

Are Family Courts biased?

CHILD

How effective are State collections?

SUPPORT,

Does support reduce child poverty?

DIVORCE,

Do guidelines make support consistent?

CUSTODY,

Do kids need both parents?

ACCESS &

What is the best interest of the child?

GOVERNMENT POLICIES

A gender-based analysis W.G. Cheriton

Child Support, Divorce, Custody, Access & Government Policies by W.G. Cheriton

This book is used as reference by politicians and policymakers as a counterbalance to wild and unsubstantiated claims by ideological advocacy researchers. This book contains the first gender-based analysis of who pays child support by income and by sex, based on 1995 tax data, the most complete analysis of child support, custody, access and divorce policy area.

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Support, Maintenance & Alimony Myths

Myth: Men can afford higher and higher support payments:

Fact: men's income has not kept up with inflation and taxes according to Statistics Canada data from 1984-94. Since many court judgments are based on a man's income before divorce, and are often indexed to inflation, gradually men are less and less able to pay higher and higher support payments. Thus, on average, many men are squeezed into unintentional default by the post-marriage income drop, rising taxes, stagnant incomes, high legal and access costs, and support judgments which are rising at more than twice increase in the average man's income.

Myth: If men pay more support, it is just because men have higher incomes.

Reality: Data from 1995 tax returns tell a very different story. Child and spousal support is reported on tax forms as alimony paid and received. The following is a breakdown by income levels for men and women, provided by Finance Canada and Revenue Canada. It should be noted that this is not a survey or an estimate, rather, it is all the reported support for all Canadian taxpayers in all provinces and territories.

Total Income	TOTAL SUPPORT PAID			
	Male		Female	
	#	000s of \$	#	000s of \$
UNDER 10K	17,554	37,536	839	1,741
10K – 20K	50,636	116,550	3,420	6,252
20K -30K	69,289	222,732	3,834	7,688
30K - 40K	74,798	289,813	1,847	5,454
40K - 50K	57,643	276,413	1,219	3,175
50K – 60K	47,452	296,663	883	3,688
60K - 70K	27,245	204,873	366	2,105
70K – 80K	14,758	132,131	139	688
80K - 90K	7,823	83,174	112	1,085
90K - 100K	5,996	69,823	54	74
100K - 125K	6,090	93,428	73	327
125K – 150K	2,847	54,598	27	310
150K - 200K	3,672	79,026	38	606
200K - 250K	1,648	40,011	0*	0*
OVER 250K	2,846	96,145	11	210
TOTAL	390,297	2,092,916	12,862	33,402

* Note: no woman in this income category pays any support.

To see what these figures mean, let us compare the averages for men and women at the same income levels. I have also calculated the ratios of male payors to female payors in comparable income categories.

**GENDER RATIOS & AVERAGES OF PAYING SUPPORT
BY NONCUSTODIAL (NC) PARENTS**

Total Income	Average paid by NC father (\$)	Average paid by NC mother (\$)	Ratio of \$ father/mother	Ratio of male payors to female payors
UNDER 10K	2138	2075	1.03	20.9
10K – 20K	2302	1828	1.26	14.8
20K -30K	3215	2005	1.60	18.1
30K - 40K	3875	2953	1.31	40.5
40K - 50K	4795	2605	1.84	47.3
50K – 60K	6252	4177	1.50	53.7
60K - 70K	7520	5751	1.31	74.4
70K – 80K	8953	4950	1.81	106.2
80K - 90K	10632	9688	1.10	69.8
90K - 100K	11645	1370	8.50	111.0
100K - 125K	15341	4479	3.42	83.4
125K – 150K	19177	11481	1.67	105.4
150K - 200K	21521	15947	1.35	96.6
200K - 250K	24279	*	*	
OVER 250K	33783	19091	1.77	258.7
TOTAL	5362	2597	2.06	30.3

It is clear that the gap between men and women widens as income rises. I.e. at low income levels, women are treated almost as harshly as men, but in the higher income levels, women are treated increasingly leniently, and men increasingly harshly. These differences are not small. For example, in the \$90-100,000 income bracket, a man will pay 8½ times what a woman will pay for the same obligation. The same difference in treatment is evident in the ratio of male payors to female payors. The ratio of father custody to female custody is approximately 76/11 or about seven times. If the court system treated men and women equally in support, the ratio of male to female payors would be about seven. But it averages over 30 so that noncustodial mothers are over four times more likely to evade paying support. It seems, also, that as income increases, women are more likely to evade paying support. It is difficult to avoid the conclusion that biased and chauvinistic courts and collection systems discriminate against men and low income women and preferentially exempt high income women from support responsibilities.

Myth: Courts decide child support to help low income mothers.

Reality: For a given level of income of a noncustodial father, the average support award rises with the income of the custodial mother: i.e. judges are biased in favour of high income women and discriminate against low income mothers. Finnie's study of pre and post-separation income to needs ratios of 869 couples who separated and

received a judgment in 1991, shows this. (From “An Overview of the Research program to develop a Canadian Child Support Formula, Table 5. 2B, pg. 42, Finnie, Gilliberti and Stripinis, Justice Canada, January, 1995, ISBN: 0-662-22969) The boxes in the table highlight support awards for low, medium and higher income fathers. Note that within the box, the higher the mother’s income, the more the father pays.

**Table of Income to Needs Ratio (INR)
for Separating Family with Two Children**

Post-separation

INR (Mother)	Custodial Average Support Award	Noncustodial INR (Father)	Income of Family	Pre-separation INR Mother	Father
1,726		.083	0.83	1.07	Low
2,483		1.26	0.83	1.33	Medium
2,720		1.67	0.75	1.64	High
3,794		.98	1.4	1.66	Low
4,357		1.34	1.4	1.89	Medium
5,131		1.88	1.54	2.45	High
6,813		1.13	2.6	2.7	Low
7,521		1.49	2.7	3.11	Medium
8,782		1.97	2.5	3.37	High

Note that the other two tables showing all children and one child also show this trend, not always as consistent as this table.

Myth: there is no excuse for non-payment of support.

Reality: Fathers who are not paying court ordered support fall into one of the following categories:

- No income or unemployed 1)
- Remarried and has no income left after supporting another family and taxes. 2)
- Cannot see children and objects to paying until access is granted. 3)
- Original support order was too high, or income dropped to support order or below. 4)
- Father notified years after support obligation has built up to an unpayable amount of arrears. 5)

(Based on a story in Harper’s magazine article by a former support collection officer.) Removal of drivers’ licences, passports or licences required for employment, often proposed to deal with non-paying fathers would not improve collection in any of the above cases, but would likely change partial non-payment into full non-payment.

Myth: Fathers not paying support are wealthy, high-income “deadbeats:”

Reality: Very few fathers not paying have high incomes, even fewer are wealthy. Most are simply caught in an unfair and untenable situation not of their making.

Myth: If support is too high, men can get support changed.

Reality: Support collection agencies have no authority to deal with anything except collecting money. “Fairness” does not apply to support collections, since these offices have no authority to vary an amount, even if it is higher than a man’s income. Ombudsman offices and human rights agencies will not help. Often lawyers will not represent a man in arrears since child support takes precedence over any other debt, so the lawyer may not get paid. Ability to pay is often not taken into consideration and courts appear reluctant to change support orders if men are unemployed or if their wages drop. While fathers wait for a court date, arrears mount, often to unpayable levels. Comparatively, women paying support are often relieved of this burden by “chivalrous” and sexist courts.

Myth: Legal aid is equally available to both sides in variance of child support.

Reality: 70 to 80% of family law litigants are unrepresented and legal aid is being denied or limited in an increasing percentage of family case applicants. But if the custodial mother is on welfare, a working father may face an army of government-paid lawyers, while denied legal aid. Legal aid clinics such as the one at the University of Ottawa refuse to represent men since they view it as a conflict of interest with representing “abused women”. Support received or paid is not taken into account in eligibility for legal aid so that men with little or no disposable income after support, are denied legal aid. According to a 1999 Bala & Shuman study of divorce cases for Justice Canada, only New Brunswick provides legal aid services for all child support cases. In other provinces, women who claim they have been abused can get legal aid regardless of income, while men are excluded because of the abuse referral services are women-only. Tax treatment of legal costs is different: women can deduct their legal costs if they get any increase in support, but men defending against support claims cannot deduct their legal costs, even if they win. Some claim that this provision biases courts in favour of increasing support, because judges increase it by token amounts, in order to make women eligible for this deduction.

Myth: Over half of fathers deliberately refuse to pay child support.

(Estimate based on guess by Quebec government bureaucrat, reported as “fact” by CFRA radio, Ottawa, 1996.)

Reality: Percentage of intentional child support default: less than 10% (Carolina Gilberti, chief of Family Law Research, Justice Canada, from comments published in Toronto Star, September 1995).

Myth: Non-paying fathers are mostly wealthy, high income deadbeats.

Reality: In a 1993 U.S. government funded study, the Institute for Research on Poverty found that “... 52% of the nonpaying fathers had incomes of less than \$6,155 a year ...” Comparable information is difficult to find in Canada but 1995 Finance Canada tax return data shows that about 4.5% of male support payors had incomes of less than

\$10,000 per year. About 9% of men have annual incomes of less than \$7,000. Other income categories of noncustodial fathers are much closer to their availability within the population. This might indicate that about half of men in that income category are non-paying. If that is so, and we accept the statement of Justice Canada’s Chief of Family Law Research that the real default rate is about 10% then about half of the defaulters have incomes of less than \$10,000. An income of \$10,000 Canadian gives about the same disposable income as \$6500 US , considering taxation and currency differences.

Myth: It is impossible to know how many fathers deliberately avoid paying support to single mothers but it is very high.

(Assumption by Justice Canada staff in telephone conversation with the author, 1996).

Reality: Let us see if we can calculate the actual default rate:

- a. Number of single mothers: 603,000
 - b. Number of men reporting paying support 333,950
- (all data from 1991, Vanier Institute of the Family (VIF), Profiling Canada’s Families and 1991 Revenue Canada Tax Data)

Of the above single mothers, VIF gives the following breakdown:

- c. divorced 195,975
- d. separated 148,338
- e. widowed 141,102

Now if we assume fathers are known and available to one quarter of never married women (the rest would be single women who adopted, women who don’t know who the father is, the father has died, or where women don’t want the father involved and he may not be aware he has a child, inseminated single women, women who have adopted children after the death of both parents, etc.), then:

- f. never married, know father 29,396
- g. never married, no father 88,189

(b) is Revenue Canada tax deductions for those men claiming the child support (alimony) deduction. If the woman is on welfare, the “alimony” goes to the government and the man usually may not claim the deduction. Some support collection agencies estimate from 15 to 20% of support collected is on behalf of women on welfare.

Conservatively choosing the lower figure of 15%, and recalculating the number of men paying above as:

- h. % support not deductible 15%
- i. adjusted payors 392,882

According to government documents filed in the Supreme Court by Finance Canada, 20% of support is paid to remarried women, so

- j. Paid to remarried women % 20%
- k. # of remarried women 78,576
- l. Mothers eligible for support 452,286
- m. Calculated fathers not paying 59,403
- n. Percent of fathers not paying 13%

To put this in context, about 9% of men have an income below the \$7000 floor

limit of the child support guidelines. A reasonable estimate for men who should be paying support but are not, might be 13%-9% or about 4%.

Redoing the calculations above, assuming that 20% of men paying child support do not claim the tax deduction, for whatever reason, we get a figure of 7% not paying. This leads to an additional conclusion that, on average, there may be more men paying support on incomes below the guideline floor than men who should be paying and are not! Contrast these calculations to the unsubstantiated claims in “Social Policy Review” of Human Resources Development Canada (HRD), 1994, that “66-83% of mothers say the fathers pay little or no support”. On request, HRD was unable to provide any data to document their published claim. It is hard to imagine a more counter-productive policy for HRD than using unsubstantiated accusations to mock those most successful in providing for their children: fathers.

Myth: Most of those not paying support are men.

Reality: There are more women non-payors than men. Let us apply the same analysis to single custodial fathers and noncustodial mothers

a) single fathers	170,000
b) divorced	57,120
c) separated	63,920
d) widowed	35,020
e) never married, know father (the mother of the child is known to virtually all never married fathers)	48,960
f) mothers paying support (tax data)	8020
g) % support not deductible	15%
h) adjusted (women) payors	9223
i) Paid to remarried fathers %	20%
j) remarried custodial fathers #	1,845
k) Support-eligible fathers	136,825
l) Mothers not paying	127,602
m) Percent of women non payors	93%

Note that there are more women who should be paying support and are not, than men not paying support. (128,000 non-paying mothers versus 59,000 non-paying fathers.) The rate of support non-payment in women is an astonishing 93%!

Myth: If a noncustodial parent's income is higher, he is better off than the custodial parent.

Reality: There is no recognition in the tax deductions or tax credit system for access or parenting costs of the noncustodial father. Thus, if two children spend 1/3 of their time with a noncustodial father, who earns \$26,000 (average of single man), this father pays \$4536 in support under new guidelines, and \$5076 in Ontario and Federal tax, plus \$2000 in access costs, this would leave \$14,000 for food, housing, and his parenting

costs. He would get more on welfare. Let’s look at her income: Say \$25,000, the average for a single woman. She gets \$4536 in tax free income, plus the child tax credits, GST tax credits and exemptions gives her an after tax income of \$29,000. Even though he is statistically classed as well-off, he is in fact poor, and the children live in poverty during the time with him. He is not eligible for income-tested parenting assistance. Comparatively, she falls under the low-income cut-off, making her eligible for a wide array of government “family” assistance, and the children are much better off financially during the time with her. Yet, to government policy analysts, she appears disadvantaged.

Myth: under the guidelines, men can just work harder and longer and make more money.

Reality: With rises in Canada Pension Plan and income tax increases, the tax plus support impact on marginal incomes is still over 100% in some cases, particularly at low income levels.

Myth: sons of separated, custodial mothers will be more responsible regarding support payments.

Reality: Loss of father lowers child support : According to a recent study of young, noncustodial fathers who are behind on child support payments, less than half of these men were living with their own father at age 14. Source: Manpower Research Corp. 1994.

Men are increasingly evading child support.

Myth:

Reality: Child support paid by men is higher than that paid by women, is stable, and rising. Figures for support paid by men (child and spousal support recorded as alimony deduction, source: Revenue Canada, Statistics Division, gender breakdown for 99%+ of taxpayers from all Canada.)

Year	Amount paid by men	
1989	\$1,414,071,000	
1990	\$1,519,854,000	percent increase 7%
1991	\$1,630,699,000	percent increase 6.8%
1992	\$1,758,948,000	percent increase 7.3%

Note that during this period, men’s income increased by less than 3% per year, less than inflation and also less than the increase in taxes.

Myth: “up to 75% of support is not paid” (former Justice Minister Allan Rock)

Reality: Average court judgment in 1991: \$4411 (Finnie, Gilliberti, Stripinis report to Justice Canada in January 1995). Average support amount paid by men in 1991 according to Revenue Canada: \$4883. – 10% higher than the average court order. (The few women who paid in that year only paid an average of \$2758, or 38% below the average court order.) Mr. Rock has been unable to document his claim against men, which he has used in the House of Commons and at press conferences. News media have repeated this “up to 75%” myth without checking it and with no evidence whatsoever to back this up.

Myth: Single custodial fathers are benefiting from increased support payments

Reality: Support for fathers is lower and dropping. The facts:

Amount of support paid by women in 1991: \$22,126,000

Amount of support paid by women in 1992: \$18,314,000

Percentage decrease in support to
custodial fathers from 1991 to 1992: 17.2%

(Revenue Canada Statistics Division) This huge drop may represent negative effects of biased and counter-productive government involvement.

Single father-headed families are increasing because courts discriminate against women. Myth:

Reality: (in Canada, according to Statistics Canada)

Number of male single parents in 1986: 153,000

Number of male single parents in 1991: 170,000.*

According to Newsweek, US data shows single father families are the fastest growing family type (by percent in the U.S.) However, in Canada the percentage of sole father custody court decisions decreased by 1% from 1986 to 1992, from 12% to 11%. So why do fathers represent 22% of heads of lone parent families? Answer: while women disproportionately win court custody and support, particularly for young children, there is a tendency for de-facto custody to drift back to the father, particularly in the teens as the mother recognizes the children's need for the father, or as the custodial mother encounters difficulties she cannot handle. As is shown below, support payments rarely follow this custody change. It appears that courts may be keeping the amount of father-custody and shared custody artificially low, because of bias against fathers getting custody, or that the perceived need to provide women with financial support may be predetermining custody judgments.

(*Vanier Institute of the Family, *Transitions*, March 1994, based on Statistics Canada data).

Myth: Court ordered support reduces the difference in standard of living between mothers and fathers at low income levels.

Reality: At low income levels custodial mothers benefit from government programmes and support so that their incomes are almost always greater than basic needs, but low income noncustodial fathers are often below even the basic needs of a single person, much less the needs of a parent. Perhaps more striking, for a given income of a noncustodial father, he will pay higher support if the mother's income is high. This exacerbates the standard of living difference between mothers and fathers after divorce. Courts appear to decide the opposite in cases of father custody: i.e. for a given income of the mother, judges award less support the higher the income of the custodial father and the standard of living of the child suffers. In both cases, the higher the income of the mother, the greater the difference in the standard of living the child experiences between mother and father. The higher the income of the father, the less likely the child will experience poverty in the company of either parent. Both Court biases disproportionately disadvantage fathers as parents.

Myth: Courts are biased in favour of separated fathers since most of the judges are men:

Reality: Percentage of single custodial fathers who get a support order: 30% (Ross Finnie report January, 1995 to Justice Canada based on Statistics Canada records of actual court judgments from 1991). Since 91% of custodial mothers get a support order, judges are over three times as likely to refuse a single father a support order.

Support collection and court orders don't discriminate against fathers with custody. Myth:

Reality: Total support paid by women to single fathers in 1992: \$18,314,000 or about 1% of total support. (Revenue Canada, Statistics Division). With 170,000 lone parent families headed by men, the average single father gets only \$100 per year or about 6 or 7 dollars per month per child. ($\$18 \text{ million}/170,000 = \109 .) There is no mechanism for ensuring that single custodial fathers get equal proportion of orders, amounts of judgments, collection or payments under federal, provincial guidelines or support administration.

Myth: Governments can deal with support in isolation from other issues.

Reality: Divorce problems cannot be solved without considering all aspects of the issue: custody, access, support, poverty, abuse, disadvantage and cost to society. Divorce policy cannot be separated from marriage and family policy

Myth: Men have no excuse for losing their jobs and not paying support.

Reality: Preferentialist hiring and firing produce defaults: many men with higher incomes are being laid off preferentially by corporations and government to be replaced with lower salaried workers, primarily women. E.g. just before the 1993 election then Prime Minister Kim Campbell laid off 175 senior civil servants. All were men; many would be sole or primary family income earners. The target of much of corporate downsizing has been men. No Canadian study has been done to study the effects of fathers' unemployment on divorce rates, child support default and family stress but we do know that one of the predictors of divorce and spousal violence is a drop in income by men in families. Unstable employment of men strongly influences divorce and support paid.

Women are getting less child support because dads are paying less and less. Myth:

Ontario government figures show yearly increases in child support collections of 23-34%, yet Revenue Canada figures show yearly increases in support received by custodial mothers of 6.96% (1989-90), 6.80% (1990-91) and 7.29% (1991-92). Alberta Government Maintenance Collection agency shows yearly double-digit percentage increases, yet, like in Ontario, this money is not going to women or their children. Men's incomes are increasing less than 3% a year, but that 20-30% increase men pay to governments translates into only small percentage increases to women.

Myth: Child support guidelines won't significantly target women's income

Reality: Noncustodial mothers face a 20 to 50 fold increase to match what men are currently paying. Since women's income is lower, they will, on average pay a larger

percentage of their income in support under the new guidelines. Separated women are less likely to remarry, and therefore are less able to afford the increases in child support since they are less likely to have a second income to help support the household.

Myth: Child support collected by governments is the only measure of the contribution of the noncustodial parent.

Noncustodial parents often pay amounts not shown on tax forms to support their children in their household and as voluntary amounts which are not reflected in child support collection agencies. In fact, many low income parents worked out “under the table” arrangements for support when the mother was on welfare so that the children would benefit rather than government bureaucracies, and judges acquiesced to these arrangements. The new federal guidelines virtually eliminated this, increasing money flowing to provincial governments while increasing child poverty.

Myth: Support guidelines won't affect employment of custodial mothers.

Reality: Many separated mothers fear loss of custody and support if they allow the father to do 40% or more the child care. Often this fear leads to under employment or abandoning a career rather than risk the father gaining custody. Shared custody or joint parenting responsibility appears to alleviate these fears and increase opportunity for women to be self-supporting.

Myth: Government child support formulas take shared parenting into consideration.

Reality: The child support tables evolved from a January 1995 study of support. The original data of 3129 cases involved a mixture of shared, split and other forms of custody. The study discarded all shared parenting arrangements, and kept only 100% sole custody where support was paid, dropping the data sample to 869 cases. The research discarded over two thirds of the cases. Thus government research which produced child support guidelines ignored the most successful, most satisfactory arrangements, from the standpoint of the parents, the children, support enforcement, and cost to society.

Myth: Support guidelines will prevent gender bias by family court judges.

Reality: Perhaps viewing them as financially “incapable” as parents, paternalistic judges often appear unwilling to burden noncustodial mothers with guideline levels of child support. Under the new guidelines, judges have been exempting noncustodial mothers with incomes as high as \$21,000, citing “hardship”. Judges apply “add-ons” almost exclusively against fathers to increase the amount paid by men and decrease women’s responsibility.

Myth: Guidelines mean existing judgments will not be reduced.

Reality: Either parent may seek to adjust support payments to conform to the guidelines. According to Justice Canada (An Overview of the Research Program to Develop a Canadian Child Support Formula, January, 1995) in 1991, courts were awarding support judgments amounting to all or virtually all of a parent’s income in a number of cases.

According to the original Justice Canada data, all those subject to these confiscatory levels were men. Appeals of these cases, and numerous other cases under the guidelines would likely mean large reductions in support payments to women.

Myth: Child support guidelines will treat all mothers with children equally.

Reality: A woman with six children who gets divorced from one father will get about one third of the child support that a woman would get if she had six different children from six different ex-spouses. Similarly two divorces and two children nets more income than one income and two children. The more divorces, the more money: that’s a pro-divorce policy.

Myth: Guidelines will have no effect on remarriage.

Child Support Guidelines discourages remarriage by custodial mothers since the new step father may be reluctant to risk liability for child support on the children if he is subsequently divorced, especially if the children are not his. US studies have shown that states with higher child support guidelines have higher child poverty rates due to lower remarriage rates.

Myth: Federal government figures show all child support paid.

Reality: Actual child support by fathers is higher than published figures show.. If paid to provincial government agencies for women on welfare, men can lose the tax deduction. Actual amount of support paid may be 15%* to 30%** on top of above figures which would mean the actual figure for support paid by men is over \$2 billion yearly. *Figure from staff at Alberta Government Maintenance Support Enforcement. ** Figure from Edmonton parents’ group claimed to be based on government figures (unverified).

Myth: Child support to mothers will increase under new federal guidelines:

Reality: While custodial mothers have been promised a 30-60% increase in child support by the press coverage leading up to the new child support guidelines. Net child support will actually drop under the guidelines, combined with taxation, particularly at low income levels. (Reference: letter to the author from Finance Minister Paul Martin, Oct. 2, 1996.)

Myth: Provincial government figures on child support are reliable.

Fact Data provided by provincial support and maintenance collection agencies are often manipulated and unreliable: Each provincial government keeps figures in a different way, sometimes each local office uses different accounting methods. For Ontario: a Freedom of Information inquiry produced the following numbers of cases for support orders received by women and men:

Percent	Men	Women	Year
3.0000%	2871	92,829	1991-92
3.0000%	3327	107,573	1992-93
3.0000%	3792	122,608	1993-94
3.0000%	4062	131,338	1994-95

Note that it is statistically highly improbable that the number of cases should be

exactly 3% over 4 years, especially to 5 decimal places! No gender breakdown in dollar figure was available. Conclusion: the 3% figure is a vague estimate probably based on a partial survey. Even so, without dollars collected broken down into men and women there is no reason to conclude that men are more likely to default than women. In fact, if 2% of court orders are against women but 3% of orders are registered with the Family Service Plan it seems likely that women may have a higher rate of default, since defaulting judgments are more likely to be registered.

Myth: Support always goes to the parent with the children

Reality: Number of single fathers eligible for equivalent to married tax deduction: 78,000 (1995, HRD Canada). Male custodial parents are ineligible for tax exemptions probably because they are paying support. Thus up to 92,000 (170,000-78,000) separated custodial fathers pay support in addition to being the primary care-giving parent. (I have yet to find a case of a woman having to face this double disadvantage). These families and their children would be further impoverished by higher taxes and support payments.

Myth: If women are not receiving support payments, it is because men are not paying.

Ontario's Provincial Support Maintenance Enforcement shows widespread Reality: non payment number of cases and dollar figures rising much faster than Revenue Canada deductions and income figures show. E.g. Ontario figures show 1992-93 +33.3%; 1993-4 +34.3%; 1994-5 +23.4% compared to increases of 6% and 7% per year as shown by Revenue Canada deduction figures.

Conclusion: child support is increasingly used by provincial governments as a “cash crop” to fund welfare and other government programmes. Higher and higher proportions of child support goes to government rather than to women or children. The spiraling number of support enforcement cases shows government may actually cause more problems than it solves. Furthermore, governments may have a vested interest in default since this default forces fathers to pay in after-tax dollars and it provides a “politically-correct” source of revenue which is not viewed as a tax increase.

Myth: The issue is only about fathers supporting their own children

Reality: While child support does not directly target the income of second wives, grandmothers or extended family, the “standard of living” measure of guidelines will inevitably mean that support can consume all or virtually all of the income of those noncustodial parents who return to live with their parents after a family breakdown. Similarly, if all or virtually all of the income of a noncustodial parent is consumed in guideline-based child support and taxes, then upon remarriage, the burden of the cost of supporting the noncustodial parent falls to the new spouse, typically the second wife. Stepfathers can be targets for court ordered support as replacements for a non-paying natural father and men whose wives have borne another man's child still are usually liable for supporting a child which is not theirs. Courts almost never require women to support children who are not biologically theirs.

Myth: Not paying child support is always unfair.

Reality: Where there has been an unequal division of assets or debts, paying little or no support may make sense. For example, in many cases of two middle-income parents it was common for the custodial parent to get the house and the noncustodial parent paid the legal bills, and quite possibly the mortgage, while not paying long term support. Now the noncustodial parent must pay guideline level of support, the house will often have to be sold, reducing the independence, stability and wealth of the family. A further consequence of government retroactively rewriting the rules of divorce is that a spouse who has received a lump sum or property settlement and frittered it away, can now return to court and reclaim a new division of income and assets. New divorce policies reduce the choice of divorcing couples in division on assets and income, while encouraging dependence, re-opening of support issues, and increasing the likelihood of on-going conflicts.