NONRESIDENT FATHERS’ STRUGGLE WITH THE SYSTEM

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Abstract

Nonresident fathers often complain that ‘the system’ is against them. Although men are far from innocents in the breakdown of relationships, the claims of nonresident fathers have some justification. As mothers more frequently decide to end a relationship and assume the role of resident parent, the majority of fathers experience shock and deep grief at the time of separation. Failure to establish regular contact with children during these early, emotionally charged stages of separation endangers their continued involvement in children’s lives. A lack of clarity about the role of nonresident father tends to impede the development of a strong paternal identity after separation which in turn further threatens fathers’ involvement with children. Some divorce literature adopts a deficit paradigm in dealing with nonresident fathers, with reports of evidence that fathers’ involvement after separation contributes little, if anything, to children’s adjustment. When mothering is the yardstick by which the quality of parenting after separation is measured, fathers inevitably emerge as deficient. Fathers usually connect with children through mothers. On losing their relationship with mothers, fathers have to learn a new way of relating to children. The challenge is even greater in families where mothers positively discourage this involvement. The legal system demands that nonresident fathers’ financially support their children at a level that leaves many low-income fathers living in poverty and unable to provide children with an attractive environment in which to spend time with them. The system offers little encouragement for fathers to retain some control over their financial support of children, and displays a somewhat righteous indignation at attempts by nonresident fathers to retain greater control over their income. The legal system frequently discourages fathers from applying for residence of children in the belief that their application is unlikely to succeed. The legal system also fails to acknowledge the heavy pre-separation involvement some fathers have with children, offering them a contact regime that effectively marginalises them in their children’s lives. Nonresident fathers constantly encounter social institutions which are unwilling or unable to acknowledge that most children living in a single-parent household in fact belong to a two-parent family.

Nonresident fathers commonly complain that ‘the system’ is against them as they struggle to continue to be involved in their children’s lives (Dudley, 1996). Many of these fathers perceive that they lose their parental rights once their marriage or relationship ends. They often believe that resident mothers use ‘the system’ against them (Arditti & Allen, 1993) in order to exclude them from involvement in their children’s lives (Goldsmith, 1980). They frequently present, as Arendell (1992, 1995) found in her extensive interviews of divorced fathers, as ‘victims of the system’. This paper will argue that nonresident fathers’ complaints are justified because some aspects of the social system surrounding divorce discriminate against them.

Some commentators dismiss nonresident fathers’ complaints by labelling them as the whingeing of men who, perhaps for the first time in their lives, encounter a ‘system’ which fails to uphold their privileged status within the family. This view suggests that patriarchal men complain about the system which surrounds divorce because of its focus on the ‘best interests of children’ rather than on their own ‘rights’, a term which Arendell (1992) claimed was simply ‘a euphemism for male privilege within the stratified gender system’. It implies that many divorced fathers are unable to delineate children from their mothers and so they interpret any system aimed at promoting children’s interests as upholding the needs and position of resident mothers whom they then perceive as using the system against them.

Another interpretation of divorced fathers’ cries of being victimised is that their complaints are simply an expression of their discomfort at not feeling in control of their emotions, let alone of what is happening within their families. Arendell (1992) found that many divorced fathers believe that men are the ‘unrecognised emotional victims of divorce’, so the chorus of nonresident fathers who blame former partners, lawyers and the system may be only venting their feelings of helplessness and hopelessness (Arditti & Allen, 1993). Cohen (1998) interpreted nonresident fathers’ tendency to blame others as a reflection of their narcissism which prevents them from assuming any responsibility for the situation in which they find themselves after divorce.

Such interpretations of nonresident fathers’ constant and loud complaints contain elements of truth. They do not, however, present a balanced view, and in fact give credence to divorced fathers’ belief that they are not taken seriously or are not really heard in voicing their experience of divorce.
The aim of this paper is to demonstrate that there is some basis for nonresident fathers’ complaints that the system does work against them in their efforts to play a significant role in children’s lives. The paper identifies from both research studies and clinical experience a number of factors which contribute, albeit unintentionally at times, to nonresident fathers’ experience of being victims of the system. It recognises that many fathers have no input into the decision to separate and experience a deep, often unacknowledged grief at the loss of their children. It suggests that the confusion about their role disadvantages nonresident fathers who feature as deficient parents in much of the research literature. It considers the impact of resident mothers on fathers’ contact with children, and shows how child support responsibilities, the legal system and social institutions can and do militate against nonresident fathers’ continued involvement in children’s lives.

The paper does not imply that there is in any way a concerted effort by aspects of the social system to disempower men in their role as divorced fathers. It recognises that there is no simple solution to some aspects of what men see as a discriminatory system, but suggests that changes to other aspects are not only possible but necessary in order to facilitate nonresident fathers’ involvement in their children’s lives.

As the focus of this paper is on nonresident fathers, the term ‘nonresident father’ is used in all references to nonresident parents, and the term ‘resident mother’ in all references to resident parents. Clearly, some comments apply to both mothers and fathers, be they resident or nonresident parents.

**Lack of control over separation process**

Nonresident fathers’ first experience of the system which they see working against them centres on the separation itself. Clinical experience supports research findings that mothers initiate separation in the majority of cases (Goldsmith, 1980). As a result, most nonresident fathers perceive that they have no input into the decision to separate or divorce. Many of them further attest that they had no idea that their partners were even contemplating separation. It is not uncommon for fathers to report that they returned home from work to discover that their wife and children had moved out, sometimes even emptying the house of its contents. Undoubtedly for some mothers the only way of escaping from an abusive situation is to flee the home unbeknown to their partners. Nevertheless, this event normally has a substantial impact on fathers.

Regardless of the circumstances in which the separation occurs, the unilateral decision by mothers to end the relationship involves fathers in what Braver, Wolchik, Sandler, Fogas & Zvetina (1991) described as a significant ‘symbolic cost’. Nonresident fathers who perceive that they had no input into, or control over, the separation process often experience high level of distress which Bay and Braver (1990) found to be significantly and positively associated with parental conflict following separation. Most separated fathers are initially in a state of shock and emotional turmoil, perhaps because separation has activated their previously unrecognised dependency needs and has given rise to feelings of guilt, anxiety and depression. Hetherington, Cox and Cox (1976) in their early study of parents one year after divorce found that separated fathers undergo more significant changes to self-concept than do mothers, and experience a decline in feelings of competency. These findings are confirmed by later evidence that separated fathers tend to suffer more mental health problems than do both separated mothers (Ambrose, Harper & Pemberton, 1983) and married fathers (Guttman, 1989; Jacobs, 1982).

About the time of separation, many fathers who are in deep emotional turmoil seem to lack the skills to deal constructively with their anger and other negative feelings associated with the breakdown of their relationship. Consequently, they frequently face Apprehended Violence Orders because of abuse that occurred around separation or because they are unwilling or unable to respect the boundaries that mothers wish to establish between them both. The existence of such Orders make it difficult for many fathers not only to exercise contact with their children but even to negotiate any contact with the mothers (Arditti & Allen, 1993). As a result, some fathers are unable to establish any sort of routine for contact with their children in the early days of separation which, according to extensive research (Ahrons, 1994; Furstenberg, Nord, Peterson, & Zill, 1983; Isaacs, 1988; Kruk, 1991, 1994; Wallerstein & Kelly, 1980), places them at serious risk of losing touch with their children.

**Disenfranchised grief**

Nonresident fathers are in a way victims of a system which neither acknowledges their deep sense of loss after separation nor legitimises their grief. Stewart, Schwebel & Fine (1986) described the overwhelming emotion that fathers experience at the time of separation as ‘a pervasive sense of loss’. Separated fathers lose not only their partner, their
identity as husband and father, or their dream of a happy marriage but, in most cases, daily contact with their children who continue to reside with mothers in ninety percent of families (Arditti, 1992; Dominic & Schlesinger, 1980; Dudley, 1991, 1996; Shapiro & Lambert, 1999). Studies have shown that the grief of nonresident fathers stems primarily from the loss of their children rather than from the loss of marital identity (Guttman, 1989; Kruk, 1994) so that nonresident fathers experience divorce in a radically different manner from other men and women (Kruk, 1991a). Despite the fact that they lose a set of functions that constitutes the ‘father role’, nonresident fathers’ loss of daily contact with children is often socially defined as insignificant. This only adds to nonresident fathers’ sense of being marginalised in their reconstituted families (Baker & McMurray, 1998).

Our social system barely acknowledges the grief of nonresident fathers who tend to have limited opportunities in their emotional turmoil to link with some support system, and who generally lack the skills to express deep emotions (Dudley, 1996; Kruk, 1991a). The loss of daily contact with children is perhaps the only commonly experienced loss for which the social system provides few or no rituals, even in an age when there is widespread acknowledgment that grieving after any sort of loss is important for healthy adjustment. Baker & McMurray (1998) recognised that nonresident fathers’ grief is disenfranchised because social norms do not permit public acknowledgment of their mourning. The legitimacy of some fathers’ grief is further diminished by statements that they had not been very involved with their children prior to separation. This sort of comment assumes that nonresident fathers’ sense of loss can be accurately measured by the level of involvement with their children while living in an intact family, which is contrary to what Kruk (1994) identified as an important distinction between fathers’ emotional investment in children and involvement in their daily lives.

Most nonresident fathers, moreover, are dissatisfied with the amount of contact they have with their children (Arditti, 1990; Haskins, Schwartz, Akin & Dobelstein, 1985; Koch & Lowery, 1985; Wallerstein & Kelly, 1980) even when the frequency of contact is partly the result of their own decision. They are keenly aware that frequent contact with children in no way compensates for real fatherhood and is, as Furstenberg and associates (1983) concluded, at best ‘tantamount to a ritual form of parenthood’.

This widespread phenomenon of one parent experiencing the loss of not only a partner but also of children, and of having little or no say in the decision, is relatively recent. For most of this century, fathers were the ones to leave mothers and children who, frequently in destitute circumstances, often received emotional and financial support from churches or charitable organisations. These mothers had little or no say in the separation, but retained their parental role with its demands and joys. Changes in the social system mean that many mothers are no longer so financially or emotionally dependent on fathers that they have to remain in unhappy or abusive relationships. However, when mothers separate from fathers, they usually take the children with them, thereby exacerbating nonresident fathers’ sense of loss and abandonment. Fathers, who see a social system that apparently facilitates such abandonment, can rightly complain that they are victims of the current system.

Confusion surrounding the role of nonresident father

The current confusion about what identifies a ‘good enough’ nonresident father is another reason that many of these men believe the system is against them. They encounter a real ambiguity in society about the role of nonresident father (Kissman, 1997) and do not have any clear guidelines as to how they are to behave. Commentators acknowledge that separation generally challenges men’s identity, be it as men (Arendell, 1995), as fathers (Ambrose, Harper & Pemberton, 1983) or as partners. Nonresident fathers have to work out their new role in the family system (King, 1994), to develop what Amato (1998) called ‘a new type of fatherhood’ for which there is no parallel in the intact family (Wallerstein & Kelly, 1980).

Fathers in intact families commonly connect with children through mothers. Many separated fathers, however, can no longer rely on the children’s mothers to facilitate the establishment and maintenance of the father-child relationship (Umberger & Williams, 1993) and so find themselves in a entirely novel situation. Some fathers, moreover, encounter mothers who are at best uncommitted to, or at worse strongly opposed to, their continued involvement with children after separation. In this sometimes hostile environment, nonresident fathers face the challenge of redefining their fatherhood (Arditti, 1992). They are at risk of disengaging from their children if they are unable to work out their new paternal role (Arendell, 1992; McKenry, Price, Fine & Serovich, 1992; Seltzer, 1991). Their task is so much more difficult because of the uncertainty surrounding the essential elements of fathering itself.

Fatherhood is in a state of transition (Seltzer & Brandeth, 1994), with the identity of father undergoing enormous
changes in most industrialised countries, and being less clear than it was twenty years ago (Perry-Jenkins & Crouter, 1990). Feminist commentators may even agree with Parke’s (1981) assessment that fathers have become ‘a biological necessity but a social accident’. LaRossa (1988) suggested that the uncertainty about fatherhood stems partly from the fact that the conduct of fatherhood lags behind changes in its culture which over the years has progressively moved from father as moral teacher to breadwinner to sex-role model to nurturant father (Lamb, 1986). One explanation for this failure to translate the culture into practice is that fathers face both institutional constraints and internal doubts as they attempt to adopt a new role (Berger, 1979).

In recent times, fathers have been under significant pressure to abandon their traditional roles which according to feminist theory is based on a patriarchal system no longer acceptable to a more educated and gender-sensitive society. However, there is still considerable confusion about what constitutes ‘good enough’ fathering in an industrialised society where mothers too are assuming very different and more complex roles within and outside the family.

Men complain that they receive mixed messages about what fathering means and about what behaviours constitute good fathering (Pasley & Minton, 1997) and they often have difficulty articulating the meaning of their paternal role (White, 1989). Fathers are currently under some pressure to be involved with, and nurturing of, children while at the same time they receive strong messages that they cannot be trusted in dealing with children (Long, 1997).

Somewhat unsympathetically, Moreland and Schwebel (1981) suggested that men who try to adopt the emerging role of an involved, nurturing father often do not have the necessary skills to do so and, moreover, are further inhibited by their concepts of what is the male role within the family. From a strong feminist viewpoint, these authors claimed that most male role conceptualisations are about achievement, status, and control over women and children, none of which is conducive to them being able to adopt the role of a warm, nurturing father.

Another real difficulty facing fathers today is a tendency to promote a model of fatherhood that requires men to parent in much the same way as mothers. This persists despite consistent evidence that fathers interact with children differently from mothers (Lamb, 1986; Russell & Russell, 1987), so that fathering and mothering are two very different but important aspects of parenting (Chodorow, 1978; LaRossa, 1997; Scott & Alwin, 1989). Marsiglia (1993) stressed that fathers are not inherently deficient in their ability to parent until they attempt to emulate mothers’ level of commitment and parenting style. Popehoe (1996) also attested that gender differentiated parenting contributes to child adjustment, and firmly rejected parental androgyny as being to the benefit of children.

Within the context of this confusion about the identity and role of fathers in general (Pruett & Pruett, 1998), nonresident fathers are even more disadvantaged as they struggle to establish a new identity and work out their role within the separated family, for which there are no well-established norms (Umberson & Williams, 1993). The difficulty of this task is exacerbated when expectations of how nonresident fathers ought to behave are far from clear. This lack of clarity about nonresident fathering tends to result in a weakening of nonresident fathers’ identity, which in turn reduces their commitment to that identity (Burke & Reitzes, 1981; Marsiglia, 1993). In symbolic interactionist terms, their identity as nonresident father assumes a lower position in the salience hierarchy of their various identities (Stryker, 1968).

Nonresident fathers perceive that society seems to value only their financial contribution to children and is indifferent to any further involvement in children’s lives, because the only legal requirement they face is that they meet their child support responsibilities (Mcmurray & Blackmore, 1993). Either society is telling nonresident fathers that this is the most important aspect of their role, or it is upholding child support legislation simply as a political and economic strategy to reduce its own financial responsibility for children of separated families. Significantly, the general view of unemployed nonresident fathers is that they are ‘problem fathers’ rather than ‘problem workers’ (Pasley & Minton, 1997).

Ambivalence about the role of nonresident fathers in the lives of children is further evident in some of the common attitudes towards these fathers. Resident mothers and social commentators at times criticise nonresident fathers for spending considerable amounts of money on the children in an effort to provide them with a good time when they are with them. References to these nonresident fathers as ‘Disneyland dads’ generally carry a moral tone, implying that the fathers are trying to ‘buy’ their children’s affection or loyalty, as though in competition with resident mothers (Wilbur & Wilbur, 1988).

There is little allowance for the pressure that many nonresident fathers experience when trying to fulfil their paternal role. In light of evidence that fathers generally tend to be involved more often in play activity with children than in caretaking activities (Levy-Shiff & Israelashvili, 1988), a reasonable expectation is that separated fathers will tend to play more
with their children, especially as they have little, if any, opportunity to be more seriously involved in their lives. Nonresident fathers also commonly fear that the children will no longer want to spend any length of time with them if they do not enjoy their contact visits. This fear is particularly strong for fathers who realise that the children’s mothers are not convinced of the value of their contact with the children.

Arendell’s (1995) conclusion that fatherhood is socially legitimated and defined through marriage is in accord with the claims that mothering and fathering are relational, so the process by which roles are negotiated assumes great importance (Tiedje & Darling-Fisher, 1996). Nonresident fathers are seldom in a position to negotiate their role in the family with the children’s mothers. Sole resident arrangements in a way militate against such negotiation in that resident mothers can so easily assume a powerful position and dictate to nonresident fathers what they expect of them in their new paternal role. Clinical experience confirms that some resident mothers become quite demanding of nonresident fathers and expect of them a level of parental skill that was nonexistent prior to separation. Other mothers complain when nonresident fathers suddenly want to become involved in children’s lives to a greater extent than they ever were when living together. These nonresident fathers often feel that they are damned if they do and damned if they do not want to be involved in children’s lives (Wilbur & Wilbur, 1988).

Many nonresident fathers believe that they have little or no opportunity to influence their children in any significant way. Unless they have a very amiable relationship with the children’s mother, they realise that any input that they try to have into their childrens' lives is unlikely to be welcomed. These feelings of irrelevancy and at times incompetence experienced by nonresident fathers are also likely to result in a weakening of their commitment to their paternal identity (Minton & Pasley, 1997; Tepp, 1983). Erera, Minton, Pasley and Mandel (1999) found that the most salient aspect of fathers’ identity is their sense of being competent as a father. Their conclusion suggests that the very structure of sole residence in some way militates against nonresident fathers’ strong commitment to children.

**Emphasis on nonresident fathers’ parenting deficiencies**

Nonresident fathers experience the system to be against them because so much of what is written about them is negative and implies that they are uncaring of children (Baker & McMurray, 1998). The starting point for much of the literature about them is what Arditti (1995) described as ‘status-laden conceptualisations of parenthood which emphasise deficiencies associated with noncustodial parenting situations’ (p 283). This negative approach to nonresident fathers occurs within a context of a deficit perspective which underlies many studies of fathers in general (Holland, 1998; McKenry, Price, Fine & Serovich, 1992). Hawkins and Dollahite (1997) saw this deficit paradigm of fathering to be common, as evidenced by the fact that fathers are often presented as emotionally distant and physically absent from children or, if physically present, as functionally absent from children’s lives.

Some commentators suggest that relationships between fathers and children are more complex than those between mothers and children, and are more influenced by contextual factors such as the quality of the coparental relationship and characteristics of mothers (Amato & Gilbreth, 1999; Doherty, Kouneski & Erickson, 1998; Risman, 1987). Consequently, standards of fathering and expectations of fathers tend to be more variable than for those of mothers. Fathers, moreover, often struggle to be involved with children in what Dienhart and Daly (1997) described as ‘a culture of paternalism’ which idealises motherhood and results in mothers assuming primary responsibility for children.

Within this deficit paradigm of fathering, early research into nonresident fathers produced results that presented them in a negative light. Some studies (Furstenberg, Nord, Peterson, & Zill, 1983; Furstenberg & Nord, 1985) found that a large number of nonresident fathers disengaged from children within a few years of the divorce. Significantly, these early findings continue to influence attitudes towards nonresident fathers, despite the fact that more recent studies have found that the vast majority of nonresident fathers remain involved with their children (Ahrons & Miller, 1993; Arditti, 1992; Braver, Wolchik, Sandler, Fogas & Zvetina, 1991; Erera, Minton, Pasley & Mandel, 1999; Gibson, 1992; Healy, Malley & Stewart, 1990; Maccoby, Buchanan, Mnookin & Dornbusch, 1993; Seltzer, 1991). Many researchers who quote the early studies of Furstenberg and associates fail to acknowledge that their sample included only families with children aged between eleven and sixteen, and thus do not necessarily reflect the frequency of contact that occurs between fathers and younger children.

One assumption at the basis of much research is that contact between nonresident fathers and children is solely within the control of the father, a dangerous assumption in light of findings that almost a quarter of resident mothers admit to denying or interfering with nonresident fathers’ contact with children (Braver, Wolchik, Sandler, Fogas & Zvetina, 1991). In another study of over fifteen hundred families, King and Heard (1999) found that a third of resident mothers...
were satisfied with infrequent father-child contact, especially when accompanied by low level of interparental conflict. The authors also found that only fifteen percent of mothers were dissatisfied with children’s infrequent contact with their fathers.

Another assumption working against nonresident fathers is that their infrequent or lack of contact with children is a sign that they are not committed to their children. Some research, however, has found that nonresident fathers at times disengage from children so as to avoid contact with the children’s mother (Arendell, 1992; Koch & Lowery, 1985). Clinical experience also shows that a number of fathers reduce or stop contact with children because they believe that their absence will be less harmful for children than will the continuing parental hostility between parents should the fathers remain involved.

The term ‘deadbeat dads’ is commonly used of nonresident fathers. In 1998, the US Congress even titled a child support bill ‘The Deadbeat Parents Punishment Act’ (Walker & McGraw, 2000). The term is used to describe fathers who do not provide child support for their children and who fade out of their children’s lives (Baker & McMurray, 1998). However, when Dudley (1991) found that nonresident mothers were less compliant than nonresident fathers in paying child support, he suggested that noncompliance with child support orders may be more a function of the nonresident parent role than of the parents’ gender. Walker and McGraw (2000) who take a strongly feminist view, rejected such a suggestion on the basis that nonresident mothers are in a very different position from nonresident fathers. While undoubtedly true, the difference does not necessarily destroy the validity of Dudley’s suggestion, unless the agenda is to maintain the negative stereotypical images of nonresident fathers which Marsiglio (1993) proposed have become more common in recent times.

The role of nonresident fathers is further discounted by a number of research findings that their involvement either does not contribute much to children’s well-being or is negatively associated with their adjustment (Amato & Keith, 1991; Furstenberg, Morgan & Allison, 1987; Hess & Camara, 1979). These results are in contrast to the evidence that positive father involvement in intact families contributes to children’s development and well being (Lamb, 1997). They are also contrary to the results of more recent studies which have found a positive association between nonresident fathers’ involvement and children’s well-being (Amato & Gilbreth, 1999) which may reflect the improvement in fathers' parenting capacities. If nonresident fathers believe that they do not make much difference to their children’s lives, it is hardly surprising that some of them disengage from children, particularly when they experience a high level of stress in their efforts to remain involved.

Most studies that find nonresident fathers’ involvement somewhat irrelevant to children’s well being measure children’s adjustment by academic performance and the absence of delinquent behaviour at home or school. They generally rely on resident mothers for assessment of children’s adjustment and of the extent of nonresident fathers’ involvement (King, 1994a). The danger of this is that studies have found that mothers tend to underestimate the extent to which fathers are involved with children (Ahrons, 1983; Arditti & Bickley, 1996; Braver, Wolchik, Sandler, Fogas & Zvetina, 1991; Seltzer & Brandeth, 1991), and that resident mothers’ satisfaction with the level of contact between fathers and children is a key factor impacting on children’s adjustment (King & Heard, 1999).

Studies that find nonresident fathers contribute little or nothing to children rarely question the validity of the measures used or the accuracy of the conclusions reached. Furstenberg, Morgan & Allison (1987) recognised that the measures of children’s well being may be too crude to pick up the impact of fathers’ involvement, while Amato and Gilbreth (1999) suggested that the defect may lie more in the measure of fathers’ involvement which usually is the frequency of their contact with children. These authors stressed that frequency of contact is only one dimension which in itself is not a sound indicator of the quality of contact between father and children. Their claim, however, is contrary to earlier evidence of a positive association between the frequency and quality of father-child contact (Arditti & Keith, 1993).

The disadvantage for nonresident fathers of much of this research into their impact on children’s well-being is that the studies do not attempt to measure what is generally agreed to be fathers’ contribution to children’s development, such as a sense of social competency and gender role identity. They do not consider the long-term impact of father-absence on children. Clinical experience confirms that adults whose divorced fathers were absent from their lives during childhood and adolescence will generally attest to a deep grief. Their testimony of growing up without contact with their fathers fails to support the view that the involvement of nonresident fathers is of dubious value for children.

Maternal gatekeeping
Another factor that gives some credibility to nonresident fathers’ claim that the system is against them can be described in terms of mothers’ gatekeeping of the children. Allen and Hawkins (1999) defined maternal gatekeeping as ‘a collection of beliefs and behaviours that ultimately inhibit a collaborative effort between men and women in family work by limiting men’s opportunities for learning and growing through caring for home and children’ (p 200). In this context, maternal gatekeeping is a concept that explains how some mothers resist a collaborative sharing of household work (Dienhart & Daly, 1995), and contribute to fathers’ underinvolvement in the home and with children (De Luccie, 1995; Hawkins & Dollahite, 1997). Although mothers may not openly prevent fathers from being involved, they often fulfil a gatekeeping role by setting such rigid standards that many fathers decline to be involved.

Arditti (1995) found that fathers perceive mothers to have a large amount of power in determining fathers’ relationship with children, while Thompson and Walker (1989) concluded that mothers often monitor what goes on between fathers and children. Many mothers display an ambivalence in that they want fathers to share the responsibilities for children and household chores, but are nevertheless reluctant to surrender family work which perhaps is structurally and symbolically identified with women (Thompson & Walker, 1989). An example of the difference between mothers’ and fathers’ responsibility for children is the way that mothers tend to delegate fathers’ role within the family by at times asking or allowing them to ‘babysit’ the children. Mothers do not use the term ‘babysit’ to describe their own involvement with children (Chodorow, 1978). In a study of intact families, De Luccie (1995) found that reliable predictors of paternal involvement with children are mothers’ satisfaction with fathers’ involvement and the importance mothers give to it.

After separation, resident mothers have an even greater opportunity to restrict fathers’ involvement with children (Kurdek, 1981; Seltzer & Brandeth, 1994). Certainly, many resident mothers encourage nonresident fathers to be involved with children, even though some want the involvement to be on their terms. However, in families where the parental relationship has soured to such an extent that the parents are very hostile towards each other, mothers are generally not disposed to facilitate contact between children and nonresident fathers, even though they believe such contact to be in the children’s best interests. Clinical experience also suggests that many resident mothers display some of the same ambivalence felt by mothers in intact families. While they want nonresident fathers to be involved with children, they can be reluctant to surrender their influence over the children while they are with their fathers.

Clinical experience supports research evidence that the majority of nonresident fathers who have disengaged from their children or who have little contact with them are inclined to blame mothers for the situation (Kruk, 1992). Involved nonresident fathers also tend to attribute any difficulties in exercising contact with their children to resident mothers’ refusal to encourage the contact, or to a variety of ways in which mothers can impede the agreed upon contact. On the surface, this can appear to be simply another attempt by narcissistic fathers to lay the blame for contact difficulties at the feet of mothers, and at times it may be just that. However, as the concept of maternal gatekeeping suggests, fathers do depend on mothers to facilitate their contact with children.

Resident mothers who do not encourage children to visit fathers are signalling that they do not think the children have much to gain by paternal involvement. This implicit message can place children in a situation where they experience a conflict of loyalty, understanding that their mothers are not keen for them to spend time with their fathers. Resident mothers commonly insist that they never stop children having contact with nonresident fathers. While this may be very often true, these mothers do not recognise that many children need clear maternal permission so they can spend time with fathers without feeling guilty for being disloyal to their mothers.

**Child support responsibilities**

Child support is one central aspect of post-separation family life which nonresident fathers often see as unfair. Early studies into divorced families, especially in the United States, focussed on the financial situation of resident mothers and children. Many were reduced to living below the poverty line because a large number of nonresident fathers failed to pay child support, even when ordered by Courts to do so. The American scene was complicated by the fact that child support legislation and seemingly social security services tended to vary between States. Here in Australia, child support has been a Federal and not a State issue for many years. For more than a decade, the Child Support Agency has been available to assess nonresident parents’ responsibility for child support, to collect the child support and to distribute it to resident parents.

Notionally, the payment of child support and the frequency of contact between children and nonresident fathers are different issues, but both are integral aspects of paternal involvement with children and tend to be positively associated (Dudley, 1991). Seltzer, Schaeffer & Charng (1989) suggested that, as these two aspects of involvement are
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Child support legislation in this country certainly disadvantages many nonresident fathers. Low-income fathers vociferously complain that they are reduced to living in poverty by their child support obligations, and they point out that this in turn severely limits the frequency and quality of their contact with children. Many nonresident fathers consider the assessment of their child support obligations to be unjust and they feel strongly about it when they know that the children’s mother is living in a de facto relationship but still drawing supporting parent benefits, or when she has remarried and is being supported by her husband.

The assessment of child support obligations in Australia at times militate against fathers’ continued involvement with children. Nonresident fathers have to provide adequate facilities for their children to want to come and stay with them. They also have to satisfy the children’s mothers that they are able to suitably accommodate the children, because mothers frequently complain about children having to sleep in the same room as fathers, let alone the same bed. These pressures mean that nonresident fathers have to lease (or buy) larger premises than are necessary for their own requirements, and usually do not receive rent assistance. As an example, a nonresident father of two children who earns $25000 per year has to pay $3920 child support per year. Prior to the introduction of GST, his tax was $5093 per year, which leaves him approximately $16000 on which to live. If he lives in Sydney, the cost of very basic two-bedroom accommodation is at least $180 per week or over $9000 per year. As a result, he has approximately $140 per week on which to live and to spend on his children while they are with him. When nonresident fathers find themselves in a situation like this after a separation about which they had no choice, they accurately perceive that the system is against them.

Nonresident fathers who remain in public housing following separation also experience a hostile system in their efforts to provide adequate accommodation for their children. They are not eligible to retain their larger premises unless the children spend a certain number of nights a year with them. If this is not possible, the fathers have to move into smaller premises which can prevent or at least discourage the children from staying overnight. This aspect of the system certainly impedes fathers’ continued involvement with children.

Nonresident fathers are often criticised for their attempts to reduce their child support assessment by the Child Support Agency. Ironically, such criticism occurs in a society that has almost raised tax avoidance and tax minimisation schemes to an art form. The difference, many say, is that child support is devoted to children, and that if nonresident fathers really care about their children they would not complain about child support obligations (Arendell, 1992; 1995). Such naive comments assume that the child support assessment is just to all concerned.

Criticism of nonresident fathers who complain about child support fails to recognise that an inherent difficulty with child support as assessed and collected by the Child Support Agency is that nonresident fathers have no control over how it is spent. This is generally a source of great tension for fathers (Bertoia & Drakich, 1993). They often have no guarantee that their child support payments are to the children’s advantage at all, and can become resentful when they perceive mothers are able to spend considerable money on their own entertainment while they themselves are living poorly. Some nonresident fathers are also upset that children are often unaware of fathers’ financial contribution to their lives. The children inaccurately perceive that it is their resident mother who supports them financially or provides entertainment for them.

A useful way to address this burning issue for many nonresident fathers is to explore opportunities for them to be directly responsible for the payment of some of the children’s expenses, or to develop some accountability by resident mothers as to how child support payments are spent (Marsiglio, 1993). An obvious example is for fathers of children attending private schools to pay school fees. With some creativity, many other opportunities for direct payment may be found. Direct responsibility for children’s expenses will provide nonresident fathers with a sense that they are contributing something to their children, will give them some sense of control over the dispersal of their income, and will enable children to see that their fathers are contributing to their lives. It may even lead to greater compliance by fathers to their child support obligations, but this has yet to be tested (Dudley, 1991).

Recent changes to Child Support legislation, while in many ways a move in the right direction, have failed to address...
Some sliding scale of assessment is needed to account for the needs of low-income fathers who have to re-establish themselves and to cater for children spending time with them. Children have an undeniable right to some financial support by nonresident fathers who, if self-employed, can at times grossly underestimate their income to reduce their child support obligations. The majority of working fathers, however, are employees. Many of them who want their children to spend time with them are unable to provide the facilities that children want or indeed have come to expect. These fathers rarely can afford the sort of entertainment that satisfies children and serves as an incentive for them to want to visit nonresident fathers. In these cases, the child support system is working against nonresident fathers’ contact with children.

Legal system

Nonresident fathers also perceive that the legal system inherently favours mothers (Arendell, 1995). A basis for their perception is the no-fault divorce legislation which has existed in this country for a quarter of a century. The common experience of fathers is that their partners decide to leave the relationship and to take the children with them. Fathers who apply to the courts for residence of the children are sometimes shocked to discover that the Law takes no account of who decided to end the marriage. They often interpret this to mean that the legal system colludes with their former partners in depriving them of their children, regardless of how little the fathers contributed to the breakdown of the marriage. The adversarial system of family law also tends to reinforce fathers in their belief that they are losers and mothers are winners (Dudley, 1991).

There is no legal presumption in this country that mothers gain residence of children in contested cases. In fact, the percentage of fathers who gain residence of children by a judicial decision is greater than that the ten-percent of resident fathers generally found among families where parents decide on residence without recourse to any court. However, fathers who contest residence of the children accurately realise that they have little chance of gaining such an order unless the children’s mothers are functioning poorly because of, for example, substance abuse or psychological problems.

Nonresident fathers interpret the Law’s tendency to grant residence to what social scientists describe as children’s primary caregiver or psychological parent to be in fact a preference for resident mothers. These terms, they argue, are simply gender-neutral and politically correct terms for mothers. Nonresident fathers have some grounds for accusing the legal system of not taking into account changes that are occurring to family arrangements. The legal system, conservative by nature, does not seem to recognise that an increasing number of fathers undertake the role of primary, or at least equal, caregiver of children at some stage in their lives, and that both mother and father are psychological parents to whom the children are strongly attached. As Pasley and Minton (1997) argued, the legal system has not gone far enough in validating fathers.

Fathers can also see the legal system working against them in its tendency to use maternal qualities as criteria for determining what is in children’s best interests. Parents usually view contested residence conflicts as hinging on whom courts will deem to be the better parent. Regardless of the theoretical position taken, courts are faced with the task of determining which parent can better meet the children’s needs. This in turn requires courts to prioritise the children’s needs. Most fathers are at a disadvantage if children’s emotional needs receive priority, but would generally gain residence if, for example, courts were to focus on children’s need to develop independence and social competence. The latter, of course, is rarely the case. It is fair to say that, when there is little difference between the parenting capacity of mothers and fathers, children usually end up living with mothers. Fathers have to possess far greater parenting capacities than mothers for courts to grant them residence of children, or even for social scientists who assist the courts to recommend that it is in children’s best interests to reside with their fathers.

Nonresident fathers also encounter an unsympathetic legal system which is reluctant to consider any post-divorce family arrangement other than sole residence. Courts are hesitant to make an order for shared residence by which children spend approximately the same amount of time with both parents (Dudley, 1996; Pasley & Minton, 1997). Judicial reluctance is usually based on the belief that shared residence presumes a high degree of co-operation between parents if it is to be in children’s best interests. Such a spirit of co-operation is deemed to be lacking if parents need to have recourse to a judicial decision. Courts also tend to avoid making an order for split residence by which at least one child lives with both parents, unless the order confirms an arrangement already in existence (Hawthorne, 1998). The basis for this practice is the conviction that siblings generally support each other at a time of family disruption, so that it is not in their interests to separate them. The Law tends to view split residence with suspicion even for families where siblings are conflictual, or where they are more closely attached to different parents, a common enough situation which hardly
appears to be pathological. Fathers reasonably complain that the legal system generally eschews the two postdivorce family arrangements that provide them with substantial involvement in raising children.

Nonresident fathers who were heavily involved with children prior to divorce also complain that the legal system fails to recognise the close father-child bond by offering them much the same contact with children than it does to traditional fathers. Visitation, which some fathers see as a demeaning term in itself (Arendell, 1995), on alternate weekends and half the school holidays provides these fathers with only a shadow of what had been their involvement with children. Many of these fathers cannot cope with the feeling of being marginalised to such an extent from children’s lives, and tend to be at greater risk of disengaging from children (Hetherington & Stanley-Hagan, 1986; Kruk, 1991; Wallerstein & Kelly, 1980). In Kruk’s (1991) study, most of these involved fathers had originally wanted sole or shared residence and were critical of courts for separating them from children.

Another grievance of nonresident fathers is that the legal system seems more prepared to punish fathers for failing to pay child support than it is to deal with resident mothers who contravene court orders by impeding children’s contact with their fathers (Pasley & Minton, 1997). While a plausible argument for such behaviour is that children will suffer if courts incarcerate mothers or impose fines on them for contravening orders, fathers interpret the Law’s reluctance to deal with such mothers as yet a further indication that the legal system is against them.

Finally, fathers’ first contact with the legal system often reinforces their suspicion that the system is against them. Legal practitioners whom they consult often discourage them from applying for residence of the children (Koch & Lowery, 1985; Maccoby, Buchanan, Mnookin & Dornbusch, 1993; Pruett & Pruett, 1998), pointing out that they stand little chance of gaining a judicial decision in their favour. Such advice at times may be totally accurate and financially beneficial to fathers, some of whom can be quite unrealistic in their assessment of what is best for children. However, such legal advice only confirms fathers’ belief that the legal system considers children to be generally better off residing with mothers (Kruk, 1991), despite the rhetoric that there is no legal presumption in favour of mothers as resident parent.

Social policies and practices

Nonresident fathers also experience what they consider a hostile system when they encounter the policies and practices of some institutions in which their children are involved. They perceive that the institutions fail to recognise them as parents, and effectively contribute to the marginalisation of nonresident fathers in the post-separation family.

Scant research has been undertaken into the impact of school policies on father-child contact after divorce despite schools being at the centre of children’s lives (Baker and McMurray, 1998). Most schools tend to operate, like many social institutions, as though all children belong to the nuclear family structure (Depner & Bray, 1990), at a time when almost fifty percent of children in industrialised societies are effected by parental separation or divorce. Schools seem to have difficulty accepting that most children, even those who live in a single-parent household, in fact belong to a two-parent family.

Nonresident fathers generally have to rely on resident mothers for information about their children’s academic performance and their participation in various school activities. In fact, it is not uncommon for courts to prescribe that resident mothers pass on copies of school reports, newsletters and other school information to children’s fathers. These fathers realise, though, that the very social institution charged with developing children’s minds and attitudes and of imparting societal values fails to recognise their parental presence.

Until schools adopt a policy of forwarding copies of children’s reports and other information to both parents unless exceptional circumstances suggest otherwise, they leave themselves open to criticism that they conspire to inflate the power and control of resident mothers over nonresident fathers. Their current practice of not keeping nonresident fathers informed may well reflect society’s unspoken belief that nonresident fathers are second-rate parents who really do not contribute much to children’s lives.

Health care institutions also seem reluctant to involve nonresident fathers in the treatment of children, or at least to inform them of the reasons that they are seeing their children. In failing to do so, these institutions also contribute to the
discounting of nonresident fathers. Kruk (1994) concluded that, by withholding important information from nonresident fathers, health professionals, such as social workers, often collude with mothers in their accounts of nonresident fathers’ peripheral roles in the lives of children. In a society which in so many ways directly and indirectly marginalises nonresident fathers, Long (1997) called on mental health professionals to speak out about the importance of fathers to children.

**Conclusion**

This paper has considered a variety of factors that give credence to nonresident fathers’ assertion that they are victims of the system when they separate or divorce. Some aspects of the divorce experience, such as female partners more commonly initiating separation, cannot be altered. What can be done, though, is to acknowledge the turmoil that many fathers experience around the time of separation, and to grant some legitimacy to the grief that most fathers experience as a result of the many losses that separation brings for them.

Future research into the role of nonresident fathers in the family needs to take into account the changing, albeit slowly, role of fathers in intact families and the complexity of post-divorce family relationships. Unless researchers recognises the positive and negative contribution of fathers, mothers and children to the family, they run the risk of attributing most of the post-divorce negativity to nonresident fathers. It goes without saying that among nonresident fathers there is a wide range of paternal skills and commitment and a considerable amount of good will, even among those fathers who disengage from children. It is time to examine more seriously whether the prevailing model of sole residence militates against continued father involvement and whether it still meets the best interests of children to the extent that it may once have done.

Further research into the impact that nonresident fathers have on their children’s well being would also do well to focus on the unique contribution that fathers bring to their parenting. Researchers need to attend to the reality and not the ideal of fathering which, even at its best, may well be inferior if compared to the commitment which many mothers bring to their parenting. Researchers and commentators on families need to begin from the point of accepting that mothers and fathers are not competing with each other but are able to complement each other in what they bring to children. A sad aspect of much of the current literature on parenting is that gender ideology tends to pit mothers against fathers and vice versa (Walker & McGraw, 2000). This is generally to the detriment of children for whom both parents, warts and all, are vitally important.

Measures are available to redress some aspects of the current post-divorce system which militate against nonresident fathers. The legal system may well critically examine its prevailing attitude to post-divorce family arrangements and adopt a more flexible approach to the sorts of arrangements that serve children’s interests by allowing more paternal involvement. Changes to child support legislation could provide a more equitable system which addresses the needs of parents and children alike, and which facilitates nonresident fathers continued involvement with children. Various social institutions, particularly schools, can easily adopt the policy by which they inform both parents of significant matters concerning their children.

Nonresident fathers deserve to be taken seriously when they relate their experience of divorce. Their claims that they struggle with the system deserve close attention. They are not simply an expression of the loss of patriarchal privileges but are very often the cries of men who struggle with what it means to be a nonresident father and who want to contribute as best they can to their children’s lives. Our social and political institutions must be prepared to acknowledge that nonresident fathers are important to children and be prepared to change laws, policies and practices which discriminate against these fathers. Until they do so, nonresident fathers will be able truthfully to complain that ‘the system’ is against them.

**REFERENCES**


