



Institute for
Research on
Poverty

UNIVERSITY OF WISCONSIN-MADISON

The Use of Child Support Guidelines in Wisconsin

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Report June 2019
Presentation to BCS Guidelines Committee Sept. 2, 2021

Research | Training | Policy | Practice

Acknowledgements

- Funded by the Child Support Policy Research Agreement with the Wisconsin Department of Children and Families
- Thank you to...
 - Wisconsin DCF and BCS
 - Court record data collectors and programming staff
 - Colleagues at IRP

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Tracking CS Guideline Usage

- IRP reports have examined guidelines usage on a regular basis from 1991.
- IRP collects the Court Record Data (CRD) to enable these analyses, following cohorts of incoming court cases for 3 years after case filings.
- This report was completed in 2019. We focus on cases coming to court in 2010 and 2013.

Consistency vs Compliance

- These reports examine whether child support orders are consistent with the guidelines
- Not the same as compliance with the law
 - Guidelines are presumptively correct, not mandatory
 - Deviations are permitted to address fairness or other relevant factors
 - Deviations should be stated in court record

Determining Consistency

- Examine cases in CRD where parents are separated, there is a placement order, children not with 3rd party, and children all have same placement arrangement.
- Use placement order (nights with each parent), parents' incomes, and number of children to determine expected order under the guidelines.

Determining Consistency

- Situations when guidelines order cannot be determined:
 - No child support order (unless income is \$0)
 - Incomes of relevant parents are missing
 - Placement percentages are missing in shared placement cases
 - Multipart orders when relevant part cannot be determined
- We do not have enough data on imputed income or adjustments for health insurance costs. Only actual income is used.

Determining Consistency

- Orders are determined to be consistent if they are within 1 percentage point of the guideline's percentage, or within \$50/month of the guidelines amount.
- Cases where relevant parent's income is \$0 and there is no order are treated as *consistent*.
- Cases outside of those ranges are considered *inconsistent*.

Guidelines Consistency in Cases Filed in 2009/10 and 2013 (n=3,241)

No child support order	27.8%	
Consistency not known	14.2%	
Consistency known	58.0	
Order lower than guidelines	11.9%	20.5%
Consistent with Guidelines	37.4	64.5
Order higher than guidelines	8.7	15.0

Paternity and Divorce Cases

	Paternity (n=1,796)		Divorce (n=1,445)	
No child support order	28.6%		26.6%	
Consistency not known	17.6		8.6	
Consistency known	53.8		64.8	
Order lower than guidelines	10.0	18.7%	14.9	23.0%
Consistent with Guidelines	38.5	71.6	35.6	54.9
Order higher than guidelines	5.2	9.7	14.4	22.2

Divorce Cases by Placement Arrangement

	Mother-Sole (n=626)		Unequal Shared/ Mother Primary (n=172)		Equal Shared (n=532)	
No child support order	12.2		16.4		42.4	
Consistency not known	10.3		7.0		7.9	
Consistency known	77.6		76.7		49.7	
Order lower than guidelines	15.8	21.0	18.4	24.1	13.4	27.0
Consistent with Guidelines	49.8	64.4	23.0	30.1	24.3	48.9
Order higher than guidelines	11.9	14.6	35.2	45.9	12.0	24.2

Cases with Low Consistency

- Divorce cases
- Shared Placement cases
- Multiple children
- Older children
- Parents' combined income > \$75,000
- Father has representation in court
- CS order is stipulated

Changes Over Time

	Cases filed 1996-2007		Cases filed 2007-2009		Cases filed 2009/2010, 2013	
No child support order	17.3%		23.3%		27.8%	
Consistency not known	20.0		19.3		14.2	
Consistency known	62.7		57.4		58.0	
Order lower than guidelines		21.5%		24.1%		20.5%
Consistent with Guidelines		60.9		58.3		64.5
Order higher than guidelines		17.6		17.6		15.0

Conclusions

- Consistency with guidelines has increased, though remains modest
- Shared placement cases have lower consistency
- Consistency lower in divorce cases, with high-income parents, and when orders are stipulated
- Reasons for deviations from guidelines are infrequently included in written record

Questions?

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