order Amount	140	$2,186	$2,639	136	$2,083	$1,313
Payment Amount	140	$1,329	$2,748	136	$1,297	$1,301
Compliance Rate (%)	140	49.1	38.8	136	55.5	38.6
Paying in Full (%)	140	26.2	44.1	136	31.8	46.7
Inconsistent, Higher						
Order Amount	153	$3,188	$3,078	123	$3,224	$3,129
Payment Amount	153	$2,130	$3,239	123	$2,331	$3,184
Compliance Rate (%)	153	52.1	41.6	123	55.9	41.1
Paying in Full (%)	153	33.9	47.5	123	35.2	47.9
Inconsistent, Lower						
Order Amount	67	$1,482	$774	59	$1,456	$724
Payment Amount	67	$701	$737	59	$752	$843
Compliance Rate (%)	67	44.5	35.4	59	44.9	38.5
Paying in Full (%)	67	19.8	40.1	59	21.6	41.5

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD, limited to low-income cases (NCP below 150% of poverty line) with support owed in the relevant year. Results are weighted to reflect sampling differences across counties and case types. Years 1 and 2 are the first two years following the final judgment. Orders and payments are based on monthly KIDS data. Compliance rate is the paid-to-owed ratio over the year, top-coded at 1. Payment in full means a paid-to-owed ratio of at least 90%.

Next, we consider whether child support outcomes of low-income obligors vary based on adherence of the initial order to the low-income guideline. As with our earlier analysis of the low-income sample, we solely consider how the order aligns with the low-income guideline itself. Table 16 confirms that, when we limit to low-income cases who owe support, average orders are highest in the "too high" category and lowest in the "too low" category, with orders of $3,188 and $1,482 respectively in Year 1, compared to an average of $2,186 for those consistent with the low-income guidelines. There are analogous differences in average payment outcomes across orders consistent with guidelines ($1,329), orders that are higher than the guidelines ($2,130), and orders that are lower than the guidelines ($701). Payments for orders consistent with guidelines result in an average compliance rate of 49% in Year 1 and 55% in Year 2. About

26% of these obligors pay in full in Year 1; this increases to 33% in Year 2. When orders are higher than the low-income guidelines, we see comparable compliance rates (52% and 56% in Year 1 and 2), and about 33% to 35% of obligors in this group pay in full across the two years. Obligors with orders that are lower than the guidelines also have somewhat lower compliance rates, 44% in Year 1 and 38% in Year 2. Shares of obligors making payments in full are also lower for this group; just 19% make payments in full in Year 1 and 22% do in Year 2. Note, however, the sample size for this latter group is small and thus averages may be more influenced by outlier cases.

SUMMARY AND IMPLICATIONS

Key Findings

This report, part of an ongoing series, documents the extent to which orders are consistent with child support guidelines in divorce and paternity cases in Wisconsin during 2017–2020; the magnitude of deviations when orders do not appear consistent; and the extent to which written reasons for deviating from guidelines were evident in the written court records. It expands on the scope of past guidelines reports by differentiating no-order cases that appear inconsistent with guidelines from those where consistency can't be determined; looking at guidelines use by placement arrangements for voluntary paternity cases in addition to divorce cases; including new analyses focusing on low-income noncustodial parents; and summarizing payment and compliance patterns, including among cases that do and do not adhere to guidelines.

Guidelines Use

We find that a little over one-third (37%) of all cases, and just over half of cases where consistency can be determined, appear consistent with support guidelines. A similar share of all

cases (36%) appear to be inconsistent with guidelines, most of which either have no order (18%) or an order that appears lower than guidelines (10%). The remaining 27% lack information to assess consistency, and most of these (19%) lack an order. We also find higher adherence to guidelines among paternity as compared to divorce cases. This stems in part from the much lower adherence to guidelines in the context of shared placement, as shared placement is much more common among divorced than among nonmarital parents. High rates of missing income information among paternity cases mean that we, and presumably the courts, are less able to assess what would be consistent with guidelines in those cases.

The high prevalence of zero-orders among parents with equal placement, excluding those where zero-orders appear consistent with guidelines, is striking and is evident among both divorce and paternity cases alike. A notable difference between the two is the very high prevalence of missing income among the equal-shared paternity group—over 50%—almost five times that of equal-shared divorce cases, and considerably higher than in paternity cases overall. As a result, while absence of orders is quite common among shared-placement couples regardless of case type, we know far less about what guidelines-based orders would look like for shared-placement paternity cases. Among shared-placement cases overall (equal and unequal, across case types), application of the shared-placement guideline (when incomes were available) suggests that half of the cases with $0-orders would have guidelines-based orders of at least $241, so the absence of orders is not inconsequential. Importantly, paternity cases contribute little to this estimate given the very high rates of missing income and the much lower prevalence of shared placement.

Looking specifically at low-income cases with sole placement, almost three in five (57%) had outcomes consistent with the low-income guidelines, in part because the guidelines do not

dictate a minimum amount when incomes are below 75% of the poverty line. While the large majority of low-income cases are paternity cases, consistency with the low-income guideline was much less common, and high orders more common, among the low-income divorces. This higher adherence to the guidelines among low-income paternity cases mirrors the pattern in the full sample.

Our report focuses on consistency with the guidelines, not on compliance with the underlying legislation—an important distinction, in that judges are explicitly afforded the discretion to deviate from formula-based guidelines in certain circumstances so long as reasons are provided as part of the record. We found that written reasons for cases that appeared to deviate from guidelines were considerably more common among divorce cases than among paternity cases, but most cases that deviated from guidelines did not have a written reason available.

In terms of longer-term trends, we found that adherence to guidelines is in line with that found in the prior report that considered the 2010 and 2013 cohorts, with about 37% of cases aligned with guidelines in both periods. Lacking an order (excluding when no support appears consistent with guidelines) is considerably more common in the most recent cohorts, though we are unable to assess whether this reflects an increase in inconsistent zero-orders, an increase in zero-orders of unknown consistency (that is, with missing information), or a combination of the two, as past reports did not distinguish between these outcomes. Positive orders of unknown consistency are somewhat less common than in the prior period. Overall, the increase in cases without orders, and the corresponding decrease in positive orders of unknown consistency, are consistent with the decline in the use of imputed and default orders documented elsewhere

(Costanzo, Vogel, and Reilly, 2024), as imputed and default orders have historically been more common when actual income information is missing or thought to be zero.

Orders, Payments, and Compliance

This report also provides insights on payments and compliance rates for non-custodial parents. Of note is that the average obligor in our sample is paying the majority of owed child support: the average compliance rate is 68%–69% in the first two years following the final order. Roughly half of obligors are making full payments annually.

We find substantive differences when we break out non-custodial parents into subsamples, underscoring heterogeneity in amounts owed and paid, and compliance rates. Looking by cohort, we find that compliance rates are higher for the non-custodial parents who received an order in 2019 or 2020. This may be due in part to the temporary expansion of family financial support at the state and federal levels, and this increase in compliance may therefore be a short-term phenomenon. We find that consistency with child support guidelines is associated with differences in order amounts and compliance rates. Order amounts tend to be lower, on average, when guidelines are consistent compared to when they are higher or lower, likely due at least in part to underlying differences between groups including the consistent cases having comparatively lower incomes. In addition to lower orders, compliance is also lower among the cases with guidelines-consistent orders, which likewise aligns with their lower income profile and other differences between groups. When looking by case type, order and payment amounts and compliance rates are higher for divorce cases than for paternity cases. Parsing these findings out further by placement status shows that order amounts tend to be lower among obligors with equal-shared placement, while compliance rates are higher for this set of parents. Some bivariate differences are attenuated in a simple multivariate model.

Finally, we look specifically at low-income cases, where the non-custodial parent has an income that is below 150% of the poverty line. Order amounts for this group are lower than the overall average, in line with the lower incomes of the obligors and compounded by the lower share of income owed when following the low-income guidelines. On average, low-income obligors pay about half their owed support, and about 27% to 29% of these obligors make full payments—also low compared to the sample as whole. When examining by whether the order amount is in line with low-income guidelines, we find lower payments and compliance rates for individuals whose order is calculated to be too low.

Implications

This report continues to find only modest alignment between child support guidelines and support orders. While our analyses are descriptive and are not focused on teasing out the separate role of multiple contributing factors, we document notably lower alignment with guidelines in divorce as compared to nonmarital cases; shared as compared to sole-placement; cases in which parents have comparatively higher combined incomes; and cases in which outcomes are established via stipulation rather than by Family Court Commissioners or judges (even as the courts do need to sign off on stipulated orders). We also note that it is fairly common in paternity cases, and strikingly common in voluntary paternity cases with equal-shared placement and no order, to lack sufficient information in the court record to assess consistency.

Because courts are not obligated to follow the guidelines, lower adherence to guidelines among certain groups does not in and of itself suggest any particular remedy is needed. Indeed, the high rates of stipulated outcomes among inconsistent orders (including absence of orders) suggests that many outcomes that deviate from guidelines may be those that parents mutually agree are in their shared interest. Regarding the higher rates of inconsistent-with-guidelines

outcomes in divorce as compared to paternity cases, it is also possible that differences in process, time course, and often resources devoted to divorce cases may contribute to outcomes that are better suited to the particular circumstances and preferences of the parties. At the same time, we know relatively little about the reasons that parents and courts are opting for non-guidelines-based orders, since fewer than half of such cases appear to have written reasons in the record, and in some cases the written reason is that parents stipulated rather than an underlying justification. Past IRP research involving semi-structured interviews with court officials in three counties regarding their use of guidelines is broadly consistent with the findings of this report, with interviewees identifying circumstances including agreement between parents, very high or low incomes, and complex family structures as among the reasons for deviating from guidelines (Vogel, Pate & Keita, 2022). Going forward, a systematic survey of key decisionmakers in counties statewide would be beneficial in understanding when and why non-guidelines orders are sometimes used. Additionally, interviews with parents who stipulate to orders could shed insight on that process and the underlying considerations. In both cases, findings could inform an understanding of what reasons lead to deviations and, equally important, could provide insight into potential limitations of the guidelines currently in use. More systematic investigation into reasons for guidelines deviation should also be attentive to the potential for power imbalances between parents to contribute to stipulated orders that are not necessarily in both parties' interest, and more generally to the role that information and resources play in allowing parents, separately and in tandem, to influence child support outcomes.

A notable finding in this report that warrants attention from policymakers is the long-term and ongoing decline in the share of cases that have support orders. This appears partly driven by steady growth in equal-shared placement, where lack of orders is quite common and,

in the case of shared-placement paternities, usually goes hand in hand with missing income information such that very little can be known about how the lack of orders aligns with relevant guidelines in these cases. One possibility, albeit speculative as we cannot assess from the data at hand, is that this group may have a high representation of parents who were not seeking child support involvement but may be obligated to participate in the system on account of receipt of subsidized childcare or other benefits—a possibility we hope to explore in future work. The lack of orders also appears to have increased in tandem with a decline in use of imputed and default orders. On the one hand, not ordering support in the absence of income information about the obligor can avoid a high-burden obligation and the accrual of arrears for an economically vulnerable noncustodial parent. On the other hand, not ordering support leaves custodial parents and children without access to formal support from the other parent, even when such support may be warranted were information available. Ultimately, a reduction in the use of imputed and default orders in the context of missing income information highlights the importance of ensuring the courts have as comprehensive information as feasible to establish appropriate orders to support children.

Finally, our findings regarding child support compliance highlight the heterogeneity among parents in meeting their formal support obligations. While we focused in this report on primarily simple descriptive comparisons, the very low compliance among the low-income sample, even when orders conformed to the low-income guideline, highlights the challenge for financially vulnerable families, who often have not only low but irregular income, in staying current with support obligations. While not focused specifically on the lowest-income parents, we also find some evidence that compliance may have increased during the pandemic years, when many noncustodial parents faced a more generous safety net than in prior or subsequent

years. Together, the low compliance among the low-income sample and the modest increase in compliance during the pandemic serve as a reminder of the link between ability to pay and compliance with support obligations.

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Appendix Table 1. OLS Regression on Annual Compliance Rate

	Year 1		Year 2	
	Coefficient	Std. Error	Coefficient	Std. Error
Cohort (reference = 37)				
38	-0.0396**	0.0149	-0.0220	0.0169
39	0.0132	0.0153	0.0148	0.0175
40	0.0045	0.0167	0.0629**	0.0192
Case type (reference = voluntary paternity)				
Adjudicated Paternity	-0.0819***	0.0149	-0.1152***	0.0159
Divorce	0.0132	0.0202	-0.0654**	0.0247
Placement Arrangement (reference = mother sole)				
Father Sole	-0.1468***	0.0419	-0.0378	0.0481
Equal Shared	0.2026***	0.0181	0.1987***	0.0215
Unequal Shared, Mother Primary	0.1396***	0.0202	0.1534***	0.0238
Unequal Shared, Father Primary	-0.0930	0.0774	0.0115	0.0907
Order Establishment (stipulation omitted)				
By Judge/Family Court Commissioner	-0.0608**	0.0183	-0.1101***	0.0226
Consistency with Guidelines (reference = consistent)				
Inconsistent, Lower	0.0589***	0.0155	0.0547**	0.0179
Inconsistent, Higher	-0.0158	0.0186	-0.0083	0.0220
Inconsistent, No Order	-0.0318	0.0502	-0.0125	0.0429
Consistency Unknown, Order	-0.1396***	0.0171	-0.1387***	0.0197
Consistency Unknown, No Order	-0.1298***	0.0356	-0.1395***	0.0359
Annual Child Support Order Amount (in $1,000)	0.0097***	0.0009	0.0093***	0.0011
Constant	0.6703***	0.0234	0.7498***	0.0274
N	3,526		2,921	
Adjusted R-Squared	0.2241		0.2039	

Notes: Data are from Cohorts 37 to 40 (cases filed during 2017–2020) of the WCRD. Compliance rate is the paid-to-owed ratio over the year, top-coded at 1. Results are weighted and restricted to cases with positive order amount in a given year. * p<0.05, ** p<0.01, *** p<0.001