

THE SURPRISING TRUTH
ABOUT FATHERS, CHILDREN,
AND DIVORCE

DIVORCED DADS

SHATTERING THE MYTHS

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WITH DIANE O'CONNELL

divorced shattering the myths dads

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Taking on Myth 3 Standards of Living

What if one of the most significant pieces of social data of our time was flatly wrong, the result of a glaring arithmetic error?

In 1985, a book was published that immediately had a profound effect on how the general public viewed the economic impact that divorce had on women versus men, a book that, in the end, came to be recognized as having been based on flawed analyses, even according to its own author. Based on her comprehensive ten-year California study, the book, *The Divorce Revolution: The Unexpected Social and Economic Consequences for Women and Children in America*,¹ by Harvard² sociologist Lenore Weitzman, Ph.D., proclaimed that after a divorce, women and children suffer on average a 73 percent drop in their standard of living. Fathers, on the other hand, were actually found to *benefit* economically from the termination of their marriage, since whatever income they retained went to support only themselves. According to Weitzman, the average divorced man's standard of living increases by 42 percent. Weitzman's famous graph showing this disparity is reproduced in Chart 4.1.

If ever anyone needed any evidence to fuel their outrage against divorced fathers, to contribute to their bad divorced dad beliefs, or to inform them what is wrong with the divorce system and why so many men are moved to abandon their families, this was what they were waiting for. Social scientists, divorce professionals, some feminist writers, policymakers, and the media jumped on this news with all the zeal of a dog with a fresh bone. On the book jacket, the past President of the American Sociological Association called it "social science at its best"; a

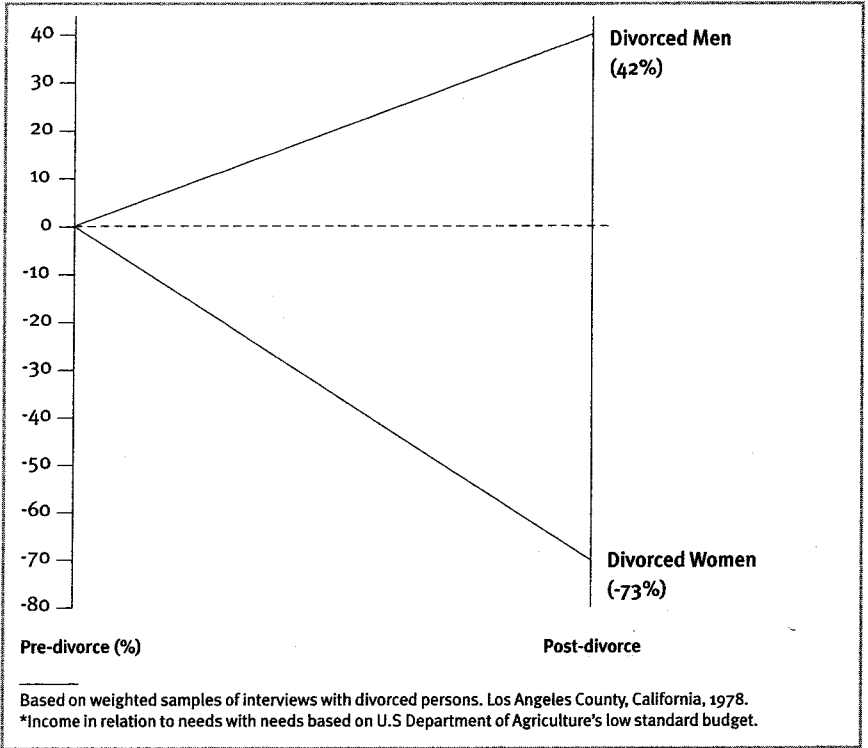


CHART 4.1 Professor Weitzman's Famous Graphic
 Changes in Standards of Living* of Divorced Men and Women
 (Approximately one year after divorce)

divorce judge was quoted as saying it would be “required reading for all lawyers and judges in family law”; and feminists Jessie Bernard and Betty Friedan gushed, respectively, “The book is a winner” and “I hope that Weitzman’s compelling analysis and proposals will stimulate new legal thinking about the realities of equity and equality in divorce.” An AP newswire story later printed widely in major newspapers around the country called Weitzman’s findings “jaw-dropping, . . . [and] widely influential in the movement to change America’s divorce and child support laws.”³

It is probably impossible to overestimate how influential Weitzman’s 73 percent figure was. Her data, for example, are widely cited in legislative debates, and she herself has testified before Congress. A search of databases found that over 175 newspaper and magazine stories have since cited Weitzman’s numbers.⁴

Even this figure understates enormously the extent to which her findings have invaded popular culture. Like a virus out of control, Weitzman's results have surfaced in an unknown number of reports in which her figures are erroneously attributed to other sources. For example, in the January 24, 1993, edition of *The Arizona Republic* newspaper, an article stated, "... that observation is underscored by *U.S. Census figures*, which indicate that an average ex-husband's *income* increases 42 percent on average after a divorce, while an ex-wife's *income* declines 72 percent." The italicized words represent the errors in this quote. The writer provided the figure a bit inaccurately (72 percent, rather than 73 percent) and the statistic in question was misconstrued (it should have cited post-divorce *standard of living* rather than *income*, a distinction we'll return to later in this chapter); more important for our present point, the writer cited the wrong source (the U.S. Census Bureau rather than Weitzman's study). As a result, no database search keyed on Weitzman's name or her 73 percent number would have picked up this reference to her findings, which have so permeated the culture that journalists apparently regarded her conclusions as part of their store of "common knowledge," not requiring much in the way of verification.

When looking at academic sources, however, we are able to get a more accurate count of how widespread Weitzman's influence was. There were citations in 348 social science articles, 250 law review articles, and 24 appeals cases.⁵ Her figures were characterized as "ranking among the most cited demographic statistics of the 1980s."⁶ Furthermore, the U.S. Supreme Court cited Weitzman's figures in at least one of its cases, and even President Clinton cited the statistic in his 1996 budget request.

➤ If, according to Weitzman's findings, women experience a 73 percent decline in living standards, while men experience a 42 percent increase as a result of divorce, any fair-minded person has to agree there is something seriously askew with our divorce policies.

It would probably be fair to say that Weitzman's findings are the most widely known and influential social science results of the last twenty years. If women experience a 73 percent decline in living standards while men experience a 42 percent increase as a result of divorce, any fair-minded person has to agree there is something seriously askew with our divorce policies.

Weitzman's findings have prompted advocates to suggest that fathers must compensate mothers for this differential change in their relative economic prospects.⁷ Proposals have ranged from a call for greater child support⁸ or alimony levels⁹ and/or disproportionate division of property favoring mothers,¹⁰ to promoting far greater enforcement efforts to collect the child support ordered.¹¹ These calls have not gone unheeded. Secretary of the Department of Health and Human Services Margaret Heckler was quoted on the book jacket as saying that "Weitzman's insights and research were enormously valuable to us as we battled for a federal child support enforcement law with real bite." According to the AP newswire story, Weitzman's book "is credited with helping bring about stricter child-support enforcement and more flexible property-distribution laws around the country."¹²

Fathers Tell a Different Story

On the basis of Weitzman's figures, we expected to see fathers reaping a financial windfall from their divorces, or at the very least, living a rather comfortable existence. We hardly expected them to be complaining as much as mothers were about their financial condition. But as we began to talk to fathers for our own study, a vastly different picture began to emerge. These fathers were hardly describing a life of economic opportunity. Like many other fathers we talked to, Tom, a father of two young boys, lamented his reduced lifestyle after the dissolution of his marriage.

I lost the house. I lost the mini van. My wife got the furniture, she got the microwave, she got the TV and VCR. I had to dish out the money to replace almost everything in my life, starting with silverware, towels, and so on, all the stuff she already has. I don't have bicycles, games, video gear, or toys for the boys to play with unless I go out and buy them. And since I see the kids a

lot, whenever they're over I have to pay for their food and entertainment, and whatever other expenses crop up—money never figured into the child-support calculation.

I take home \$1,800 a month and pay \$800 for child support. This may leave me with what sounds like a lot, but keep in mind: I am renting a one-bedroom apartment, while my ex-wife keeps the 1,700-square foot house with a swimming pool. Since we bought that house a long time ago, when housing prices were a lot lower, the two of us pay almost the same monthly payments for residences of far different quality. Plus, she's building equity, while I'm plunking down rent money and not getting the tax benefits of home ownership I used to get. I can tell you for sure, she's not so well off, but she's better off than I am. Don't believe the b.s. that fathers end up sitting pretty after divorce. I'm barely scraping by.

Can we believe Tom's story? Is he expressing a reality that many or even most divorced fathers face? Or do we believe Weitzman's figures that most fathers benefit from divorce while mothers and children face insurmountable odds in their struggle to get by?

The Mystery Data

As well-known and as influential as Lenore Weitzman's findings were to policy-makers and the general public, the professional research community was skeptical when the findings were first published. In particular, researchers, myself included, wondered how her results could depart so much from what others had found, findings with far less public attention. Chart 4.2 shows a graph of the economic decline other researchers have found for divorced women,³³ juxtaposed against Weitzman's findings. Despite the fact that Weitzman's findings disagreed with everyone else's, only her results were widely quoted by the press and politicians.

Two researchers who had conducted one of the related research studies depicted in Chart 4.2 were economists Greg Duncan, Ph.D., and Saul Hoffman, Ph.D. As noted, they had found only a 30 percent average decline in divorced women's standard of living. In an effort to understand the huge discrepancy, they attempted to contact Weitzman. Feminist writer Susan Faludi, in her

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provocative 1991 book *Backlash*, recounts an interchange between Hoffman and Weitzman.

Hoffman's letter [to Weitzman] wondered if he and Duncan might take a look at her data. No reply. Finally, Hoffman called. Weitzman told him "she didn't know how to get hold of her data," Hoffman recalls, because she was at Princeton and her data were at Harvard. The next time he called, he says, Weitzman said she couldn't give him the information because she had broken her arm on a ski vacation. "It sort of went on and on," Hoffman says of the next year and a half of letters and calls to Weitzman. "Sometimes she would have an excuse. Sometimes she just wouldn't respond at all. It was a little strange. Let's just say, it's not the way I'm used to a scholar normally behaving." Finally, after the demographers appealed to the National Science Foundation, which had helped fund her research, Weitzman relented and promised she would put her data tapes on reserve at Radcliffe's Murray Research Center. But six months later, they still weren't there. Again Hoffman appealed to NSF officials. Finally, in late 1990, the library began receiving Weitzman's data. As of 1991 the archive's researchers were still sorting through the files and they weren't yet in shape to be reviewed.¹⁴

When I read this passage in *Backlash*, it seemed like déjà vu. I, too, had been curious about Weitzman's findings, because, in some previous work,¹⁵ I had attempted similar analyses, using the same method she and Hoffman and Duncan used (a method I now believe—and will later argue—has serious deficiencies), and got a figure of a 26 percent drop in standard of living for divorced mothers, very close to every other researcher's results except Weitzman's. I, too, had called her, in late 1989, to ask some questions about exactly how she had gotten her figures, since I wanted to replicate her procedures as closely as possible with my own sample. She told me she didn't remember or couldn't answer any of my questions because a graduate student had actually conducted the analyses, and the data tapes were in a state of disarray. She mentioned that other researchers around the country were in communication with her also, having trouble corroborating her findings.

Then I asked her the loaded question I had prepared. "You know, Dr. Weitzman, I have an idea I want to run by you about why your results were so different from everyone else's. When I first attempted my analyses on mothers and

picked up my computer printout, I looked at the bottom line and saw the figure 74 percent. I thought to myself: 'a 74 percent drop—almost exactly the same figure Professor Weitzman found.' But then I paused a minute and remembered what figure I had programmed the computer to give me: 'What percent of the former, pre-divorce standard of living, is the present, post-divorce standard of living?' It was *that* figure that was 74 percent. But that figure means the *drop* is only 26 percent, much like what others have found. [If one's income was \$10,000 and is now \$7,400, it is currently 74 percent of *its former value*, which is a 26 percent *drop* in income.] I wondered: 'Is my mistake possibly one that Professor Weitzman made as well? Would that account for her weird finding?' What do you think, Dr. Weitzman, is that possibly a mistake you also made?"

There was silence, except for labored breathing on the other end of the phone. I determined not to say anything more. I waited a very, very long time. Finally she answered, "I'm not sure I can rule out what you said. I'll investigate it and get back to you." And she hung up.

But she never got back to me.

Seven years later, in June 1996, she was heard from in another way. Richard R. Peterson, Ph.D., a sociologist at the Social Science Research Council, was another researcher who was dubious about the finding. He was finally able to obtain Weitzman's computer files and the paper records she provided to Radcliffe's Murray Research Center. Upon reanalyzing Weitzman's very own data set, he writes, he could never duplicate a figure anywhere close to what Weitzman reported, and couldn't see where her number came from. Instead, the figure he arrived at showed that the divorced women in Weitzman's sample really experienced a 27 percent drop in standard of living, *exactly the figure she would have gotten if she corrected the potential error I specified*. He also noted that his reanalysis of her fathers' circumstances yielded a far milder 10 percent rise in standard of living. He published his article containing these findings in the *American Sociological Review*.¹⁶ Dr. Weitzman was asked to write a rejoinder article. Amazingly, rather than contradict Peterson, Weitzman very belatedly acknowledged that her original figures were wrong.¹⁷ According to the AP wire story accompanying the publication, "she blames a mistake in computer calculations performed by a Stanford University research assistant. But 'I'm responsible—I reported it,' she says."¹⁸

In light of her admission, it is astonishing to realize that arguably the most influential social scientific finding of the last twenty years, in terms of policies en-

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acted in reaction, is in all probability the result of a simple mathematical mistake—a mistake that could have been corrected seven years earlier when first brought to Weitzman's attention.¹⁹ It is most disturbing to me that a respected fellow social scientist took so long, and had to be “backed into a corner” by several critics, before she'd come forward with the admission that an error had been made, especially an error that was so consequential and affected as many lives as hers did.

I believe this error, like many of the other problems we document throughout this book, is partly the result of the ideological biases of the researcher. Mistakes can happen to anyone, even Harvard professors.²⁰ But instead of questioning and double-checking her anomalous finding, putting it under the normal scientific scrutiny, Weitzman apparently accepted the erroneous finding at face value because it fit with the woman-as-victim stereotype she preferred to believe. And despite the fact that it deviated so much from other findings, partisan writers such as Monica Allen,²¹ Sandra Butler and Richard Weatherly,²² Martha Fine- man,²³ Martha Haffey and Phyllis Cohen,²⁴ Sylvia Hewlett,²⁵ Barbara Lonsdorf,²⁶ Marygold Melli,²⁷ Sharon Seiling and Harriet Harris,²⁸ Barbara Woodhouse,²⁹ Nancy Polikoff³⁰ (who wrote that “the serious research in this book should form the basis for much needed legal reforms”), and Susan Okin³¹ (who wrote that the findings “are far less surprising than is the fact that people have been so surprised by them”) cited them without question.³² And it caught the popular imagination for the same reasons. It fit too well the image our society had adopted for us to question it. It “proved” what we wanted to believe: Divorced moms suffer, while bad divorced dads profit.

A Faulty Equation for Standard of Living

Even Peterson's *correction* of Weitzman's figures—that women experience a 27 percent drop in standard of living, while men experience a 10 percent rise—may be giving us a picture that seriously inflates the extent of the imbalance. To depict “standard of living” results, Weitzman, like virtually every other researcher, including ourselves,³³ had used the “needs adjusted” technique, a method based on federal government-published figures concerning what level of resources it takes to maintain identical living standards for families of different composition.

These figures are known as “equivalence scales.” Before we get into how these equivalence scales work, let me first explain what is meant by “standard of living.”

In its simplest definition, standard of living means how well people can afford to live. For instance, a family that can only afford to eat mostly starch-based meals has a lower standard of living than one that can frequently afford to buy prime cuts of meat or go out to fancy restaurants. Likewise, a person whose budget forces him to drive a 10-year-old economy car would have a much lower living standard than someone who buys brand-new luxury imports every three years.

In figuring equivalence scales for standards of living, many analysts, including Duncan and Hoffman, and Peterson,³⁴ have used the “poverty level” as a base line. And the poverty level varies depending on the family size and configuration. For instance, as of 1987, the year the parents in our study became divorced, the poverty level for a family comprised of two parents and two children (what the government considers the *base family*) was \$11,519 a year; for a family of one parent and two children, it was \$9,151 (79.4 percent of the base family’s income); and for a single adult with no children it was \$5,909 (51.3 percent of the base family’s income).³⁵ (In 1997, the poverty levels were \$16,276 for the base family, \$8,350 for the single adult/no children family, and \$12,931 for the one-parent/two-child family.³⁶ The latter two figures are virtually the identical proportions of the base family as in 1987.)

The reason the figures don’t go down exactly in proportion to the number of people in the household (for example, why a one-person household is 51.3 percent and not 25 percent of the level for a four-person) is that the index takes into consideration the fact that while some expenses, such as food and clothing, are *variable*, that is, they’re directly related to the number of people in the household, many other expenses, such as rent and utilities, are *fixed*, and would remain about the same no matter how many people were living in the household.

If we take a given family’s income and put it in a ratio with (i.e., divide it by) the poverty level for a family of its exact size and composition, we get its income in relation to what a family of its size *needs* to barely escape poverty, or what’s called the “needs adjusted income” index (also called the “income-to-needs ratio”).

Using these figures, let’s make up a hypothetical but typical family and see

	Jeff	Rachel	Combined
Pre-Divorce Salary	\$31,000	\$16,733	\$47,733
Pre-Divorce Needs ^a			\$11,519
Pre-Divorce Income-to-Needs Ratio			4.14
Post-Divorce Salary	\$31,000	\$20,000	
Child Support	(\$6,000)	\$6,000	
Total Income after Child Support Paid	\$25,000	\$26,000	
Post-Divorce Needs ^a	\$5,909	\$9,151	
Post-Divorce Income-to-Needs Ratio	4.23	2.84	
Post-Divorce/Pre-Divorce	102%	69%	
Gain/Loss	2%	-31%	

^aOur calculations use the 1987 poverty levels in both pre- and post-divorce needs computations.

TABLE 4.1 Figuring Rachel & Jeff's Post-Divorce Changes in Standard of Living

how divorce might affect their standard of living (the calculations are summarized in Table 4.1). Since our sample became divorced in 1987, we will be using 1987 figures throughout the chapter. Later, we'll report the computations on our *real* families.

Let's assume that Rachel and Jeff have two children. Before divorce, he earned \$31,000, while she earned \$16,733. Their combined family income was therefore \$47,733, 4.14 times the poverty level, giving them an income-to-needs ratio of 4.14 (\$47,733 divided by \$11,519). They divorce, and Rachel gets custody of the two children. Suppose that after the divorce, Jeff pays \$500 per month or \$6,000 annually in child support, and Rachel increases her work hours (as most mothers in our sample in fact do) and now earns \$20,000. Her combined income including child support she receives is \$26,000. Hers is now a one-parent/two-child household; the poverty level for this sort of family is \$9,151.

For Rachel's *standard of living* to remain the same, exactly 4.14 times the poverty level, she would have needed to take in \$37,885 ($\$9,151 \times 4.14$) in total, in salary and child support. Instead, her income-to-needs ratio is now only 2.84 (\$26,000 divided by \$9,151). So her standard of living is now only 69 percent of what it was (2.84, the post-divorce income-to-needs ratio divided by 4.14, the pre-

divorce income-to-needs ratio); it has declined 31 percent. (If the ratio of post-divorce divided by pre-divorce standard of living is less than 100 percent, subtract the number from 100 percent to get the percent drop or decline. If the ratio of post-divorce divided by pre-divorce standard of living is *more* than 100 percent, subtract 100 percent from the number to get the percent gain.)

Jeff's is now considered a single adult/no children household; the poverty level for him is \$5,909. For Jeff's standard of living to stay the same, again exactly at 4.14 times the poverty level, he would need to have \$24,463 ($\$5,909 \times 4.14$) left in income after paying child support. Instead, he actually has a little more, \$25,000, left. His income-to-needs ratio is now 4.23 (\$25,000 divided by \$5,909). His standard of living is now 102 percent (4.23 divided by 4.14) of what it was before the divorce, a gain of 2 percent.

Although this method seems fairly straightforward in figuring out how divorce might affect standards of living, I came to recognize that the method used by Weitzman, and sometimes others (including us) in calculating the "needs adjusted income" was highly misleading and seriously inaccurate for several reasons, which I'll describe in detail next.

Problem 1: The Tables

Imagine that you wanted to buy a new car. First, you need to figure out what your budget can afford. Then you need to see what model car will fit your budget. Now suppose, instead of looking through your daily newspaper for prices of cars, you look at newspapers that were printed more than twenty years ago. Sounds silly, doesn't it? Well, that's exactly the problem Weitzman encountered in relying on the government-published tables she used in calculating "needs adjusted incomes." The equivalence scales she used were the Bureau of Labor Statistics "1977 Lower Standard Budget."³⁷ The problem is, these tables were prepared based on a 1960-61 survey, the Survey of Consumer Expenditures. A special government review panel was formed in 1980 to investigate these tables³⁸ and concluded that the equivalence scales were badly out of date. In particular, the panel recognized that fixed expenses, like housing costs, had risen disproportionately compared to variable expenses, like food costs. For example, according to the Lower Standard Budget tables published prior to

1980, single individuals (such as noncustodial parents) needed only 36 percent of the income of the base family to maintain the same living standard, but they found that a more accurate figure was slightly over 50 percent. They recommended phasing out the Lower Standard Budget reports; they were actually discontinued by 1982, and replaced by other equivalence scales, such as the poverty thresholds. Thus, Weitzman's comparison figures were already out of date by 1985, when she published her book. Even Peterson's reanalysis, attempting to exactly repeat what Weitzman had done, was based on the out-of-date equivalence scales.

How would this one change have affected Weitzman's/Peterson's analyses? Recall that when we used the appropriate poverty thresholds in Table 4.1, we found a 31 percent loss for Rachel and a 2 percent gain for Jeff. But had we used the out-of-date Lower Standard Budget tables instead, as Weitzman did, the comparative figures would have been far more disparate—a 20 percent loss for Rachel and a whopping 42 percent gain for Jeff.

No wonder she found such a discrepancy in the impact!

Problem 2: Taxes

As every taxpayer knows, it is only what's left after the IRS and the states have taken their cut from one's paycheck that can be spent to support the family. Clearly, then, it is the *after-tax* income, not the *gross* income that affects standard of living. And that's where another problem with the needs adjusted income method comes in. Weitzman's calculations were based on *gross* income, before taxes had been paid. Thus, they failed to take into account what we found out when we investigated the tax code, with the help of a professional accountant³⁹: the fact that custodial parents are taxed differently, and more advantageously, than noncustodial parents in at least five respects. Renowned economist Thomas Espenshade, coming to a similar recognition in 1979,⁴⁰ called for a recalculation corrected for tax consequences, but until now no researcher, including Peterson (who, as we noted earlier in this chapter, recalculated Weitzman's data), has done so.⁴¹

Our analysis was completed using both our Wave 1 data (for before-divorce values) and our Wave 2 data (for after-divorce values.) Since our sample was based upon families divorcing in calendar year 1986, our Wave 2 data applied to

income and expenses incurred in 1987. In 1987, Federal tax law provided custodial parents—usually mothers—with the following five distinct tax advantages either not available at all or not fully available to noncustodial parents—usually fathers. (In what follows, as is the book's convention, we will simply use the terms mothers and fathers to recognize the typical case, keeping in mind that it doesn't apply where custody is given to the father. We also give the 1997 figures for the various tax provisions.) Mothers benefit in the following ways:

1. Tax-free Child Support Income

When a father pays child support to his ex-spouse, he must pay federal (including social security or FICA), state, and local taxes on this amount. In contrast, when the mother *receives* the child support, she doesn't have to pay any taxes on it, unlike most other income. (Alimony has the opposite tax status.) Consequently, fathers pay all the taxes on the child support amounts while mothers get to keep the full amount.

2. A Tax Credit for Child Care

Mothers are allowed to credit a percentage of the amount they spend on child care each year “off the top” of their tax debt (as the “Child Care Credit”). This credit may cancel as much as \$1,440 yearly (in either 1987 or 1997) of the mother's tax debt. Interestingly, fathers are not allowed to take advantage of this credit even when they are forced to pay for child care when the children are in *their* care, such as summer visitation.

3. A Lower Tax Rate

As a single parent, the mother receives the benefit of being classified as “head of the household.” As such, the mother's income is taxed at a lower rate than the father's, whose tax status is now “single.” For example, if both Jeff and Rachel had taxable income (after exemption and deductions) of \$22,000, Jeff would have had to pay \$707 more Federal tax on it than Rachel (in 1987; the differential was removed by 1996). This head-of-household versus single status applied to many state tax codes as well as federal.

The mother can be declared a head of the household even if she is not the

one who is primarily providing for the children's material needs. So even if the father is the parent mainly supporting his children, it is the mother who benefits from this special tax status.

4. Extra Exemptions

Mothers are allowed to claim the children as "exemptions" (worth \$1,900 each in 1987; \$2,650 by 1997), whereas fathers generally can claim only the exemption for themselves.⁴²

5. A Tax Credit for Low Earners

Many mothers (but no noncustodial fathers in 1987) qualify for the "earned income credit," if their "earned" income (exclusive of child support) is less than \$15,432 (in 1987; \$29,290 in 1997). This means a tax credit of up to \$851 (\$3,656 by 1997).

(As of this writing, Congress had just passed another substantial new tax benefit, a \$500-per-child annual tax credit, available only to married parents or the divorced parent *with custody*.)

How would these benefits affect our typical family? (The calculations are summarized in Table 4.2.) First let's figure their pre-divorce after-tax standard of living. Assuming the family last lived together in 1985, resided in Arizona, and claimed the standard deduction, their pre-divorce Federal tax would have been \$8,820; their state tax would have been \$1,967; and they'd pay FICA of \$3,365, leaving \$33,581 after taxes. Now, dividing that figure by the 1987 poverty level, their after-tax-income-to-needs ratio would be 2.92.

Now let's see what happens to Rachel after divorce, in 1987. Her FICA would be \$1,430. Assuming she paid about \$100 per week for child care, her child care credit would be \$1,200, reducing her Federal tax to only \$464. (Her earned income would be too high to qualify for any of the earned income credit.) Her Arizona state tax would be \$453. After subtracting these taxes, but adding her child support received, she would have \$23,653 left as after-tax income. Now her after-tax-income-to-needs ratio (using the 1987 poverty values) would be 2.58 (\$23,653 divided by \$9,151). This is 89 percent of its former level (2.58 divided by 2.92); only an 11 percent drop, as compared to the 31 percent drop she showed before taking taxes into consideration.

What about Jeff? His FICA would be \$2,217. His Federal Tax would be \$5,185 and his state tax would be \$1,285. After subtracting these taxes, as well as subtracting the child support he paid, he would have \$16,313 left as after-tax income. His after-tax-income-to-needs ratio (using the 1987 poverty cutoffs) would be 2.76 (\$16,313 divided by \$5,909). This is 95 percent of its former level (2.76 divided by 2.92). So after taxes, he no longer enjoys a very slight standard of living *gain*, as he appeared to before-taxes; now he suffers a 5 percent *loss*, very comparable to her 11 percent after-tax drop.

Problem 3: Expense Allocation

Another big problem with the needs adjusted income method is that it makes what we labeled the "sacrosanct household" assumption. That is, it assumes that *all* the family units' income and *only* the family units' income goes to support only *that* household's members. Put another way, it assumes that a single person spends all after-tax income to support only him- or herself, and that a family provides for all its members' needs out of only its own after-tax income. This is an entirely reasonable assumption for unrelated households, for which the tables were originally designed.

But, when applied to a divorced family, as Weitzman and others did, the assumption is no longer valid at all. Supposedly, the issue was addressed by taking child support (and alimony) away from father's income and adding it to mother's income. But this would provide an appropriate corrective only if child support and alimony were the only monetary transfers between the households. In actuality, child support and alimony represent only a portion of the expenses for the children typically assumed by fathers. Divorced fathers almost always make a series of substantial financial expenditures for their children that are over and above or distinct from child support. They include but are not limited to:

Clothing Expenses

For example, two-thirds of our fathers report that they have bought some of their children's clothing themselves. In an intact family (which is the assumption of the government-published needs ratios), all such expenses would figure into that household's "needs"; in a divorced family, however, the mother's "needs" will actually be reduced (since she doesn't have to pay all her household's cloth-

	Jeff	Rachel	Combined
Pre-Divorce Salary	\$31,000	\$16,733	\$47,733
Federal Tax ^a			(\$8,820)
State Tax ^b			(\$1,967)
FICA ^c			(\$3,365)
After-Tax Income			\$33,581
Pre-Divorce Needs			\$11,519
Pre-Divorce Income-to-Needs Ratio			2.92
Post-Divorce Salary	\$31,000	\$20,000	
Federal Tax	(\$5,185)	(\$464)	
State Tax	(\$1,381)	(\$453)	
FICA	(\$2,217)	(\$1,430)	
After-Tax Income	\$22,313	\$17,653	
Child Support	(\$6,000)	\$6,000	
Total	\$16,313	\$23,653	
Post-Divorce Needs	\$5,909	\$9,151	
Post-Divorce Income-to-Needs Ratio	2.76	2.58	
Post-Divorce/Pre-Divorce	95%	89%	
Gain/Loss	-5%	-11%	

^aThe 1985 federal tax code provides a deduction for a two-earner married couple. However, since we did not obtain separate incomes for each spouse pre-divorce, we could not calculate it.

^bThe state tax gives a deduction for income taxes paid in 1985. We assumed the couple paid only what was owed.

^cThere is a cap on FICA. However, the cap applies to each wage-earner separately. We did not obtain this separate income.

CHART 4.2 Figuring Rachel & Jeff's After-Tax Post-Divorce Changes in Standard of Living

ing expenses herself), and the father's "needs" will actually *increase* (since he is now paying the clothing expenses of a different household). This shifting of expenses across households is in no way taken into account by the needs adjustment method.

Visitation Expenses

Similarly, but with substantially greater monetary impact, during weekly visitation, fathers must bear food, child care, child transportation, and recreation

expenses for the children. Mothers, during these times the children visit the father, don't have these expenses. And most fathers are ordered to continue paying child support to the ex-spouse even during lengthy summer visitation. If the children reside with the father six weeks to three months during the summer, the father may end up actually paying *twice* to support his children during these times. But the needs adjustment method gives *her* full credit for bearing child-oriented visitation expenses and gives him *no* credit.

A recent study was conducted by economist James Shockey, Ph.D., for the state of Arizona to correct the state's guidelines for child support calculations by taking into consideration the expenses borne by the father during visitation. Shockey observed, as we pointed out earlier, that the costs to the father of visitation had never been properly taken into account. For instance, a typical household would be responsible for twenty-one meals a week for each of its members. However, in a divorced family where a child spends Friday night to Sunday night with the father, they will eat seven meals under the father's care. The custodial mother will therefore be responsible for only 14 meals a week. Yet, typical child-support awards expect the father to compensate the mother for 21 meals.

Phoenix attorney Bruce R. Cohen, a family law specialist who served on the committee that recommended revisions to the Arizona state child support guidelines, explained how the committee approached the problem⁴⁹: "In trying to identify how we can quantify the time that dad has with the children as it relates to child support, we looked at which expenses tend to 'travel with the children,' such as meals, recreation, and driving children to and from activities. We estimated that about 68.5 percent of the expenses for children are affected by visitation in one form or another. The way that breaks down is like this: If we know that the children's expenses are \$1,000 a month under the statistical average, about \$685 of that will be incurred based on which parent has the children on any given day. If the children are with the custodial parent 75 percent of that month, then 75 percent of that \$685 will be incurred by her. Conversely, 25 percent of the \$685 will be incurred by the noncustodial parent. The other \$315 of that \$1,000 is not affected by visitation. Those are fixed expenses, such as the custodial parent's mortgage payment."

As a result of these calculations, the child support guidelines were lowered by certain percentages effective October 1996. For instance, if the children spend between 20 and 30 percent of the time with the father, under the new guidelines,

he will pay 18.7 percent *less* in child support a month than he did previously. As the father spends more or less time with the child, the adjustment goes up or down accordingly.

According to Cohen, "What we have historically seen, due to the fact that we did not adjust for these expenses that travel with the children, is that noncustodial parents are paying higher child support than the reality would dictate. These corrections come closer to mirroring reality than did the old guidelines." But, he emphasizes, "Until we get a statistical base that we can rely upon made up of *divorced* families rather than *intact* families, all we can hope for is that we're coming closer to reality. The bottom line is that these corrections have better recognized that noncustodial parents have expenses that should be accounted for when we determine the child support award."

A New York appeals court in March 1997 came to a similar conclusion in ruling in the case of Gregory and Diane Holmes. According to the *Albany Times Union* news story on the case, Gregory had "initially been ordered to pay 25 percent of his gross income (\$236 per week or \$12,272 per year) to support his two children." The children spent two nights a week with their father and three nights a week with their mother, and alternated weekends. Thus, the children spent 40 percent of their time in their father's care, and 60 percent in their mother's. The court noted that, had the couple changed only one more night per week to the father, *he* would have had the majority time and been considered the custodial parent, in which case he would *receive* child support from his ex-wife (about \$200 per week or \$10,400 per year), rather than *pay* it. Recognizing that this huge shift in payment (from *paying* \$12,000 to *receiving* \$10,000, a turn-around to each parent of \$22,000 per year) was ludicrous in view of the fact that it was awarded on the basis of only one extra night per week, the court realized that the very foundation of the argument about how much child support was due was flawed and admitted it had to use a different standard. "The Appellate Division of the New York State Supreme Court found that the Holmeses are [both] simultaneously custodial and non-custodial parents. Therefore she is required to pay him 25 percent of her income and he is required to pay her 25 percent of his income." They ordered only the net difference to change hands as child support.

We shall not address in this book the debate about whether or by what amount child support ought to be adjusted depending upon how much time the father spends with the child, except to note that most states' payment guidelines

do not take this sometimes very appreciable factor into account. Laws that don't do so raise the financial stakes enormously for being declared custodial parent, and thus encourage court battles over custody. Laws that *do* permit an adjustment, on the other hand, will typically, as in Arizona, lower the amount of child support to be paid, according to the amount of time the child spends with the father. This puts a double incentive on fathers to push for, and mothers to oppose, more visitation, and may well encourage court battles over visitation schedules. On the other hand, it should more fairly allocate the costs of raising the children between the parents.

A Better Approximation of Expenses

While it is not our purpose to choose a side in the debate about whether child support should be adjusted depending upon visitation, it *is* our purpose to assess the financial impact of divorce on fathers as compared to mothers. No previous economic analysis has attempted to allocate the visitation and clothing expenses between the households (presumably because previous analysts believed, on the basis of the erroneous findings detailed in Chapter 3, that visitation was hardly ever actually occurring). However, evidence cited in Chapter 3 indicates that visitation with the noncustodial parent is far more frequent than previously believed, which means that past analyses of gender differences in economic impact of divorce substantially overstated its relative harm to mothers and its relative benefit to fathers.

One method we devised to account for the visitation and clothing expenses on the parents' relative financial well-being after divorce was suggested by the Arizona analysis, which estimated that 68.5 percent of expenses due to children "travel with the children." The poverty level estimation of the cost of Rachel and Jeff's two children is \$3,242 (\$9,151—the poverty level for a one-parent/two-child household—minus \$5,909—the poverty level for a single-adult household). Suppose Rachel and Jeff have a "typical" visitation schedule: One day a week and every other weekend. This means that the children are with Jeff for eight days in the typical month or 26.7 percent of the days. Of the \$3,242 which the children cost the poverty level family, 68.5 percent (or \$2,221) is for expenses that travel with the children, while the remaining 31.5 percent (or \$1,021) stays with the residential parent, Rachel. Jeff cares for the children 26.7 percent of the time, so

Divorced Dads

bears that proportion of the \$2,221 children's expense that travels with them, or \$593. This means that, for Jeff, the needs standard we should use is a combination composed of the single-adult level of \$5,909, plus \$593, i.e., the expense due to children that travel with them, for a total of \$6,502. Rachel's needs standard, in turn, should be reduced by the \$593, i.e., the expense due to the children that Jeff relieves her of, so her needs should be \$9,151 minus \$593 for a total of \$8,558.

We may also need to take into account how much summer visitation is taking place. For example, if Jeff visited eight days per month during the school year, but had two weeks of visitation in the summer, for 50 out of 52 weeks he would have 26.7 percent of the expenses, but for two weeks he would have between 73.3 percent and 100 percent, depending on how much the children visited Rachel during this time. If it was 100 percent, he would be the custodial parent 29.5 percent of the total year, and Rachel the remainder, 70.5 percent, rather than the 26.7 percent-73.3 percent split we assumed above. This makes Jeff's needs \$6,564 and Rachel's \$8,496.

Now if we use these figures instead of the standard poverty levels, as we show in Table 4.3, Jeff's after-tax-income-to-needs ratio (using the above modification of the 1987 poverty values) would be 2.49 (\$16,313 divided by \$6,564). This is 85 percent of its pre-divorce level (2.49 divided by 2.92), for a drop of 15 percent. Meanwhile, Rachel's after-tax-income-to-needs ratio would be 2.78. This is 95 percent of its former level (2.78 divided by 2.92); a 5 percent drop, as compared to the 11 percent drop she showed without allocating visitation expenses, and the 31 percent drop she showed before taking taxes into consideration.

Thus, using these more realistic corrections on this hypothetical family, we change from the 20 percent drop for the mother and the 42 percent gain for the father that Weitzman's method would have shown, to the opposite pattern, *in which it appears that divorce economically benefits mothers noticeably more than fathers.*

One other way the needs-adjustment method may not be applicable to divorced families should be discussed: that single-mother households have babysitting and other child-care expenses that a two-parent household might not because there the parents can share the child-care burdens. It is unclear whether the poverty levels account for this issue.⁴⁴

Problem 4: Other Child-Related Expenses

Residential Expenses

While the expenses just cited are examples that decrease mothers' needs while inflating fathers' needs, other expenses inflate the fathers' needs, while having no effect on the mothers' needs. For example, many fathers maintain a larger residence than a truly "single" person would, with extra bedrooms and bathrooms, to accommodate visitation. This requires more substantial housing costs than are allowed in the government-published needs ratios for single persons, but wouldn't necessarily diminish the mother's needs.⁴⁵

Transportation

Another example of an expense that inflates the fathers' needs while having no effect on the mothers' needs is the transportation costs for exercising visitation rights. According to our sample, fathers do most of the driving for picking up and dropping off. This factor is especially salient for fathers who reside a considerable distance from their children and must pay airfare several times per year.

Medical and Dental Expense and Insurance

Fifty-five percent of the fathers, but only 24 percent of mothers in our study, were ordered to pay directly for the children's medical and/or dental insurance. These insurance payments, which are sometimes very costly, are being made by the fathers for the children in a different household, and are in addition to child support, but the needs adjustment method's sacrosanct household assumption assumes the mother is paying all of it. Similarly, two-thirds of the decrees ordered the parents to split 50/50 the costs for any medical and dental care for the children that isn't covered by medical insurance. Again, the needs adjustment method's sacrosanct household assumption assumes the mother is paying all medical and dental costs.

	Jeff	Rachel	Combined
Pre-Divorce Salary	\$31,000	\$16,733	\$47,733
Federal Tax			(\$8,820)
State Tax			(\$1,967)
FICA			(\$3,365)
After-Tax Income			\$33,581
Pre-Divorce Needs			\$11,519
Pre-Divorce Income-to-Needs Ratio			2.92
Post-Divorce Salary	\$31,000	\$20,000	
Federal Tax	(\$5,185)	(\$464)	
State Tax	(\$1,285)	(\$453)	
FICA	(\$2,217)	(\$1,430)	
After-Tax Income	\$22,313	\$17,653	
Child Support	(\$6,000)	\$6,000	
Total	\$16,313	\$23,653	
Days Children Live with Father Per Month (Non-Summer)	8		
Weeks Lived with Father in Summer	2		
Proportion Time with Father	0.295		
Post-Divorce Needs	\$6,564	\$8,496	
Post-Divorce Income-to-Needs Ratio	2.49	2.78	
Post-Divorce/Pre-Divorce	85%	95%	
Gain/Loss	-15%	-5%	

TABLE 4.3 Figuring Jeff and Rachel's *After-Tax* Post-Divorce Changes in Standard of Living Taking into Account Visitation (Including Summer Visitation) Expenses

Problem 5: The Equivalence Scales

It was not clear to us how to correct the needs adjustment method for any of the expenses mentioned in Problem 4. But even if a method could be devised, there would be other problems that remain. For the needs adjusted income method to be definitive, the equivalence scales would have to be completely accurate. Yet there is hardly a consensus among economists about the methods of establishing poverty levels. In the National Academy of Science book, *Measuring Poverty: A*

New Approach,⁴⁶ edited by Constance Citro, Ph.D., and Robert Michael, Ph.D., many economists critique the poverty threshold ideas, especially the methods of adjusting for differences in family structure. Concludes economist Elizabeth Peters, Ph.D., professor of policy analysis and management at Cornell University, "There is not one obviously right way to establish equivalence scales for different family sizes—many methods are defensible. Moreover, regardless of the general method used, it is likely not to take into account specific factors that may be important in individual cases."⁴⁷ In short, the equivalence scales are arbitrary and may be inaccurate.

Problem 6: The Expenses of Starting Over

Imagine that your house burned down and you had no insurance. You would have to come up with the money on your own to replace everything. That's the situation that many fathers such as Tom, who we read about at the beginning of this chapter, speak of but few economists take into account. The wife and children generally keep most of the costly items in the household (furniture, TVs, toys, video games, dishes, and soft furnishings), and the husband usually bears the costs of replacing these in order to retain the same standard of living and have the children visit. Most important, the wife and children typically retain the house itself (see Chapter 6).⁴⁸

The father, then, is usually forced to seek new housing. In a rising real estate market, replacement housing costs more than original housing. For the father to maintain a comparable living standard, he may have to spend more on housing than the mother would. And many fathers, such as Tom, find themselves obliged to rent rather than own their residence, while the mother continues home ownership. When this difference appears, she alone reaps the twin benefits of home ownership: equity buildup and tax advantage (note that our tax analysis used the assumption of the standard deduction for both parents and didn't take into account any tax advantages relevant to home ownership).

How Are Mothers and Fathers *Really* Affected?

Recognition of the last three problems convinced me that the weaknesses in the needs adjustment method were virtually insurmountable. While the first three

defects—out-of-date tables, failure to take taxes into consideration, and the assumption that all income stays within each household—could be remedied by tinkering, no amount of tinkering could fix the last three—other child-related expenses that traverse households, the possibility of inaccurate equivalency scales, and the fact that fathers usually bear most of the expenses of starting over. We therefore decided to tackle the issue of how divorce affects mothers versus fathers economically through multiple approaches. This would, we felt, compensate for any weaknesses in any single method.

First, we computed the relative economic impact of divorce on fathers versus mothers in our sample by modifying the needs adjustment method as much as possible. Specifically, we compared parents in our study in terms of the impact divorce has had on their *after-tax* incomes after correcting for visitation (including summer) expenses, as in Table 4.3.

In order to obtain the after-tax income figures (since we didn't wish to ask to see respondents' tax returns), we estimated the FICA tax and federal and state income tax each respondent would pay by calculating their tax return for them based on information, including child care expenses information, they provided during the interview. (The assumptions we made to estimate the taxes were the same as for the hypothetical family.) We calculated these taxes on their income both before and after separation.⁴⁹ Once we determined after-tax income, we calculated the after-tax-income-to-needs ratio (using the poverty levels in effect in 1987) for both pre- and post-separation income, correcting the needs figure for visitation by using the mixture approach described earlier based upon the amount of days each parent reported spending with the child. Since, as noted in Chapter 2, mothers and fathers gave us different information about child support paid, we used *both* of their child-support figures in separate analyses. Since they also gave us different information about visitation, as reported in Chapter 3, again we used both reports (including their reports of summer visitation), in separate analyses.

The results when we use fathers' reports of both child support paid and visitation are presented in Table 4.4. The figures shown are the averages (means) over all families. Using our sample's income and child support/alimony figures had we not taken into account taxes and visitation, fathers would have shown a 23 percent gain, while mothers would have shown a 23 percent loss, which was similar to the range of all other studies. However, when we correct for visitation and taxes, mothers' standard of living increases one percent from its pre-divorce

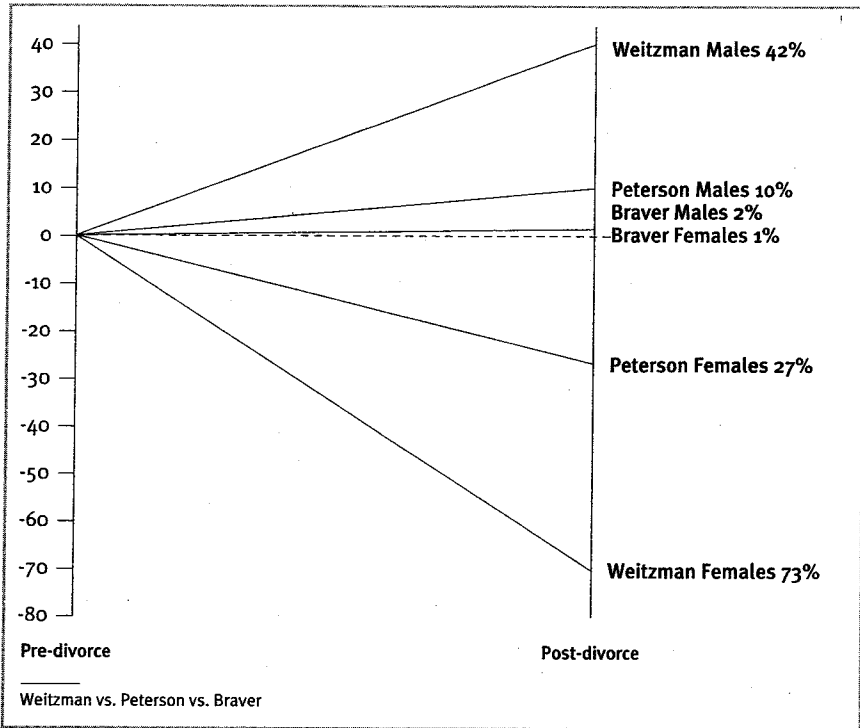


CHART 4.3

Change in Standards of Living for Divorced Men and Women

level while fathers' increases two percent. This result, superimposed on both Weitzman's and Peterson's figures, is depicted in Chart 4.3. If we use instead mothers' reports of both child support paid and visitation frequency, the results are that mothers show a five percent decrease while fathers show a five percent increase from their pre-divorce standard of living.⁵⁰

We are not suggesting that these figures be taken as the definitive analyses. There are a multitude of different ways of figuring the calculations, and a multitude of different assumptions an analyst can make.⁵¹ In fact, one conclusion we advocate is that perhaps there is no one indisputable figure. However, by almost every way we used of calculating the needs-adjusted method, the results show that *economically fathers and mothers on average⁵² fare almost exactly equal about one year after divorce, both quite close to their pre-divorce levels.*

**Pre-Divorce (Family) Income, Taxes, Needs,
and Income-to-Needs Ratio**

	Noncustodial Fathers (N=89)	Custodial Mothers (N=84)
Salaries ^a	\$38,767	\$38,176
Federal Tax	(\$7,013)	(\$7,049)
State Tax	(\$1,460)	(\$1,412)
FICA	(\$2,733)	(\$2,692)
After-Tax Income	\$27,561	\$27,023
Pre-Divorce Needs	\$11,161	\$11,023
Pre-Divorce Income-to-Needs Ratio ^b	2.47	2.45

**Post-Divorce Income, Taxes, Needs, Income-to-Needs
Ratio and Pre- to Post-Divorce Gain/Loss**

Salary	\$29,572 ^c	\$19,655 ^d
Federal Tax	(\$5,384)	(\$1,733)
State Tax	(\$1,245)	(\$453)
FICA	(\$2,018)	(\$1,285)
After-Tax Income	\$20,925	\$16,184
Child Support Reported Paid/Received	(\$4,370) ^e	\$4,683 ^f
Total	\$16,555	\$20,867
Post-Divorce Needs ^g	\$6,598	\$8,458
Post-Divorce Income-to-Needs Ratio ^h	2.51	2.47
Post-Divorce/Pre-Divorce	102%	101%
Gain/Loss	2%	1%

^aPre-divorce figures may differ for fathers vs. mothers because fathers and mothers may answer differently about the family's pre-divorce income.

^bThe ratio of the above two averages; not an average itself; the averages are 2.51 and 2.50, respectively.

^cIncludes interest received, etc.

^dIncludes interest received, alimony received, etc.

^eIncludes child support plus alimony paid minus financial support from other family members, federal assistance and nontaxable sources of income. Child support alone equaled \$4,212; alimony was \$360.

^fIncludes financial support from other family members, federal assistance and nontaxable sources of income. Child support alone equaled \$4,333.

^gBased on reported averages of 8.87 days per month and 1.1 summer weeks. The needs figures *not* adjusted for visitation would be \$5,909 and \$9,107, respectively.

^hThe ratio of the above two averages; not an average itself; the averages are 2.42 and 2.61, respectively.

TABLE 4-4

**Our Sample's Average After-Tax Post-Divorce Changes
in Standard of Living Taking into Account Visitation
(Including Summer Visitation) Expenses**

Checking for Discretionary Income

The approach just described corrects the needs-adjustment technique as much as possible, but doesn't compensate for Problems 4 through 6 mentioned earlier. For that reason, we developed other ways of determining divorce's financial impact on mothers versus fathers. An alternative way of seeing how economically well-off a person is, is to find out how much of his or her income is discretionary (also known as disposable income), meaning that the person spends it at his/her discretion. To see if there was a difference between mothers and fathers, we asked the parents in our study how much money they had left over after all expenses, for such necessities as housing, clothing, food, utilities, transportation, medical needs, and child support, were paid. If fathers are economically better off after divorce than mothers, they should actually have a considerably larger amount of discretionary income left after meeting all expenses.

Of course, this approach has another problem: it leaves the parents to define themselves what is "necessary." It could also be true that, in some cases, parents are merely guessing, rather than providing accurate figures. However, there is no reason to believe these problems apply *unequally* to mothers and fathers, so whatever ambiguities this method introduces shouldn't mitigate or invalidate a cross-gender comparison.

All parents were simply asked, "After you've paid what you must pay for bills and necessary expenses, about how much money do you have left over each month to spend on whatever you want?" Fathers answered a median value of \$100 per month. Mothers answered a median value of \$75 per month. The difference of only \$25 per month suggests that economically fathers and mothers fare almost identically one year after divorce.

Who Gets the Sports Car?

Our next approach looked at standard of living from yet another angle. One might argue that economic privation manifests itself in a variety of spending constraints; thus the more the economic hardship, the lower the quality and worth of what one tends to purchase. One particularly telling index of economic condition, according to this reasoning, is the brand and age of the vehicle a person

owns. The age and financial value of the vehicle owned is a crude but not inappropriate index of discretionary income and hence standard of living. This particular possession was selected as such an index for two reasons. First, each parent is likely to be acutely aware of the approximate value of his or her own and the ex-spouse's automobile (at least more aware than for any rival material possession) and any perceived discrepancy will thus have rather compelling symbolic value. Second, this possession bears so directly on an adage that summarizes the popular image of the relative economic impact of divorce on fathers versus mothers: "She gets the kids; he gets the sports car!"

We asked each parent what year and make of car they drove in our Wave 2 interview, several months after the divorce was final. Then our staff went to the Blue Book and looked up its value. The results showed that while the father's car averaged \$4,483 in value, 6 percent more than the mother's car, this difference was slight enough not to be statistically significant. Moreover, the mother's car was on average three years *newer* than the father's, again a difference not statistically reliable. Thus, again, there appears to be no appreciable difference in how mothers and fathers fare economically one year after divorce.

How Many Mothers Fall Below the Poverty Line?

Finally, we wanted to know how many mothers were actually thrown into poverty by divorce. The "feminization of poverty" has been a rallying cry for advocates who claim that having better child-support enforcement will help lift divorced women out of poverty. Indeed, much indisputable research demonstrates that living in poverty is disproportionately a problem for single mothers. For example, according to Census data, female-headed families with children constituted 10 percent of all households in 1980, but fully 43 percent of the families in poverty. Put another way, in 1980, 43 percent of single-mother families were in poverty, as opposed to only 14.7 percent of *all* families.⁵³

Don't these statistics prove the advocates' point? Not necessarily. As we stated in previous chapters, one needs to refrain from mixing *never-married* single-mother families with *divorced* single-mother families, since never-married families with children come disproportionately from the lower socio-economic strata, with both mothers and fathers having low income capacity. In divorced families, however, with both parents having on average far higher education than

never-marrieds, as well as a stronger attachment of father to child, the poverty figures are far less dramatic. Yet, it is the rare poverty analysis that makes this distinction.

The analysis we performed with our sample, which was made up exclusively of divorced families, revealed that only 12.8 percent of our mothers report their income (including child support received) to be below the poverty level. Moreover, only 15.2 percent of our mothers reported being in government assistance programs at Wave 2. Note that these figures are nearly identical to the overall poverty rate for 1980. Thus our divorced mothers seemed *not* disproportionately in poverty. The feminization of poverty may indeed be a special problem for never-married mothers, but doesn't appear to be so for divorced mothers.⁵⁴

What about the argument that, even though divorced mothers might not be disproportionately likely to go into poverty, hardly *any* of them would be if their ex-husbands were fully paying their child support? For those mothers in poverty, we actually found that a little more than half of them had ex-husbands who were behind at all in their child support (according to the mothers' report). Finally, we wanted to know the proportion of families with the wife having an income below the poverty level, for which if the ex-husband had paid every cent his ex-wife said he owed in child support, the wife's income would have risen above the poverty level. We found only four such families in our entire sample, less than two percent.

➤ For those mothers who were in poverty, we actually found that a little more than half of them had ex-husbands who were behind at all in their child support (according to the mothers' report). And in only four families—less than two percent of our entire sample—was it true that if the ex-husband had paid every cent his ex-wife said he owed in child support, the wife would be lifted out of the poverty level.

We conclude from all four of these methods that divorce impacts fathers and mothers approximately equally with regard to their economic status. Neither divorced mothers nor divorced fathers drop in economic status much, if at all, according to a needs-adjusted analysis that corrects for taxes and visitation. Mothers report having only \$25 per month less discretionary income than divorced fathers. Mothers drive slightly newer, though slightly less expensive cars. And divorced mothers don't go disproportionately into poverty, and when they do, full child-support payment would hardly ever lift them out.

Needing to Go Further in Time

Even if we take as definitive any of the figures so far in this chapter, all of which attest to a reasonably equal impact of divorce on fathers and mothers, should we stop there? We argue that most analyses—ours included—are shortsighted, as well. Our post-divorce analyses, for example, are based on our Wave 2 data, about a year after the divorce became final. Even if it had been true that fathers fare far better than mothers shortly after divorce, is that the time point we want to use to develop social policies to redress the imbalance? As law professor Steven Sugarman wrote: "It is . . . not clear that the most sensible time period for comparing financial circumstances of the former spouses is the first year after divorce. . . . Consider instead . . . if we compared the living standards of former couples three or five or ten years after divorce. . . . It is certainly possible that the differences between the . . . men's and women's living standards would be considerably less than they appear to be one year after divorce."⁵⁵

There are at least two reasons to believe that the earlier we study the economic impact, the more disproportionately disadvantageous to mothers it will appear. Put another way, the longer we wait before assessing the impact of the divorce, the less it will appear that mothers are disadvantaged. The first reason is that as time goes on, women will progressively upgrade or rehabilitate their education or job skills, earn promotions, and work more hours (as the children age), all of which will help them earn more.⁵⁶

The second factor is remarriage. Statistics show that 75 percent of women and 80 percent of men will remarry, the vast majority within seven years after the divorce.⁵⁷ When a woman remarries, she tends to marry someone who brings substantial income, but relatively few expenses. When a man remarries, how-

ever, he tends to marry someone who brings expenses proportionately greater than income. Duncan and Hoffman found that five years after divorce, even the minority of women who had not remarried had risen from a 30 percent decline to within six percent of their pre-divorce standard of living, due to their enhanced salary, while those who *had* remarried now had a living standard 25 percent *higher* than in the year before their divorce.⁵⁸ And Randall Day and Stephen Day and Stephen Bahr⁵⁹ found that males who remarried suffered a 3 percent decline in per capita family income (compared to their predivorce levels) while females experienced a 14 percent increase.⁶⁰

Something to Ponder

After presenting our conclusions at the 1993 Conference of the Association of Family and Conciliation Courts, a domestic relations judge from another state approached me and asked what we would have recommended if we *had* verified Weitzman's original results, instead of overturning them. Did I think that the law really "ought to be redressing any real differential in standard of living" that placed mothers at a disadvantage after divorce, by awarding more alimony, much higher child support, or uneven property divisions? I answered that I thought this was more a question for a philosopher, judge, or lawmaker, than for a researcher. He pressed me. "Suppose a woman (or a man for that matter) makes a decision to dissolve her marriage, in full knowledge that she will take a financial bath as a result. Supposedly, this anticipated financial decline has been part of her calculations in choosing to divorce, but she has decided that leaving the marriage is worth it anyhow, so she can have her freedom. She has taken the economic loss into account and decided it was more than compensated for by other benefits she would gain. As long as she was fully aware of what she was getting into, isn't it basically a lifestyle choice? Should we force her ex-husband to redress her loss, in those cases in which it was *her* and not his choice to divorce?"⁶¹

"There are two problems with that line of reasoning," I answered. "First, assuming he beat her, philandered, or otherwise drove her away through objectionable behavior, then it is not a lifestyle choice, but a matter of survival, or at least survival with one's basic human dignity attached."

"Granted," he replied. "In those cases in which she was driven away by such egregious behaviors, my reasoning wouldn't apply. But didn't you earlier re-

part in your presentation that when the mother chooses to divorce the father, such cases are the minority? Isn't it primarily because she wasn't 'getting her needs met' or the communication wasn't good between them? Stuff like that?"⁶²

I admitted he was right. So I turned to my other concern. "But it's not only our lifestyle we'd be protecting, it's their *children's* as well. Even if *she* is willing to make the tradeoff for her lifestyle choice, should we condemn the children to a lower standard of living after divorce?"

He was ready for this argument. "I understand your question. But, number one, we always let *married* parents make lifestyle choices that will lower their children's standard of living with no government intervention. If someone wants to have a high-pressure job which pays lots of money for a more pastoral but poorer existence, and take his children with him, society won't lift a finger. It's his choice, and we let him make it, even applaud it, though he may take his kids to the poorer house with him. Why should it be different in divorce? Second, if we're really so concerned about the children's standard of living, why don't we just typically award custody, when it's in dispute, to the parent with the higher income?" He concluded by saying the law would have no business trying to correct any financial inequities, even if Weitzman had been right, when the wife leaves the husband, unless there were proof of abuse, adultery, and so forth.

As was said earlier in the chapter, we don't want to take a position in this book about whether child support or alimony ought to be adjusted downward. But, this judge's comments are worthy of consideration. We will address some of his concerns, for example, about how often the wife chooses to leave the husband, as opposed to vice versa, the reasons wives divorce, and the issue of awarding custody to the parent who is the greatest earner, in later chapters.

CHAPTER 4: TAKING ON MYTH 3: STANDARDS OF LIVING

1. Weitzman, L. J. 1985. *The divorce revolution*.
2. She has since moved to George Mason University.
3. Katherine Webster, AP newswire article, May 1996.
4. Ibid.
5. Peterson, R. R. 1996. A re-evaluation of the economic consequences of divorce. *American Sociological Review* 61:528-36.
6. Hoffman, S. D., and Duncan, G. J. 1988. What are the economic consequences of divorce? *Demography* 25:641.
7. Weitzman, L. J. 1985. *The divorce revolution*.
8. Garfinkel, I., and Klawitter, M. 1990. The effects of routine withholding of child support collections. *Journal of Policy Analysis and Management* 9:155-77; Office of Child Support Enforcement. 1990. *Child support enforcement, fifteenth annual report to Congress, for the period ending September 30, 1990*. Washington, DC: US Department of Health and Human Services; Pearson, J., Thoennes, N., and Tjaden, P. 1989. Legislating adequacy: The impact of child support guidelines. *Law and Society Review* 23:569-90.
9. Weitzman, L. J. 1985. *The divorce revolution*. Ellman, I. M. 1989. The theory of alimony. *California Law Review* 77:1-81; Fineman, M. 1983. Implementing equality: Ideology, contradiction, and social change. *Wisconsin Law Review*, 789-886; Kay, H. H. 1987. Equality and difference: A perspective on no-fault divorce and its aftermath. *Cincinnati Law Review* 56:1-90; Singer, J. 1989. Divorce reform and gender justice. *North Carolina Law Review* 67:1103-21; Rutherford, J. 1990. Duty in divorce: Shared income as a path to equality. *Fordham Law Review* 58:539-92.
10. Mahoney, K. 1996. Gender issues in family law: Leveling the playing field for women. *Family and Conciliation Courts Review* 34:198-218.
11. Day, R. D., and Bahr, S. J. 1986. Income changes following divorce and remarriage. *Journal of Divorce* 9:75-88.
12. Katherine Webster, AP newswire article, May 1996.
13. The findings are from, respectively: Duncan, G. J., and Hoffman, S. D. 1985. Economic consequences of marital instability. In *Horizontal equity, uncertainty, and economic well-being*, eds. M. David and T. Smeeding, pp. 427-71. Chicago: University of Chicago Press; Weiss, R. S. 1984. The impact of marital dissolution on income and consumption in single-parent households. *Journal of Marriage and the Family* 46:115-27; Hoffman, S. D., and Duncan, G. J. 1985. A reconsideration of the economic consequences of marital dissolution. *Demography* 22:485-97; Braver, S. L., Gonzalez, N., Wolchik, S. A., and Sandler, I. N. 1989. Economic hardship and psychological distress in custodial mothers. *Journal of Divorce* 12:19-34; Bianchi, S. 1991. Family disruption and economic hardship; U.S. Bureau of the Census, series P-70, no. 23; Sorenson, A. 1992. Estimating the economic consequences of separation and divorce: A cautionary tale from the United States. In *The economic consequences of divorce: The international perspective*, eds. L. Weitzman and M. MacLean, pp. 264-82. New York: Oxford University Press; and Weitzman, L. J. 1985. *The divorce revolution*.
14. Faludi, S. *Backlash: The undeclared war against American women*, p. 21. New York: Doubleday.

Notes

15. The work whose outcome is depicted in the graph is Braver, S. L., Gonzalez, N., Wolchik, S. A., and Sandler, I. N. 1989. Economic hardship, pp. 19–34.
16. Peterson, R. R. 1996. A re-evaluation of the economic consequences of divorce, pp. 528–36.
17. Weitzman, L. 1996. The economic consequences of divorce are still unequal. *American Sociological Review* 61:537–38.
18. Katherine Webster, AP newswire article, May 1996.
19. As of this writing, it has not been established that the error I suggested was precisely what was responsible for her incorrect figure. However, it appears to be the most plausible and understandable way to account for her huge mistake.
20. Even the analyses presented in this book potentially contain errors, of course, though every effort has been made to avoid them. A certain measure of protection against errors is afforded when scientific work is previously published in professional journals. There, the “peer review” process, in which neutral professionals critically scrutinize the work prior to publication, can generally be counted on to catch some mistakes. As noted in this book’s notes, most of the analyses presented here have been previously published in professional journals and have therefore undergone critical scrutiny (unlike Weitzman’s finding, which was never previously peer reviewed). In addition, my data files have already been shared with fellow professionals, and I make them readily available to other social scientists. The work in this chapter, though not previously published professionally, has been reviewed by, among others, Greg Duncan, economists Elizabeth Peters and Judi Bardfeld, and law professor Ira Ellman.
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22. Butler, S. S., and Weatherly, R. A. 1992. Poor women at mid-life and categories of neglect. *Social Work* 37:510–15.
23. Fineman, M. L. 1986. Illusive equality: On Weitzman’s *Divorce revolution*. *American Bar Foundation Research Journal* (1986):781–90.
24. Haffy, M., and Cohen, P. M. 1992. Treatment issues for divorcing women. *Families in Society* 73:142–48.
25. Hewlett, S. 1996. *A lesser life*. New York: Morrow.
26. Lonsdorf, B. J. 1991. The role of coercion in affecting women’s inferior outcomes in divorce. *Journal of Divorce and Remarriage* 16:69–106.
27. Melli, M. 1986. Constructing a social problem: The post-divorce plight of women and children. *American Bar Foundation Research Journal* (1986):759–72.
28. Seiling, S. B., and Harris, S. H. 1991. Child support awards: links with alimony and in-kind support. *Divorce and Remarriage* 16:121–35.
29. Woodhouse, B. B. 1990. Towards a revitalization of family law. *Texas Law Review* 69:245–90.
30. Polikoff, N. D. 1986. Review of *The divorce revolution*, by Lenore J. Weitzman. *American Bar Association Journal* 72:112–16.
31. Okin, S. M. 1991. Economic equality after divorce. *Dissent* 38:383–87.
32. This list is originally given in Peterson, R.R. 1966. A re-evaluation of the economic consequences of divorce.
33. Braver, S. L. Gonzalez, N., Wolchik, S. A., and Sandla, I. N. 1989. Economic hardship, pp. 19–34.

34. Peterson, R. R. 1989. *Women, work, and divorce*, NY: SUNY Press.
35. U.S. Bureau of the Census. 1989. *Current Population Reports*, series P-60, no. 163. Poverty in the United States: 1987. Washington, DC: U.S. Government Printing Office.
36. From the Census Bureau's Web page: <http://www.census.gov/ftp/pub/hhes/poverty/thresld/threshg6.html>
37. Weitzman, L. J. 1985. *The divorce revolution*, pp. 481-82.
38. Watts, H. W. 1980. Special panel suggests changes in BLS Family Budget Program. *Monthly Labor Review* 1-10.
39. Roby B. Sawyers, memorandum dated April 27, 1989.
40. Espenshade, T. J. 1979. The economic consequences of divorce, *Journal of Marriage and the Family* 41:615-25.
41. Burkhauser and associates purport to take taxation into account, but their article provides almost no detail about this; thus, it's impossible to know whether they have compensated for taxes properly, for example by taking state taxes and the child-care credit into their computations. Burkhauser, R. V., Duncan, G. J., Hauser, R., and Berntsen, R. 1991. Wife or frau, women do worse: A comparison of men and women in the United States and Germany after marital dissolution. *Demography* 28:353-60.
42. The parties can, of course, negotiate who receives this exemption, but unless the custodial parent signs a special form allocating the exemption to the other parent, the Federal tax code assumes she receives the benefit.
43. In an interview conducted July 2, 1997.
44. There is some confusion among experts about whether the poverty thresholds do or do not account for child-care expenses. Most scholars seem convinced that child-care expenses are not included in the poverty levels. On the other hand, rather than just lumping together parents and children into the total number in the household, the tables distinguish how many of the household are parents and how many are children. In 1987, for example, if a three-person household has no minor children, the poverty level is \$8,885, while if two of the three household members are children, the figure is higher, \$9,151. Since three adults undoubtedly eat more than one adult and two children, etc., one would think the poverty level would be higher in the former than the latter case unless child-care expenses had been taken into account. Instead, the \$266 additional dollars are plausibly the net effect of less food, etc., costs but more child-care costs.
45. The needs-adjustment method can be further adapted to account for this contingency by adopting the Arizona approach, which estimates that 31.5 percent of a household's extra expenses that are due to its children are fixed expenses, like mortgage payments. For families in which the fathers also keep up a residence large enough to accommodate substantial visitation, both parents will pay this extra expense. For Rachel and Jeff, $(\$9,151 - \$5,909) = \$3,242$ are the extra expenses due to their children. They each need to have 31.5 percent of this amount, or \$1,021, incorporated into their needs. The remaining 68.5 percent, or \$2,221, will be split among their needs in proportion to their time with the children, in this case 32.3 percent to 67.7 percent. Thus Jeff's needs are \$5,909 plus \$1,021 plus \$717 for a total of \$7,647, yielding a net post-divorce standard of living loss of 27 percent. According to this computation, Rachel's needs are \$8,434, yielding neither a net post-divorce standard of living loss or gain (the same as before). We did not make such an adjustment in any of the analyses in this

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chapter, which means we assumed *no* fathers maintained a residence large enough to accommodate substantial visitation. Many states assume there is some relatively high level of visitation where a father's larger residence is necessary and adjust the child support amount downward when visitation reaches this threshold. However, no data exist, including our own about what percentage of fathers actually keep up a household large enough to accommodate visitation (e.g., extra bedrooms, TVs, etc., for the children.)

46. Citro, C. F., and Michael, R. T. 1995. *Measuring poverty: A new approach*. Washington, DC: National Academy Press.

47. In an e-mail message, March 31, 1998.

48. In theory, marital assets should normally be divided 50-50. Thus, if she kept the house, he would receive cash or other considerations to be bought out for his share of the equity. Similarly, if she kept most of the household items, he would be monetarily compensated for half of their value. Few of our fathers, however, felt that was how the system worked in practice. The fact that mothers more often keep the family home was also noted by Sugarman, S. 1990. Dividing financial interests at divorce. In *Divorce reform at the crossroads*, eds. S. Sugarman and H. Kay. New Haven, CT: Yale University Press.

49. Amounts for pre-separation were obtained within twelve weeks of filing for dissolution and for post-separation were calculated one year after the first interview.

50. If we calculate the percent gain or loss for each individual and then take the median of all these gains or losses, fathers show a 7 percent decrease, and mothers a 3 percent decrease.

51. For example, some commentators who believe our figures are biased *for* fathers and *against* mothers told us that we didn't properly take into account child-care expenses the mother pays. Our data show an average paid of \$1,800 per year, resulting in an average child-care tax credit of \$444 per year. It is not clear whether this expense is already figured into the needs tables (see note 42), whether it should be subtracted from income, or added to needs. If one subtracts it from income, mothers are shown to experience an 8 percent loss in standard of living. Others indicated that we needed to find out whether the tax exemption for children was actually taken by the mothers. Meanwhile, commentators who believe our figures are biased *against* fathers and *for* mothers told us that Arizona fathers in 1987 paid proportionately far less child support than most fathers in other states are now ordered to pay (the next year, the Arizona Child Support Guidelines were increased an average of \$900 per year), and that we didn't take into account the capital gains exclusion on the sale of the family home (that only mothers often benefit from). We hope our findings stimulate other analysts to redo our analyses with national data sets, using their own assumptions about these matters, but taking into account visitation and taxes.

52. As Greg Duncan wrote me in an October 16, 1997, letter, a "Vital point to make is *not* what happens to the *average* father and mother following divorce. There is a wide distribution of experiences following divorce, some favoring fathers, and yes, a substantial number favoring mothers. No single stereotype fits all, and judges, policy-makers and the public need to be aware of the diversity of circumstances." While this statement is no doubt true, few past analysts emphasized the *diversity* of circumstances, preferring to focus on the average. See Peterson, R. R. 1989. *Women, work and divorce* for an exception.

53. Teachman, J., and Paasch, K. 1993. The economics of parenting apart.

54. Duncan and Hoffman found that the poverty rate doubled for women in the year following divorce but then declined subsequently, but never quite to the pre-divorce levels. Duncan, G. J., and Hoffman, S. D. 1985. Economic consequences of marital instability, pp. 427-71.

55. Sugarman, S. 1990. Dividing financial interests at divorce, p. 150.

56. Peterson, R. R. 1989. *Women, work and divorce*.

57. Cherlin, A. 1981. *Marriage, divorce, remarriage*, p. 29. Cambridge, MA: Harvard University Press.

58. Duncan, G. J. and Hoffman, S. D. 1985. Economic consequences of marital instability, pp. 427-71. For women with children, the increase is not as great in their "all women" analyses, since the gain is offset by a decline in child support received. They also find that men's standard of living increases 14 percent. Moreover, children seem to cost more as they get older, though child-care costs may decline (but so does the income tax offset of the child-care credit).

59. Day, R. D., and Bahr, S. J. 1986. Income changes following divorce and remarriage, pp. 75-88.

60. Though we had hoped to complete a post-remarriage analysis of our own, taking into account taxation and visitation, we realized that we hadn't asked the proper questions on our Wave 3 measure to complete it satisfactorily; for example, we did not obtain information about how much child support the mother's new husband was paying to his former spouse, nor how many, if any, of the new wife's children were living with the father.

61. A similar sentiment was expressed by law professor Steven Sugarman, who argued that nonfinancial consequences, including most notably satisfaction with custody arrangements, needs also to be taken into account if the law attempts to redress any gender-based inequities: "Where women have physical custody of the children and men feel that they have, as a result, lost something terribly important to them, it is deeply troubling to compare the former spouses . . . in terms that treat the children solely as a liability," as the needs adjustment method does. Sugarman, S. (1990). Dividing financial interests at divorce, p. 151.

62. See Chapter 7, Table 7.1.

CHAPTER 5: TAKING ON MYTH 4: TERMS OF DIVORCE

1. In, respectively: Fineman, M. (1991). *The illusion of equality*; Mahoney, K. 1996. Gender issues in family law, pp. 198-218; Weitzman, L. J. 1985. *The divorce revolution*; Arendell, T. 1986. *Mothers and divorce: Legal, economic and social dilemmas*. Berkeley: University of California Press; Arendell, T. 1995. *Fathers and divorce*. Thousand Oaks, CA: Sage; and Mason, M. A. 1988. *The equality trap*.

2. Maccoby and Mnookin put the national rate of alimony awards at 8 percent. Maccoby, E. E., and Mnookin, R. H. 1992. *Dividing the child: Social and legal dilemmas of custody*. Cambridge, MA: Harvard University Press. The U.S. Census puts it at 15 percent; U.S. Bureau of the Census. 1986. Child support and alimony: 1985. *Current Population Reports*, series P-23, no. 152. Washington, DC: U.S. Government Printing Office.

3. On rare occasions, the two types of support, spousal and child supports, are combined into "family support."