Intuitive Lawmaking:
The Example of Child Support

by

Ira Mark Ellman
Sandra Day O'Connor College of Law
Arizona State University

Sanford Braver
Department of Psychology
Arizona State University

Robert J. MacCoun
Goldman School of Public Policy and Boalt Hall School of Law
University of California, Berkeley

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Introduction

Legal rules are often understood as setting the appropriate balance between competing claims. One might expect policymakers to identify these competing claims and employ a systematic and comprehensive analysis to assign them relative values, and to generate legal rules that follow from those values. But probably, they will not. Such analyses are difficult and usually subject to methodological quibble. The greater the required effort and the more questionable its results, the more appealing is the alternative of reliance on intuition. And indeed, intuition is perhaps the most common tool of legal policymakers. If policy is set by intuitive assessments of the fair balance between competing claims, policymakers would do well to have a good understanding of the public's intuitions about these policy questions. Politicians have of course long been interested in public opinion surveys on controversial issues. But the usual political survey asks a few questions about bottom line conclusions on controversial matters. While they may have value in that political context, such surveys have limited value for the policymaker asked to design rules that not only take account of a large set of competing considerations, but also calibrate outcomes coherently across a range of factual variations. Could policymakers benefit from more careful studies of the public's intuitions that probe such nuances? Would such a study reveal a coherent analytic framework in lay

policy judgments, even if most people are unlikely to articulate their views in that way? This study examines such questions in the context of child support rules.

When married parents of minor children divorce, courts normally issue an order specifying the custodial and support arrangements for the children: the parent allocated a majority of the residential responsibility for the children is normally entitled to an order requiring the other parent to make regular support payments to the residential parent. As a general matter the same support rules also apply to unmarried parents, although in that case the support claim is a separate legal action rather than part of a divorce proceeding. The ability to establish paternity through modern genetic testing, changes in legal rules, and a considerable increase in enforcement resources, have all combined to make the collection of child support far more likely than it once was, for both divorced and never-married parents.[1] One can see that child support awards necessarily involve tradeoffs in the allocation of finite resources among at least three private parties: the two parents, and their child or children. Child support rules, however, have never been formulated against any clear set of principles establishing how such tradeoffs should be made.

At one time child support amounts were decided by trial courts exercising broad discretion–largely intuitive decisionmaking. To reduce the burden of establishing a support claim, new federal laws enacted in the 1980's required states to move from such customized "retail" adjudication to mechanical guidelines that would facilitate "wholesale" justice by setting the support amount for most cases. While the federal law left each state free to determine for itself the content

1. Elaine Sorensen, *Child Support Gains Some Ground*, Snapshots3, #11, 2003 (The Urban Institute) available at <http://www.urban.org/UploadedPDF/310860_snapshots3_no11.pdf> (among children living in single-mother families whose incomes fell below the federal poverty threshold, 30.8% received child support payments in 1996; this number increased to 35.5% in 2001. Similarly, the percentage of children receiving child support payments who lived in single-mother families with incomes at or up to 200% of the poverty threshold increased from 44.6% in 1996 to 50.1% in 2001; Paul Legler, LOW-INCOME FATHERS AND CHILD SUPPORT: STARTING OFF ON THE RIGHT TRACK 8, (Policy Studies Inc. 2003) (finding that child support collections increased from $8 billion in 1992 to $18 billion in 2000).

of those guidelines, there has not generally been any systematic application of principles to determine the unavoidable tradeoffs effected by the numbers specified in those guidelines. In *The Theory of Child Support*,[2] one of us offered a set of principles policymakers could employ in formulating support guidelines, and showed how they could be weighted so that the guidelines would implement the policymaker's values. The empirical study described here utilizes a probing and comprehensive survey to identify whether and to what extent our respondents employ either the principles identified in *Theory,* or any of several alternative principles, in making judgments about child support. In other words, it explores whether their intuitive judgments about child support amounts in individual cases can be understood as an expression of their more general judgment about their relative agreement with each of several fundamental purposes the law probably seeks to further in its child support policy. We find that our respondents' intuitions about child support amounts can in fact be understood in just this way, and that our respondents largely share a common understanding of the relevant factors that should influence decisions in particular cases, even when they differ in their judgments in some of them. Judgments in individual cases are affected by framing and order, and there is a fair amount of noise in the judgments respondents make about the initial cases presented to them. However, once anchored by their initial judgments, our respondents decide individual cases that are subsequently presented to them with considerable consistency and predictability.

This paper reports primarily on respondent attitudes as assessed in Likert items, supplemented with an initial account of the relationship between attitudes and support judgments in individual cases. Forthcoming papers will provide a fuller analysis of that relationship between

2. Ellman, I.M., and Ellman, T., *The Theory of Child Support*, 45 Harvard Journal on Legislation __ (forthcoming, 2008).

attitudes and judgments, and on how respondent answers vary with the way in which the question is posed. The data thus provide insights not only into how respondents think about child support, but also into more general questions of methodology and heuristics.[3]

A. Legal and Policy Background

After a family unit dissolves most children reside primarily with one parent, usually called the the residential or custodial parent. The nonresidential parent is usually ordered to pay child support to the residential parent. We will refer to this parent as the support obligor, or simply, the obligor. About 85% of obligors are fathers.[4] A broad political consensus has in recent decades

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3. The initial methodological study, from which the data in this paper are drawn, was conducted on successive Tuesdays over four weeks; about 250 respondents completed the questionnaires on each Tuesday. All completed the same set of Likert items, but the forms varied in the manner in which the scenario judgments were presented. The fundamental difference was whether respondents were asked to *name* the dollar support amount they believed appropriate; to name the amount after being told what some judges would order (*anchor*); to *choose* an appropriate support amount from a wide array of amounts that spanned the full range given in *name*; and to *rate*, on a scale from "much too low" to "much too high", a proposed support amount. Because both the mean and the dispersion of respondents' answers in the *name* condition was not different from their answers in the *choose* condition, answers from those two conditions were pooled for the analyses employed in this paper. A later paper will explore in more detail the effect of these conditions on respondents answers, as well the effect of certain other methodological choices.

This initial four weeks focused on methodological questions provided a baseline against which we could, in later weeks, examine the impact of additional variables. Among the additional variables on which data has already been collected are: Set 1, Gender of the CP and of the child; Set 2, Higher incomes and a larger number of children; Set 3, whether showing respondents the incomes of both households after a proposed child support payment is made affects their choice of the support amount; Set 4, the order (Likerts v. Scenarios) in which questions were posed, variations in wording, and further order variations; Set 5, varying visitation arrangements; Set 6, relocation or remarriage of the custodial mother. Additional data continues to be collected on other issues and variations.

4. Many studies show that around 90% of custodial parents are mothers. See Ellman et al., FAMILY LAW: CASES, TEXT, PROBLEMS 571–72 (2004). Many of these studies are dated, and some authorities believe this figure is dropping. See Jane C. Venohr & Tracy E. Griffith, *Arizona Child Support Guidelines, Findings from a Case File Review*, (2003), available at <http://www.supreme.state.az.us/dr/Pdf/psi2.pdf > ("The obligee is female in 90 percent of the [Arizona] child support orders examined in 2002. This is somewhat less than the percentage in the 1999 [Arizona] sample, which was 93 percent, but it is more than the national estimate, which indicates 85 percent of those eligible for child support are female ...[though the national figure] is based on a slightly different measurement.").

supported much more aggressive enforcement efforts, and because of these legal changes enforcement of support orders has been much more successful.[5] The content of the law is considerably more important when it is enforced. Yet the national consensus favoring enforcement of the support obligation has not been accompanied by any similar consensus about the appropriate dollar amount of the obligation in particular cases.

Before the mid-1980's child support amounts were determined under vague statutory standards that gave individual judges broad case-by-case discretion. The result was considerable variation in the amount of support ordered among cases with relevant facts that seemed similar.[6] The guidelines that federal law today require (as a condition of federal contributions to the funding of state welfare programs) must employ formulas or tables that specify the specific dollar support amount of support awards. The guidelines must also bind judges to order that specified amount unless they write an opinion explaining why a different amount is appropriate in the particular case in question.[7] Because judges do not usually make this effort, the formulaic guidelines determine the amount of support ordered in about 85% or more of support cases.[8] It is thus apparent that the guidelines yield greater consistency in support awards *within* each state. But federal law imposes

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5. See note 1, *supra*.

6. See Laura W. Morgan, CHILD SUPPORT GUIDELINES: INTERPRETATION AND APPLICATION § 1.01 (1996). See also Lucy M. Yee, *What Really Happens in Child Support Award Cases: An Empirical Study of Establishment and Enforcement of Child Support Orders in the Denver District Court*, 57 Denv. L.J. 21, 38-42 (1979); Kenneth R. White & R. Thomas Stone, Jr., *A Study of Alimony and Child Support Rulings with Some Recommendations,* 10 Fam. L.Q. 75, 83 (1976), available at <http://www.supportguidelines.com/book/chap1a.html#Historically>.

7. Pub. L. 100-485, 42 U.S.C. ' 667(b) (2001).

8. Venohr, J.C. & Griffith, T.E. (2003). *Arizona child support guidelines: Findings from a case file review.* Denver: Policy Studies; Guidubaldi, J. (2001).Ohio Child Support Deviation Study: Final Report. Submitted to the Ohio Gen. Assembly.

no national substantive standards on state guidelines, and there is substantial variation among them. Vast inconsistency across states thus remains. One state's guidelines may call for twice the support amount specified in the adjoining state's schedule, in what seems the identical case.[9] Of course, such inconsistency could be intentional, the result of different policy choices by the policymakers of each state. Our legal system allows and expects such variation in policy choices among the states. But are the variations in fact the product of conscious differences in policy choice, or of more adventitious factors?

Federal law requires all states to reexamine their support guidelines every 4th year.[10] States typically appoint a committee to conduct this required review. In every state's guidelines, two key factors determine the basic support amount: the number of children, and the incomes of their parents. (In most states both parental incomes matter; in a few, only the obligor's.) The basic support amount determined by income and number of children is then normally adjusted, according to the guideline instructions, to take account of other facts deemed relevant, such as the cost of the children's health insurance, the ages of the children, the cost of child care necessary to allow a parent to work, or (in some states) the allocation of custodial time. The federally-required quadrennial reviews may be the occasion for reconsideration of such adjustment factors as well as the basic support amounts associated with particular income levels. The basic support amounts are, however, the heart of any set of guidelines, with the greatest impact on the resulting pattern of results.

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9. Maureen Pirog et al., *Presumptive State Child Support Guidelines: A Decade of Experience*, 12 Pol'y Currents 16 (2003) .

10. This "Quadrennial Review" requirement is found in the Family Support Act of 1988 (42 U.S.C.A. § 667(a)) and 45 C.F.R. 302.56(e), to "ensure that … application [of the guidelines] results in the determination of appropriate child support award amounts." 42 U.S.C.A. §667(a).

In its review generally, but especially in setting the basic support amounts, review committees typically depend upon economic consultants. These consultants prepare tables with proposed basic support amounts for any given income level and number of children. The number contained in the consultants' proposed tables are normally based upon the consultant's estimates of the marginal expenditures on children in intact families, at any given income within the income range to which the state's guidelines will apply. In an earlier paper, *Fudging Failure*[11], one of us demonstrated that the state by state variation reflects confusion about the policy implications of the methods commonly employed by consultants to generate these tables, as much as from any intentional variation in the policy choices states make. *The Theory of Child Support*[12] then offered a new analytic framework policymakers could employ to clarify the guideline writing process. The suggested approach identified four key policy questions and suggested how a policymaker could formulate guidelines that follow from his answers to those questions. *Theory* does not assert that most people would give the same answers to the four policy questions it poses, but rather that a) normatively, these questions are the right ones to ask, because they identify four key values that child support policy must weigh, and b) empirically, a person's relative agreement with each of the four policy propositions put by these questions will predict the level of child support they believe correct in particular cases.

Theory's four key policy questions consist of three purposes for requiring support payments,

11. Ira Mark Ellman, *Fudging Failure: the Economic Analysis Used to Construct Child Support Guidelines,* 2004 UNIVERSITY OF CHICAGO LEGAL FORUM 162.

12. Ira Mark Ellman and Tara Ellman, *The Theory of Child Support*, 45 Harvard Journal on Legislation __ (forthcoming, 2008).

and one limitation on the amount of support that can be required to satisfy those purposes.[13] These three purposes and one limitation are:

a) to protect the well-being of the child who is the order's intended beneficiary. This is the *Well-Being component* of any required support payment. It is likely to be most important when the custodial parent has a relatively low income, because the additional dollars provided by the support payment probably have a greater marginal impact on child well-being when added to a low-income custodial household. There may be some income above which additional dollars add so little to child well-being that this purpose ceases to have any further policy importance. *Theory* calls this income level for the custodial household the *well-being maximum.* If protecting child well-being were the only policy purpose of child support, then we should never require that support be paid to a custodial parent whose income exceeds the well-being maximum, and we should never require a support payment large enough to push total custodial household income above the well-being maximum. The fact that American child support rules typically do require such support payments suggests that protecting child well-being is not their only purpose.

b) to enforce the social consensus that both parents have a support obligation, even if the child lives primarily with one parent. This is the the *Dual-Obligation component* of any required support payment. It is the most important reason why we require support payments to custodial parents who alone earn more than the well-being maximum. While support dollars justified by the well-being principle vindicate an interest of the child's, support dollars justified by the dual-

13. *Theory* offers a way to analyze support obligations in the usual case in which the child lives primarily with one parent, and also addresses the complications arising when either parent remarries or has additional children in his or her new household. It does not address explicitly the complications that arise when the child spends significant amounts of time in each household, and therefore this summary also does not address that case. As noted *supra* in footnote 3, we have collected data in this project on the impact varying visitation arrangements have on our respondents' child support views, and will report on that in a later article.

obligation principle vindicate an interest of the *custodial parent's*–the interest in not being unfairly allocated the entire support burden when the other parent is capable of contributing to it. We hope and expect that the custodial parent will spend support dollars justified by the well-being principle in ways that yield benefit to the child. But support dollars paid to a parent earning above the well-being maximum cannot have that effect, and that is not their purpose. The purpose is effectively reimbursement to the custodial parent who would otherwise have provided the other parent's share of the necessary well-being dollars, as well as her own share. Support dollars justified entirely by the Dual-Obligation Principle can appropriately be spent on any purpose the custodial parent desires, whether or not it yields benefit to the child.

c) to limit the size of the gap that may otherwise arise between the child's living standard when residing with the custodial parent and the higher living standard of the support obligor. This is the *Gross Disparity component* of a support payment. Most support payments probably have no gross disparity component, because they are made to parents with incomes low enough that their income, even when combined with the support payment, falls below the well-being maximum. The Gross Disparity Principle becomes important as a second explanation, in addition to the Dual-Obligation Principle, for requiring payments to custodial households that already exceed the well-being maximum, or which will exceed it after receipt of the payment. It reflects a belief that that the child is entitled to a living standard not grossly disproportionate to the support obligor's, even if achieving this goal raises the child's living standard beyond the point at which social scientists can show a positive impact on available measures of child well-being.

The importance of the Gross Disparity Principle (GDP) depends on where one locates the well-being maximum. The lower the dollar amount at which one locates it, the greater is the potential impact of the GDP. The GDP does not depend on the importance of money to any measure

of child well-being, but on the belief that it is unfair to children for parents to provide them a living standard grossly below their own. The GDP may have more intuitive appeal if the child previously enjoyed the same standard as the obligor parent when the family was intact. The GDP then protects the child from a potentially precipitous decline in living standard, one that may be much larger than that suffered by the support obligor. This result might be favored whether or not the lowered living standard can be shown to endanger child well-being. Such a larger decline may seem particularly unfair to the child if the obligor has children from a new relationship who now live with him and share his higher living standard. The GDP is distinct, however, from a principle protecting the child from any financial loss at divorce, or from a principle requiring that the child and the support obligor have equal living standards. One can satisfy the requirement that the child's living standard not be grossly disparate from the support obligor's while falling well short of meeting either of these more ambitious goals. The GDP was adopted as by the American Law Institute as one guideline for setting the amount of support payments.

There are nonetheless reasons to think that some people will agree less with the Gross Disparity Principle than the Well-Being or Dual Obligation Principles. Providing the custodial household with nonessential amenities that may not advance child well-being may have less intuitive appeal, particularly because one cannot protect the child from a fall in living standard without protecting the custodial parent as well: they share a household and thus a living standard. The GDP can be seen as giving an unjustified windfall to the custodial parent. *Theory* therefore speculates that the Well-Being and Dual-Obligations principles enjoy broader and deeper support than the gross disparity principle. Moreover, *Theory* endorses this result as normative matter, because it concludes that the Gross Disparity Principle is more easily counterbalanced, than either of the first two, by the fourth and final policy it identifies: the necessary limitation on the amount of support we can require

of the obligor because of what *Theory* calls the *Earner's Priority Principle* (EPP).

d) The Earner's Priority Principle (EPP) is the simple idea that we need to have a good reason for requiring someone to share their income with other people, that in the absence of some very good reason the Earner has first claim. Theory suggests that support payments seen as necessarily to ensure the child's well-being, or as fulfilling the earner's duty to contribute to his children's support, satisfy this requirement more readily than are payments justified only by the Gross Disparity Principle. People will of course vary in the relative weight they assign all four principles; *Theory* both predicts and endorses the belief that more weight is properly attached to the first two purposes for requiring support than to the Gross Disparity component. For that reason, the counterweight of the EPP will limit Gross Disparity claims more often that Well-Being or Dual-Obligation claims. Nonetheless, the EPP operates to limit Well-Being and Dual-Obligation claims as well. First, *Theory* suggests that the strength of the Earner's Priority Principle is greater the less the earner has, and is great enough in the case of poor obligors that it will limit their support obligations even when the respondent believes that more funds would importantly advance child well-being. Second, while *Theory* addresses in detail how one might calculate the support amount called for by both the Well-Being and Dual-Obligation components, it also notes that the Dual-Obligation might be thought at least partially vindicated by symbolic support amounts, and such symbolic payments may therefore be regarded as appropriate for poor obligors.

It can be seen from this discussion that while *Theory* argues that breaking down the support obligation into these four purposes advances analytic clarity and identifies distinct policy concerns that people in fact consider, the four purposes inevitably interact when any particular support case is considered. This creates a challenge in formulating survey questions that tap into a respondent's views about one but only one of the these four principles. Moreover, views that respondents have

on additional matters also bear on how they apply the four principles. For example, although most people may agree that child well-being is at least one central purpose of child support, other views they hold can easily lead them to disagree about the amount of support required to ensure it. Well-being itself has multiple components, including, for example, both achievement and subjective happiness, and can be examined in the short-term (how's the child doing now?) or the long term (how does the child turn out as an adult?). People have different opinions about the relative importance of well being's possible components as well as the time to measure them, and different intuitions about the impact of money on the well-being components they value. In the end, all that matters, for the purpose of understanding views about child support, is a respondent's belief about money's impact on child well-being, however the respondent defines it. We asked our respondents both whether they believe well-being is an important, or the most important, reason for collecting child support, as well as their view about the relationship between money and child well-being. Our data on respondent's views about the money–well-being relationship will be presented in a separate paper. This is one example of why this paper is just a first window into how people think about these questions.

As explained more fully below, the survey instruments employed in this study also asked respondents their views on six principles for setting child support amounts that are *not* among the four identified by *Theory.* These six additional principles were chosen because all have been considered in the policy literature.

B. Prior Studies

There have been several prior studies of attitudes toward child support payments. A 1985

telephone survey of Wisconsin residents presented respondents with a series of vignettes in which parental incomes varied: the nonresidential fathers earned between $500 a month and $5000, while the residential mothers' incomes varied from nothing to $1500.[14] The respondents named support amounts that increased with the obligor-father's income through the entire range of incomes that were queried. At the same time, mean support amounts declined as maternal incomes rose, for any given paternal income. Further analyses of the same survey data[15] indicate that some respondents were asked to identify the appropriate support amount in dollars, while others were asked to identify it as a percentage of the father's income. The average response (for a one-child family, across all income amounts) of those who answered in dollars, when converted to percentages, was 21.4%, while the average for those who answered directly in percentages was 24.7%.There was a drop-off in the percentage of the father's income that respondents thought he should be required to pay in support, as paternal income reached the highest amounts respondents were asked about, but the dollar amount of the award continued to go up with paternal income. Schaeffer reported that respondents' mean awards were 16% lower when the father had remarried, and 34% lower when the mother had.

More recently, the Australian Institute of Family Studies conducted a survey of Australian attitudes toward child support rules.[16] Their telephone survey employed two samples. A sample of the general population between the ages of 18 and 64 was drawn from calls to a random selection of Australian residential landline numbers. A second sample of separated or divorced parents with children under 18 was assembled from respondents reached through random-digit dialing of

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14. Nora Schaeffer, *Principles of Justice in Judgments About Child Support*, 69 Social Forces 157 (1990).

15. Corbett, Garfinkel and Schaeffer, *Public Opinion About a Child Support Assurance System*, in GARFINKEL, MCLANAHAN, AND ROBINS, CHILD SUPPORT ASSURANCE: DESIGN ISSUES, EXPECTED IMPACTS, AND POLITICAL BARRIERS AS SEEN FROM WISCONSIN 339-364 (1992)

16. Bruce Smyth and Ruth Weston, *A Snapshot of Contemporary Attitudes to Child Support*, Australian Institute of Family Studies Research Report No. 13 (2005), available at <http://www.aifs.gov.au/institute/pubs/resreport13/main.html>.

Australian numbers. Between the two samples the study is able to compare the responses of four groups of respondents: men and women in the general population, and custodial mothers, and noncustodial fathers, in separated families. (There were too few custodial fathers and noncustodial mothers to yield meaningful data on their views.) The Australian questions, like those in the Wisconsin survey, usually assumed a paternal obligor and a maternal residential parent.

The Australian survey asked multiple choice or Yes/No questions concerning general support principles, and did not ask respondents to offer judgments about the amount of support in particular cases. The principles endorsed by the Australian respondents were in some cases consistent, however, with principles one could imply from the support awards favored by the Wisconsin respondents. For example, the Australian respondents said they preferred a child support system that based support amounts on both parents' incomes, rather than on the obligor's income alone, which is consistent with the pattern of support amounts actually named by the Wisconsin respondents. While most American states follow the respondents' preferred approach, a minority set support amounts at a specified Percentage of Obligor Income (POOI) without regard to the income of the custodial parent.[17] Wisconsin is among those in this minority group, and Australia also follows the POOI system. Yet POOI was disfavored by respondents in both locations. Like the Wisconsin respondents, Australian respondents also favored reducing support amounts in at least some cases when the custodial mother remarried. Australian respondents for the most part rejected the suggestion that support amounts should be based on "the basic costs of children" rather than the father's income, although noncustodial fathers were again evenly divided. The overall Australian response was again consistent with the support amounts specified by respondents in the Wisconsin survey, which continued to increase as fathers' incomes rose. At the same time, a majority of each of the four Australian groups agreed the law should set a maximum amount of support that could

17. A 2005 survey found 13 POOI states; the number may be less now. Jane C. Venohr and Tracy Griffith *Child Support Guidelines: Issues and Reviews*. 43 Family Court Review 415–428 (2005).

be demanded of high-income fathers. The Wisconsin survey had not inquired about incomes high enough to fairly raise this question.

Our study differs from the Wisconsin and Australian efforts in several important ways. As explained more fully in the Methods section, our access to the jury pool in Pima County Arizona allowed us to achieve very high response rates from an excellent sample.[18] Because of the setting we were also able to employ longer written survey instruments, in contrast to the relatively brief telephone interviews that limited previous studies. That meant that each respondent answered a larger set of attitude questions than did those in the Australian study, and a larger set of questions about particular support amounts than did the respondents in the Wisconsin study. In the latter, using the Factorial Survey approach,[19] respondents were asked 3 scenarios randomly chosen from a factorial set of a total of 600 possibilities. However, the analytic method used by the Wisconsin researchers required them to assume each scenario judgment is independent of the others, and to treat them as if they each arose from different respondents. Our method, of asking the entire factorial of (typically about 9) judgments from each subject, provided us with two substantial advantages. First, we could relate the entire pattern of judgments, in essence, the respondent's own guideline table, to Likert as well as other respondent characteristics. Second, we could see how the various scenario judgments related to each other, a within-subjects design, resulting in comparatively small, and accurate, standard errors.[20]

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18. The Wisconsin sample consisted of a bit over 1,000 individuals reached through random digit dialing of Wisconsin phone numbers, and it would appear that responses were obtained from about 40% of those targeted. (The not-able-to-connect or noncontact rate was 48.9%, of which 16.4% were continual ring or continual busy; where telephone contact was made, the refusal rate was 22.5%.) See Maurice MacDonald, *Objectives, Procedures, and Sampling Results for CHIPPS*, Institute for Research on Poverty, University of Wisconsin (mimeo, 1986). The Australian researchers estimated that the 1001 individuals who participated in their first (general population) sample were 36 percent of all the eligible households in the initial group of randomly drawn numbers. The response rate in the second study is complicated to calculate because of the set of steps necessary to cull the targeted demographic group (divorced and separated parents) from the very large set of initial contacts.

19. P.H. Rossi and S.L. Nock, MEASURING SOCIAL JUDGEMENTS: THE FACTORIAL SURVEY APPROACH (1982).

20. Schaeffer's reported standard errors are smaller than she could legitimately claim, because she assumes the judgments come from independent subjects when they do not. Statistical methods, such as Hierarchical Linear Models, not in existence when Schaeffer performed her analysis, now permit more appropriate assumptions to be made.

The written survey format also allowed us to ask more nuanced questions than can be put in an oral telephone survey. Attitudes were assessed on a 1 to 7 Likert scale, rather than in a simple "yes/no/it depends" format, and fuller descriptions of the facts could be used in the questions about particular cases. Finally, because we had repeated access to the jury pool, we could achieve a sufficient *n* for each of a series of survey instruments seeking information about different aspects of support, and employing different survey formats so that we could assess how respondent answers were affected by how questions were asked.

C. Method

1. Respondent Pool and Survey Distribution.

Respondents were citizens called to serve on the jury panel in Pima County (Tucson) Arizona. Legal rules allow the county jury commissioner to summon citizens to appear on a specified day to serve on the jury panel. Failure to respond constitutes contempt of court, punishable by a fine, and well over 90 percent of those summoned eventually appear. Those summoned are chosen from voting and driver license records using random selection techniques intended to ensure that they constitute a representative cross-section of adult citizens in the county.[21] After arriving and signing in on the specified day in the jury assembly room, panel members wait to be called to jury service. The number of panel members summoned by the jury commissioner on any given day depends upon the number of jury trials expected to commence on that day.

When individual judges become ready to begin the jury selection process in a case over which they are presiding, they send their bailiff to escort a random sample of panel members from the jury assembly room to that judge's courtroom. Although the experience varies, panel members

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21. By statute in Arizona, Title 21, jurors must be drawn from two lists, registered voters and those to whom the Department of Transportation has issued either a drivers license or a non-driver's identification card. Twice annually the court gets updated lists of Pima County residents in both groups. The court's Information Technology department then culls the lists to eliminate duplicates and, insofar as possible, those who are not qualified or who have been permanently excused from jury service. To be qualified one must be over 18, a citizen, and a resident of Pima County. In addition, felons whose rights have not been restored, and insane persons, are disqualified from jury service. Those who are over 75 years old are permanently excused if they seek it. Medical conditions may be the basis for a permanent excuse as well.

From the culled list prepared by the IT department, individuals are chosen by a computer generated random selection process. Those chosen are sent a jury summons and a questionnaire. Answers to the questionnaire allow the Jury Commissioner to determine whether the person is disqualified. It also allows the prospective juror to claim an excuse from jury service. Excuses may be granted to persons who are over 75 years old, who are full-time caregivers, who have a medical reason for being unable to serve, who have served on a jury within the prior two years, or who do not speak English. Those who claim they are unable to speak English are called on the telephone and questioned in English to confirm their claim.

Those who do not return the questionnaire, but appear on the date for which they were summoned, are given the questionnaire when hey appear. Those who do not appear at all are sent a Failure to Appear notice three days later. The notice informs them that a failure to respond to a jury summons constitutes civil contempt of court, and that a fine of up to $500 may be imposed on persons guilty of such contempt. Many of the missing people appear in response to this summons. A Failure to Appear notice is required in only ten to 12 percent of the cases, as the rest of those summoned appear on the specified day. *Telephone Interview with Kathy Brauer, Jury Commissioner, Pima County Superior Court, May 17, 2007.*

often wait more than an hour in the jury assembly room before being called, and many of those called later return to the assembly room to wait for another call, because they were not chosen to serve on the first jury for which they were called. This process continues throughout the morning. We generally conducted our surveys on Tuesdays, typically the busiest day of the week for jury selection. Depending upon the number of panel members required for the particular Tuesday, they may be instructed to arrive in two or three waves, with arrival times of 7:30 a.m., 9 a.m., and 11 a.m. On most Tuesdays the entire jury panel--all waves combined--had from 400 to 450 members.

After each wave arrived and registered, they receive instructions, as a group, from the Jury Commissioner staff about their prospective jury service. Following that presentation, a graduate student research assistant made a statement to the jury panel members containing this information:

> We are from the University. We'd very much appreciate your participation in a survey asking your opinions about child support. Participation is not required as part of jury duty. But you're sitting here anyway, and you can help us, as well as state officials, by answering these questions. Please read the Instructions on the form carefully. Don't put your name or Juror number or any other identification on the form, which will remain anonymous and confidential. Raise your hand when you complete the survey, and one of us will pick it up. If you are called for jury service before you are finished, turn the survey in unfinished -- we'll pick up as you go out the door.

The graduate student, with the help of two assistants, then spread out in the jury assembly room, offering a form to every member of the jury panel. On any given Tuesday more than one survey version is administered, so that all panel members are not offered the same form. Some refuse to accept the form, and some who accept it do not complete it, whether because they choose not to complete it, or are called for jury service before they complete it.

Jury panel members arrive at the Jury Assembly Room already committed (or resigned) to spending their day in fulfilling a civic duty. For the first hour or two, many find themselves with little to do. Answering questions seeking their view of how courts should resolve child support claims is quite similar to the task they expected to perform. It was therefore our hope that most

would accept the task and perform it with diligence. The data, described more fully below, indicate that they did. Approximately 75% of the panel members accepted and completed the survey form they were given.

The survey forms asked respondents to provide basic demographic facts about themselves. Of those completing the survey, 55% were women, 62% were married, 35% had been divorced, and 69% had children. Twelve percent said they had at some time been ordered to pay child support; 18% had at some time been the person to whom someone else was ordered to pay support. The education levels of the respondents were higher than the national averages. Only about 3% had failed to graduate from high school, and most of the 43 percent who did graduate, but had no higher degree, reported having "attended some college". Asked to indicate the highest level of education achieved, 14 percent reported the Associates degree, 25% the Bachelors degree, nearly 16% a graduate or professional degree. The high level of graduate degrees may reflect the location in Pima County of the University of Arizona. By comparison, the Census Bureau reports that as of 2006, 84% of Americans 18 or older had graduated from high school (as compared to 97% of our respondents), and 26% had graduated from college (as compared to 41% of our respondents).[22]

The median household income in Arizona is about $45,000, which puts it in the middle of all state medians.[23] The household income distribution of our respondents, as compared with a national sample,[24] is shown in Table 1. Those earning less than $15,000 are under-represented in our

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22. Looking only Americans 25 years of age or more, 29% graduated from college. The Census data is found by downloading the Excel spreadsheet for "all races" under Table 1A, Percent of High school and College Graduates of the Population 15 Years and Over, by Age, Sex, Race, and Hispanic Origin, found at <http://www.census.gov/population/www/socdemo/education/cps2006.html>.

23. Data from the Annual Social and Economic (ASEC) Supplement of the Current Population Survey of the U.S. Census Bureau shows that Arizona's median income, calculated as the three-year average of the medians for 2003-2005, is higher than the corresponding figure for 19 other states, lower than the figure for 17 other states, and not statistically different than the figure for 13 other states. U.S. Census Bureau, *Income for 2005*, at <http://www.census.gov/hhes/www/income/income05/statemhi3.html>.

24. The national figures here were derived from the data reported in the U.S. Census Bureau, Current Population Survey, 2006 Annual Social and Economic Supplement, Table HINC-01, *Selected Characteristics of Households, by Total Money Income in 2005*, available at <http://pubdb3.census.gov/macro/032006/hhinc/new01_001.htm>.

sample. Other income groups are represented in proportions reasonably similar to their proportions of the national population.

Table One: National and Sample Incomes Compared

Household Income	National Percent	Sample Percent
Less than $15,000	14.6	5.6
15,000 to $30,000	18.2	16.6
30,000 to $60,000	28.7	31.5
60,000 to $90,000	17.7	22.8
More than $90,000	20.9	23.4

Table One-A compares the age distribution of our sample with the age distribution of the population as a whole, calculated as a percent of the total population 18 and older.[25] (Our sample of course included no one under 18.) One can see that those over 64 are under-represented in our sample. The youngest cohort, those under 24, are slightly under-represented, and the middle-aged are over-represented.

Table One-A: National and Sample Age Distributions Compared

Age Range	National Percent	Sample Percent
18-24	12.2	9.3
25-34	18.1	17.8
35-44	20.0	19.5
45-54	19.6	23.6
55-64	14.1	20.3
Older than 64	16.1	9.5

25. The national data are derived from Census Bureau report S0101 on data collected in the 2005 American Community Survey, available from links at the Census Bureau site, <http://factfinder.census.gov/servlet/ACSSAFFFacts?_submenuId=factsheet_0&_sse=on>. The Census reports percentages of the entire national population; these were adjusted to reflect percentages of the 74.6 % of the national population that was over 18 years of age.

2. The Survey Instruments

The survey instruments employed for this study contained three sections. The final section on each form always contained the demographic questions providing the information we have just summarized. A second section was comprised primarily of the Likert items discussed in this paper, although it also contained additional items we will address in later papers (such as questions probing respondents' beliefs about the monthly dollar income required to achieve various living standards). A third section contained "scenarios"– statements describing a particular parental situation, including parental incomes. The scenario section asked respondents to indicate the dollar amount the support order should specify, given the facts presented in the scenario. We had previously conducted a methodological study[26] to determine whether our results would be importantly affected by whether we asked respondents to indicate the support amount they favored by *naming* a number; naming a number after having their response *anchored* by the suggestion that judges often ordered some particular amount, even though others did not always agree; *choosing* a number from a range we supplied; and *rating* a support amount we supplied on a scale (from much too low to much too high). We concluded that there were no differences between *Name* and *Choose* that would affect our analysis. Because *Name* was the most straightforward choice, methodologically, we used it for most of our scenario questions. We used *Choose* for one set of forms because it was the only practical way to investigate the impact on respondents' answers of a particular change in the way the question was posed, a change that will be the subject of another paper.

The group of surveys distributed each week systematically differed from those in other weeks. These week-to-week differences are relevant to studies we will describe in later papers, but not to the study described here, because the basic Likert items that are the focus of this paper did not usually vary across weeks. Variations across weeks in the content of the scenarios included

26. *Eliciting Moral Views with a Dollar Metric: Scaling Effects on Child Support Judgments*, (manuscript in preparation).

changes in the number of children; the income range posited for the two parents; the gender of children and of the residential parent and the support-obligor parent; and the phrasing of the scenario questions. Generally, the form presented the scenarios first and the Likert items second, but this order was inverted in a group of forms distributed in one week, to determine whether the order had an effect. The section with demographic questions was always last. (We had no way to monitor the sequence in which respondents actually answered the questions, but assume that for the most part they answered in the order they appeared on the written form.)

Within any given week, otherwise identical forms were also prepared in distinct versions that varied the sequence in which the scenario questions were presented so that, e.g., some subjects began with questions about higher income parents and worked toward lower incomes, while others were presented with the scenarios in different sequences. Such changes in ordering, as well as variations in the phrasing of questions that will be the subject of other papers, meant that as many as 16 different versions of the survey form were distributed in any given week. Likert items that contained gender references always matched the gender assumptions of the scenarios, so that any given survey form employed consistent gender assumptions throughout. Most forms assumed the obligor was the father and the residential parent was the mother, because that is in fact by far the most common arrangement. The impact of this gender assumption was tested with a set of forms that consistently reversed it. We report here on some differences between male and female respondents, but interactions between those differences, and differences arising from the scenario's assignment of obligor's gender, require a more comprehensive analysis, which we will present in another paper devoted entirely to gender effects. The data on which we draw for this paper were gathered during the first four weeks of survey distribution.

C. Results

1. Likert Item Analysis

Table 2 provides the text of the Likert items considered in this paper, and a summary of our respondents' answers. Respondents were asked to indicate their agreement or disagreement with the item on a scale from 1(strongly disagree) to 7 (strongly agree). The first two columns show the percent of respondents who answered 6 or 7 (described as "clearly agree") and the percent who chose 1 or 2 ("clearly disagree"). The mean and standard deviation of all responses to each items are also reported here.

Table Two: Support for Individual Likert Items

Item	% Who Clearly Agree	% Who Clearly Disagree	Mean Rating	S.D. of Ratings	Female mean minus male mean
CHILD WELL-BEING					
The most important reason to require child support payments is to ensure the well-being of children.	92.6	1.4	6.65	0.99	.13
GROSS DISPARITY					
The father should be required to pay only the child support amount needed to make the child completely comfortable, even if the father has a high income and lives much better than the child.‡	21.6	37.9	3.49	2.05	-.70*
If the father has a lot more money than the mother has, he should pay enough child support to make sure the child doesn't live too much worse than he lives.	57.2	7.2	5.42	1.66	.65*
DUAL-OBLIGATION					
Even if the mother has enough money to provide the child with everything that might be important to the child's well-being, the father should still have to pay some child support.	69.2	7.1	5.78	1.69	.77*
The mother should receive child support payments from the father even if she can meet the child's basic physical and educational needs without them.	58.7	7.7	5.42	1.68	.74*
When the mother has enough money to support the child fully, the father should not have to pay child support at all.‡	8.1	72.4	2.17	1.68	-.90*

Item	% Who Clearly Agree	% Who Clearly Disagree	Mean Rating	S.D. of Ratings	Female mean minus male mean
EARNER'S PRIORITY PRINCIPLE					
The father should be required to pay child support even if he is in poverty.‡	30.7	32.1	4.00	2.16	.84*
The father should not have to pay so much child support that his children live better than he lives.	39.6	18.1	4.66	3.00	-.39
While child support is very important, the father should be able to keep enough of his earnings to be able to feed himself and pay for a decent place to live.	76.8	3.5	6.06	1.34	-.06
NO COMPELLED SUPPORT					
Parents should support their children, but the law should never force one parent to pay child support to the other.	6.6	78.3	1.93	1.63	-0.57*
DECENT MINIMUM ONLY					
We should only require enough child support to make sure a child's basic physical and educational needs are met. There should be no additional child support required beyond that.	15.0	49.7	3.05	1.93	-0.62*
Child support should not be limited to the amount needed to make sure a child's basic physical and educational needs are met. If the father can afford it, he should be required to pay more.‡	50.5	11.9	5.10	1.81	0.83*
POOI					
Even if the mother's income goes up a lot, the fathers required child support payments should stay the same.	27.2	34.1	3.82	2.10	0.96*
The more income the mother earns, the less the father should have to pay in child support.‡	25.3	27.6	3.99	1.98	-1.16*
ENSURE NO FINANCIAL LOSS FROM DIVORCE					
The father should be required to pay enough child support to protect the child from suffering any financial loss from divorce.	56.3	8.4	5.32	1.75	0.88*
The father should be required to pay enough child support to protect the mother and child from suffering any financial loss from divorce.	41.3	14.8	4.73	1.89	0.96*
ENSURE MARITAL LIVING STANDARD					
The father should be required to pay enough child support to make sure that the child lives as well as he or she did during the marriage.	45.4	12.5	4.91	1.84	0.93*
ENSURE EQUAL LIVING STANDARD					
The father should be required to pay enough to make sure that the child lives as well as he does.	46.7	11.6	5.00	1.86	0.90*
The father should be required to pay enough to make sure that the child and mother live as well as he does.	31.1	22.6	4.27	1.98	0.72*
The purpose of child support is not to make sure the child lives as well as the father.‡	36.1	27.4	4.21	2.14	-0.46*

*Difference between female and male mean significant, p<.001 ‡Negative version–see discussion in text.

Table 2 groups the items thematically by the principle we initially expected the item to test. (The forms themselves separated thematically similar items to improve the validity of the repeated measure.) The first four groups were expected to measure respondents' endorsement of the four principles advanced in *Theory*: Child support amounts should be set so as to Advance Child Well-Being; Avoid Gross Disparities Between the Child's and Obligor's Living Standards; Vindicate the Dual Obligation of both parents to provide support, and protect the Earner's Priority in claims on his own earnings. As explained above, *Theory* does not assert that everyone would say they endorse all four principles as identifying everything that matters in setting support levels, but rather that a) normatively, these are the appropriate principles to apply, and that b) empirically, the relative strength of a person's commitment to each of them will predict the level of child support they believe correct in particular cases.

The remaining six groups of items were intended to measure respondents' support for five other principles not urged by *Theory* but which have been considered in the child support literature or, in the case of *POOI*, adopted in some states. There are really only five different principles rather than six because there is in fact no substantive difference between setting support amounts at the level required to ensure the child suffers no financial loss from divorce, and setting them at the level required to ensure the child retains the marital living standard. But while both statements lead logically to the same result, the idea can and has been expressed both ways, and we sought to measure support for both formulations of it.

There are several reasons for having multiple items for most of the principles. Multiple items allow the construction of composite scales which have greater reliability and less idiosyncratic error than any single item. Second, in seven cases multiple items were employed to allow inclusion of an item stating the negative of the principle. Someone who agrees with the principle should disagree with this negative version. These negative versions are marked with a dagger (‡). If respondents to

Likert instruments exhibit a bias toward agreement, taking a repeated measure in the negative form is one way of controlling for that. Negative formulations present their own complications, however. People may be more accustomed to being asked whether they agree with a statement, than whether they disagree with it, and true negative versions of a principle can be difficult to formulate and awkward in construction. For these reasons it is hardly clear that disagreement with the negative version is a better measure of support for the principle than is agreement with the positive version, but it is an additional measure.

In two cases, additional items were prepared to measure the impact of a substantive concern that arises with any principle setting support levels by reference to the child's living standard. The child and residential parent generally share the same living standard, which means that a principle phrased in such outcome terms will assure the residential parent the same living standard it assures the child. Items measuring support for such an outcome-based principle can be phrased to focus respondents' attention on this point, or not. One might expect the phrasing to affect the level of reported agreement. We tested for this possibility by offering companion formulations of two principles, Equal Living Standard and No Financial Loss from Divorce. In each case, one item mentions the residential parent and one does not.

Overall, one can draw the following observations from the results presented in Table Two:

a. Support for Theory's principles. The Well-Being and Dual-Obligation Principles received the most support of any principle presented to the respondents. One certainly would not expect the virtually unanimous support for the importance of the Well-Being Principle to translate into unanimous agreement about the appropriate dollar amount of support in specific cases, because (among other reasons) respondents will still differ about the amount of money required to guarantee child well-being. It nonetheless seems important to know that more than 90% of the respondents clearly agree that the child's well-being is the most important reason to require child support payments, because the dominant economic methodology nearly all states today employ to generate

their support guidelines never considers child well-being it all. Two of the three items measuring support for the Dual-Obligation principle find that about 70% clearly agree, the next highest level of endorsement, and almost 60% clearly agree with the third item. The only item showing similar levels of agreement was the third of the three items measuring support for the Earner's Priority Principle. This was the purest measure of the three Earner's Priority items because it is stated in the positive, and focuses exclusively on the earner's claim without reference to the child's situation. Moreover, it focuses on whether the father should be able to ensure his own minimal support, while the second of the three items states the principle in a way that could as easily apply to a middle class or upper class father. *Theory* suggests that the EPP is strongest when the earner has the least, and that view is reflected in the respondents' relative ratings of the second and third EPP statements.

The first of the EPP items showed the least support for the principle, with approximately equal numbers clearly agreeing and disagreeing. This result is not surprising because this item poses a conflict between the EPP and the Dual Obligation principle: the respondent is asked whether poverty should excuse the obligor entirely from any support obligation. Agreeing that it should favors the EPP at the expense of Dual Obligation, while requiring payment vindicates Dual Obligation at the expense of the EPP. The heavily supported third item, by contrast, asks in effect whether the EPP can justify reducing, not eliminating, the father's support payments. *Theory* argues that while the EPP should shield poor fathers from onerous support obligations, imposing a nominal obligation on him is advisable to vindicate the Dual Obligation principle and acknowledge the obligor's social paternity. The pattern of responses here suggests that the respondents would likely agree.

Gross Disparity receives the least support of *Theory*'s four principles–just as *Theory* itself suggests it would. Nonetheless, nearly 60% clearly support it in the positive version, as do a plurality in the negative item. One might have expected most respondents to endorse the view that the father fulfills his obligations by making the child "completely comfortable", even if he lives much better than the child, but the results were to the contrary, and thus consistent with the Gross

Disparity principle. But nonetheless, while the Gross Disparity principle receives support, it does not receives much more support than one of the other principles we asked about that are not part of *Theory.*

b. Support for other principles. Proposals that child support should be voluntary rather than compelled, or that compelled support should be limited to ensuring the child a decent minimum living standard, were both rejected by respondents. They believed courts should order support, and in higher amounts than necessary to provide a decent minimum. We also replicate the Wisconsin and Australian findings rejecting *POOI*, although our respondents were somewhat more evenly divided than in those studies. On the other hand, there was considerable support for protecting the child from any financial loss at divorce. That support declined when the question was rephrased to ask about protecting "the mother and child" from financial loss, rather than "the child". It also declined when recast as a guarantee of the marital living standard, rather than as a "loss". Both declines were significant, $p<.001$. The pattern for the Equal Living Standard principle was more mixed. There was fair degree of support for first of the three items, which was the most straightforward statement of the principle. Support declined significantly, $p<.001$, when the favorable impact on the mother was brought to the respondents' attention. Finally, a plurality of respondents *agreed* with the negatively phrased item, suggesting rejection of the Equal Living Standards principle.

c. Gender differences. The last column of Table Two gives the difference between the mean responses of men and women for each item. These differences in means were significant at the .001 level for all but three items. Gender differences were thus pervasive. The three exceptions included the two statements endorsed by the great majority of all respondents, the item stating the Well-Being Principle, and third item stating the Earner's Priority Principle. A second EPP item that also enjoyed fairly strong support did not yield a significant gender difference at the .05 level, but it came close (.09 with equal variances assumed; .11 if not).

The gender differences in mean response for all the other items were not only significant but often also large. The differences conformed to stereotype: women were more favorably inclined than men toward statements consistent with larger required support payments, and less favorably inclined toward statements consistent with smaller payments. The mean Likert score for women was nearly a full point more favorable than men's, on the seven point Likert scale, for Equal Living Standards and Ensuring No Financial Loss At Divorce, and much less favorable than men to the proposition that fathers needn't pay support at all when the mother has enough money of her own to support the child fully. Particularly large gender differences were found in statements measuring support for POOI: women were much more favorably inclined toward it then men. This could be an artifact of the way the questions were presented: should fathers pay less when maternal incomes rise, or not? Women were much more likely than men to think not. An equally valid test might come from the other direction: should fathers pay more when maternal incomes decline? Perhaps men's responses would come closer to women's with such a phrasing. On the other hand, the pervasive nature of the gender differences suggests they are not an artifact of item construction.

The differences between the responses of men and women are certainly not surprising. A distinction has been drawn between neutral areas of law and non-neutral areas.[27] In neutral areas, people do not necessarily imagine themselves as likely being on one side or the other of potential disputes that might arise. In thinking abstractly about alternative rules of contract law, for example, people probably have little reasons to assume that they will find themselves in the position of the person seeking to enforce a claimed agreement, as opposed to the person defending against such an enforcement claim. In family law, by contrast, men and women are likely to imagine themselves in different positions with respect to the law's possible application to them. In fact, twelve percent of the respondents in our study said at some point there had been a court order requiring them to pay

27. This distinction was initially drawn by Mel Eisenberg in *The Modernization of Corporate Law: An Essay for Bill Cary*, 37 U. MIAMI L. REV. 187 (1983).

child support, and 18% said that at some point there had been a court order requiring someone to pay support to them. Nearly all the support obligors were men, and nearly all the obligees were women. We tested to see whether differences between men and women remained if we looked only at those who reported no personal experience with child support orders, as obligors or obligees. In no case did a significant gender difference become insignificant when those with experience in the child support legal system were removed from the sample, but the effect sizes did decline for some items, sometimes by as much as 1/3. One plausible understanding of these gender differences, then, is that experience in the child support system is sufficiently common, and sufficiently gender-dependent, that even men and women who have not themselves had this experience are likely to see the issues through the eyes of obligor or obligee.

2. Exploratory Factor Analysis.

Did respondents' views on the various Likert items in fact organize themselves along the thematic lines assumed in Table 2? We originally expected to answer this question by doing a Confirmatory Factor Analysis. A preliminary correlation analysis made clear, however, that responses to the items often did not correlate in this way, and sometimes instead had high correlations with items intended to capture other factors. We therefore abandoned the CFA approach and conducted an Exploratory Factor Analysis instead. Such an analysis examines the associations between agreement tendencies for each item to reveal patterns. The fundamental notion, due to Thurstone[28], is that the interrelations among the measures observed may be represented by a smaller number of common factors[29].

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28. Thurstone, L.L., THE VECTORS OF MIND: MULTIPLE-FACTOR ANALYSIS FOR THE ISOLATION OF PRIMARY TRAITS (University of Chicago Press 1935).

29. Fabrigar, L. R., Wegener, D. T., MacCallum, R. C., & Strahan, E. J., *Evaluating the Use of Exploratory Factor Analysis in Psychological Research*, 4 Psychological Methods 272-299 (1999).

For the current analysis, we submitted 20 of the Likert items to the EFA, omitting only the three items we asked that did not relate explicitly to child support amounts or principles[30]. The analysis proceeded by the standard method of Principal Components Analysis, using the Varimax rotation technique with Kaiser normalization. Results showed that a good reproduction of the data arises from a four-factor solution, accounting together for 52% of the variance of the items. Scree plots showed little addition systematic variation was interpretable.

Results from an EFA are most interpretably reported by presenting the Rotated Component Matrix, with items comprising the interpreted factors highlighted. This analysis (N=863) is presented in Table 3 (loadings less than ±.15 are eliminated for readability). To aid in relating Table 3 to Table 2, a mnemonic code appears with each item showing its thematic classification in Table 2, as follows: WB (child Well Being); GD (Gross Disparity); DO (Dual Obligation); EPP (earner's priority principle); NS (No compelled Support); DM (Decent Minimum only); POOI; NL (ensure No financial Loss from divorce–also codes the substantively equivalent "ensure marital living standard"); EQ (ensure EQual Living Standard). Items presenting a negative statement about the principle are coded with a minus sign (e.g., -EPP).

30. The three omitted Likerts were: a) "The father should be allowed to reduce the child support payments he pays the mother if she remarries and her new husband makes much more money than the father makes." b) "It would be good idea for the father to pay directly into a special account that could only be used for the child's expenses, rather than for him to pay the mother." c) "Do you believe money can improve a child's development, well-being, and happiness by allowing the child better educational opportunities, a better neighborhood in which to grow up, better medical care, or other opportunities to learn or grow or get to know people who will help him? ____ yes ____no".

Table Three: Rotated Component Matrix

Item	Factor 1	2	3	4
The father should be required to pay enough to make sure that the child and mother live as well as he does. **EQ**	.804			
The father should be required to pay enough child support to protect the mother and child from suffering any financial loss from divorce. **NL**	.786			
The father should be required to pay enough child support to make sure that the child lives as well as he or she did during the marriage. **NL**	.758			
The father should be required to pay enough to make sure that the child lives as well as he does. **EQ**	.739		-.168	
If the father has a lot more money than the mother has, he should pay enough child support to make sure the child doesn't live too much worse than he lives. **GD**	.706		-.198	
The father should be required to pay enough child support to protect the child from suffering any financial loss from divorce. **NL**	.678	.243		.196
Child support should not be limited to the amount needed to make sure a child's basic physical and educational needs are met. If the father can afford it, he should be required to pay more. **-DM**	.544	.237	-.389	
The mother should receive child support payments from the father even if she can meet the child's basic physical and educational needs without them. **DO**	.162	.685	-.176	.173
Even if the mother has enough money to provide the child with everything that might be important to the child's well-being, the father should still have to pay some child support. **DO**	.210	.675		.216
The father should be required to pay child support even if he is in poverty. **-EPP**		.666		-.162
The more income the mother earns, the less the father should have to pay in child support. **-POOI**		-.665		.314
Even if the mother's income goes up a lot, the father's required child support payments should stay the same. **POOI**	.257	.659	.229	-.304
When the mother has enough money to support the child fully, the father should not have to pay child support at all. **-DO**		-.604	.401	
We should only require enough child support to make sure a child's basic physical and educational needs are met. There should be no additional child support required beyond that. **DM**	-.196	-.205	.656	
Parents should support their children, but the law should never force one parent to pay child support to the other. **NS**		-.237	.629	-.172
The father should be required to pay only the child support amount needed to make the child completely comfortable, even if the father has a high income and lives much better than the child. **-GD**	-.262		.616	.221
The purpose of child support is not to make sure the child lives as well as the father. **-EQ**	-.204		.302	
While child support is very important, the father should be able to keep enough of his earnings to be able to feed himself and pay for a decent place to live. **EPP**				.697
The most important reason to require child support payments is to ensure the well-being of children. **WB**			-.244	.517
The father should not have to pay so much child support that his children live better than he lives. **EPP**				.510

Factor 1 is comprised of 7 items with high positive loadings. Three were originally classified in Table 2 as No Loss, and two as Equal Living Standards. These five items all propose support principles that are very generous toward the residential household, more generous than either *Theory*, or current law in most states (as it is usually understood to operate, although there is some contention

on the matter). The remaining two items are Gross Disparity and the negative of Decent Minimum Only, which seem quite consistent with this orientation. We call this factor "Gross Disparity Plus"–a pattern of agreement with these items seems to indicate belief in something more than even the Gross Disparity principle. (Since No Loss and Equal Living Standard do not produce the same results, precisely how much more is left undefined.) The average agreement with the items on this factor was 4.99 (on the seven point Likert scale). Agreement with these items could reflect economic naivete. As we shall see when we report more fully on the scenario data in later papers, respondents did not in fact endorse support amounts that would, for example, ensure the custodial household suffered no financial loss from divorce. On the other hand, agreement could reflect respondents' policy aspirations, aspirations that in practice they understand must be weighed against other principles in which they also believe, such as the EPP.

Factor 2 is comprised of 6 items, all with comparable loadings near .6. All three of the items originally classified in Table 2 as Dual Obligation are among these six; the negative DO item has an equivalent negative loading. The other three items that load on this factor also emphasize the father's obligation to share the financial burden of the child, and we therefore continue to call this the Dual Obligation factor. One of the other three is a *negative* of the EPP, which loads *positively* on this factor, reflecting a belief that even fathers in poverty should have to pay some support. The two POOI items constitute the remaining two in this factor, with the negative POOI item carrying an equivalent negative loading. Both ask whether the father's obligation should decline when the mother's income rises, a proposition these respondents tend to reject, perhaps reflecting the belief that the father should not be excused from any part of his obligation just because of the mother's relative prosperity. Average agreement with Factor 2 is 4.82. While EFA requires that items loading on a factor have higher correlations with one another than with items loading on other factors, it does not require zero correlations between items on distinct factors. Table 4 shows that in fact, Factor 1 correlates reasonably highly (.36) with Factor 2 (prior to rotation), implying that people who believe

in generous support awards also believe in dual obligation. Nonetheless, the two factors tap distinct sets of beliefs.

The three items that comprise Factor 3 are Decent Minimum Only, No Required Support, and a *negative* of the Gross Disparity principle, which loads *positively* on this factor. Their common thread is a limit on the father's obligations, whether by requiring him to meet just the child's "basic needs", or just enough to make the child "completely comfortable" even when the father has the income to do much more, or by not requiring child support at all. We therefore label it "Limiting Father's Responsibility". Not surprisingly, Factor 3 correlates negatively with Factor 1 (-.37) and Factor 2 (-.33). Overall agreement with Factor 3 is far lower, averaging 2.81 (4 is midpoint, so 2.81 represents disagreement, on average).

Finally, Factor 4 comprises 3 items. Two of the three are the positive EPP items (recall that the negative EPP item loaded positively on Factor 2), which suggests that this be called the Earner's Priority Factor. Included with the two EPP items is the single Well-Being item--the item that, as noted before, elicited more agreement than any other Likert item. The connection between it and the two EPP items is not obvious, although *Theory* does suggest that protection of the child's well-being is the most persuasive reason to override the earner's priority and require him to share his earnings. Average agreement with this factor is the highest of all factors (5.69), and the factor is largely uncorrelated with the others, except for a slight negative association with Factor 2.

Table 4: Correlations

Factor	Mean	Factor 2	Factor 3	Factor 4	Gender	Married	Ever Divorced	Children	Education	Household Income	Age
One	4.98	.356**	-.373**	-.028	-.297**	-.052	-.052	-.014	-.044	-.077**	.121**
Two	4.82		-.328**	-.093**	-.347**	.014	-.010	-.011	.023	-.005	.045
Three	2.82			.059	.222**	.030	. 044	-.015	-.144**	-.105**	-.069*
Four	5.69				.040	-.035	-.065	-.023	.028	.068	.067

** Correlation significant at .01 level (2 tailed). *Correlation significant at .05 level (2-tailed).

Table 4 also presents the correlations of each of these factors with various demographic variables. Rather than weighting by the factor loadings we followed the common alternative of averaging — unit-weighting — the items comprising each factor, after reverse coding any with negative loadings. Some demographics were not significant: respondent answers were not related to whether they were currently married, ever divorced, or had children. Moreover, education level was related (negatively) to the third factor (LimitingFather's Responsibility) only. Income and age were also negatively related to this factor. Agreement with the first factor (Gross Disparity Plus) was negatively associated with respondents' income but positively associated with respondent age. All these associations were quite small, but were significant because of the large N.

Gender — the only remaining demographic variable — had, by contrast, comparatively large associations. However, interpretations of gender differences are not straightforward, because gender is typically confounded with the respondent's own experience with the child support system: almost invariably, payers are men and receivers are women. Accordingly, we break out the findings by a combination category: females who have received child support; females who have never received child support; males who have never paid child support; and males who have paid child support[31]. The results for Factors 1 and 2 are so similar they may be shown on the same graph, Figure 1 (the differences between any two points on each line are significant by Tukey test). Factor 3, Capping Father's Responsibility, had a reverse pattern, as shown in Figure 2. Tukey tests showed that the two female categories were each different from the two male categories, but the differences within males and within females were not significant. Finally, Factor 4 is shown in Figure 3. Tukey tests showed that the only significant difference was that between the two most extreme groups: male payers vs female receivers.

31. This procedure discarded the 34 respondents (4%) whose status as support obligor or obligee was gender-atypical, or who both received *and* paid,.

Figure One shows that men who have paid child support do not share the enthusiasm that women have for Dual Obligation and Gross Disparity Plus, being neutral, on average, with respect to both principles. On average, men who have not paid support show mild agreement, women who have not received support agree, and women who have received support agree the most strongly of all.

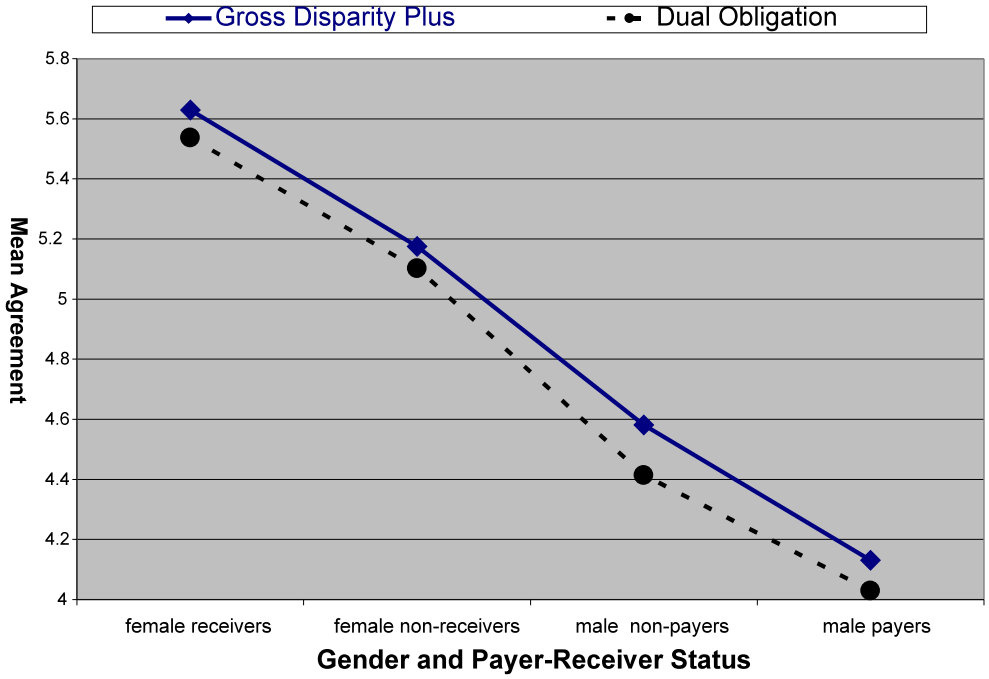

Figure One: Gender Differences for Factors One and Two

Figure Two shows that all four groups reject Factor Two, Limiting the Father's Responsibility, but that women reject it more strongly then men. Figure Three shows that all four groups support the Earner's Priority Principle, including even women who had received support.

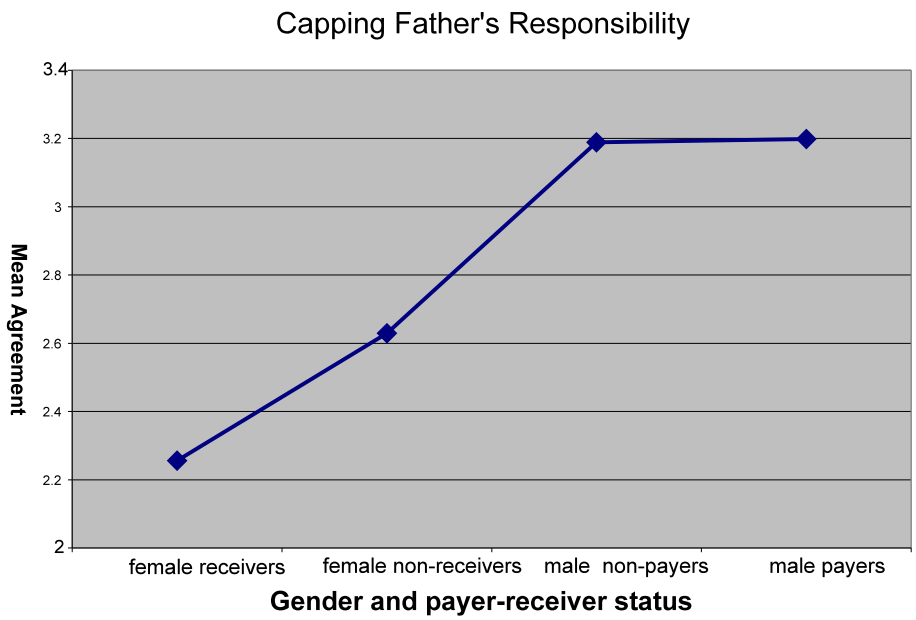

Figure Two: Gender Differences for Factor Three

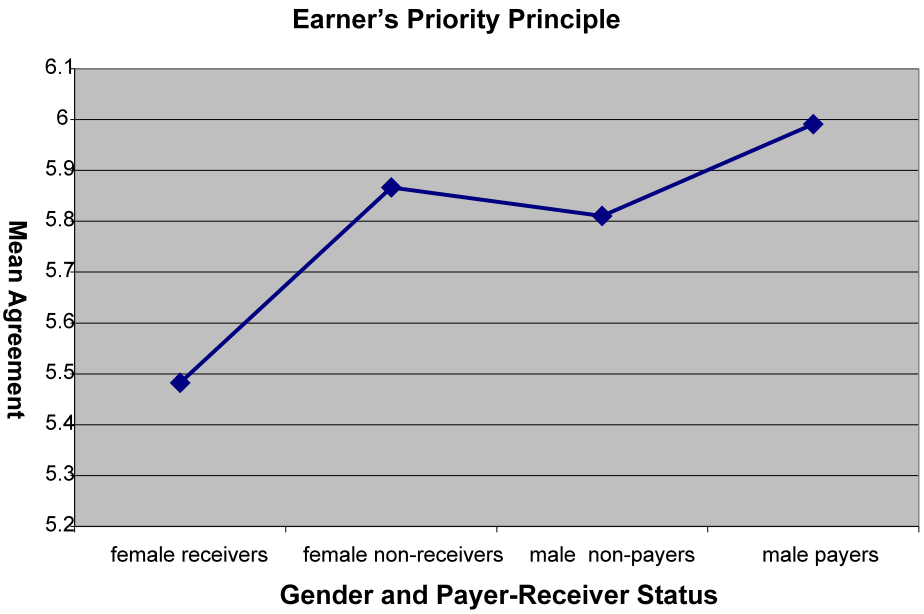

Figure 3: Gender Differences for Factor 4

3. Relating Respondent Attitudes to Resolution of Individual Cases

Do respondent answers to questions about the correct amount of support in particular cases vary systematically with their responses to the Likert items? To explore this question, we asked all respondents to consider a series of 9 hypothetical scenarios or "stories". The instructions read

> We want to know the *amount* of child support, if any, that *you* think Dad should be required to pay Mom every month all things considered. What will change from story to story is how much Mom earns, and how much Dad earns. There is no right or wrong answer; just tell us what *you* think is right. Try to imagine yourself as the judge in each of the following cases. Picture yourself sitting on the bench in a courtroom needing to decide about what should be done about ordering child support in the case and trying to decide correctly. To do so, you might try putting yourself in the shoes of Mom or of Dad or both, or imagine a loved one in that position."

We told respondents to assume that there is one child, a 9 year-old boy , who lives mostly with Mom, but Dad sees him often, and the child frequently stays with Dad overnight. This factual pattern was varied across surveys forms, and later papers will explore the impact on respondent answers of changes in scenario facts, but this fact pattern remained constant across all the scenarios on the set of forms considered in this paper. The items did vary, however, in one respect: the incomes attributed to each of the parents. For the set of forms we consider here, the father's (obligor's) take-home pay was either two, four, or six thousand dollars per month, and the mother's (obligee's) take-home pay was either one, three, or five thousand dollars per month. There were thus nine judgments per respondent. (Later papers will report on other forms that asked about higher income levels.) Here is a sample item:

> **Mom's** monthly take-home pay is **$5,000 a month**, and **Dad's is $6,000**. How much should Dad be required to pay Mom every month for child support, all things considered?"

Our analytic approach uses hierarchical linear models (HLM), also known as multi-level models, mixed models, or random coefficient models, appropriate when variations are both within and between subjects. Thus, each subject has *a series* of child support judgments (these vary *within* subjects), but *only one* gender or attitude on Likert factor 2 (instead, these vary *between* subjects). To analyze such data, the HLM approach requires formulations of a regression model both at "Level 1", *within* each

subject, and at "Level 2", *between* subjects. Our fundamental Level 1 model, using standard HLM notation, is below:

$$CSAmount_{ij} = b_0 + b_1 CPIncome_j + b_2 NCPIncome_j + \varepsilon_{ij} \qquad (1)$$

To translate, we want to predict the Child Support Amount (CSAmount) subject *i* will produce for the j^{th} scenario. Our Level 1 model specifies that this is a function of a constant, b_0, plus an amount based on the CPIncome we provide for that j^{th} scenario, plus another amount due to the NCPIncome of the j^{th} scenario, plus a random error term $\varepsilon_{i,j}$. Recall that CPIncome is either 1000, 3000 or 5000, while NCPIncome is 2000, 4000 or 6000. Each *b* coefficient in (1) tells us how much, on average over all judgments by all respondents, the Child Support judgment amount increases or decreases. The HLM analysis of the above Level 1 model found b_0 = 321, b_1=-104 (meaning that for every $1,000 increase in CPIncome, child support awards drop $104 on average) and b_2=185. This implies, for example, that for the scenario in which CPIncome is $3,000 and NCP is $4,000, the average child support judgment over all respondents was 321+(3*-104)+(4*185) = $749.

A slightly more complex model did not assume that the CSAmount judgments were 3 straight-line[32] functions of CPIncome and NCPIncome that are equally-spaced or -sloped, as assumed above. This more complext model inserted an interaction term, CPIncome BY NCPIncome (abbreviated as CPxNCP). (We merely multiply the two amounts, so, e.g., 3000*6000=18,000,000.) In other words, the Level 1 Model becomes

$$CSAmount_{ij} = b_0 + b_1 CPIncome_j + b_2 NCPIncome_j + b_3 CPxNCP + \varepsilon_{ij} \qquad (2)$$

The HLM analysis of (2) found that the interaction was indeed highly significant (p<.001), as was

32. Whether the functions are straight lines vs have "bends" was tested by other analyses not shown. These analyses found that straight line functions indeed described the judgments well.

NCP Income, but CPIncome was only marginally so ($p<.07$). These results are displayed in Figure 4. As can be seen by the upward slope of the lines, respondents thought that as NCP's income increases, the amount of child support should increase significantly, a principle indeed represented in all current state guidelines. But Figure 4 also tells us some things about respondent views that perhaps seem less predictable.

1. That fact that different lines are required to for different CP incomes–that the three lines are not on top of one another–illustrates that our respondents reject POOI guidelines and favor income shares guidelines. That is, they believe that as CP's income increases, the amount of child support should decline, for any given level of NCP income.

2. Not only are the three lines not congruent, they also are not parallel. They fan out as NCP income increases. This illustrates the significant interaction between the two parents' incomes. Our respondents believe that the lower the income of the CP, the more rapidly the support amount should

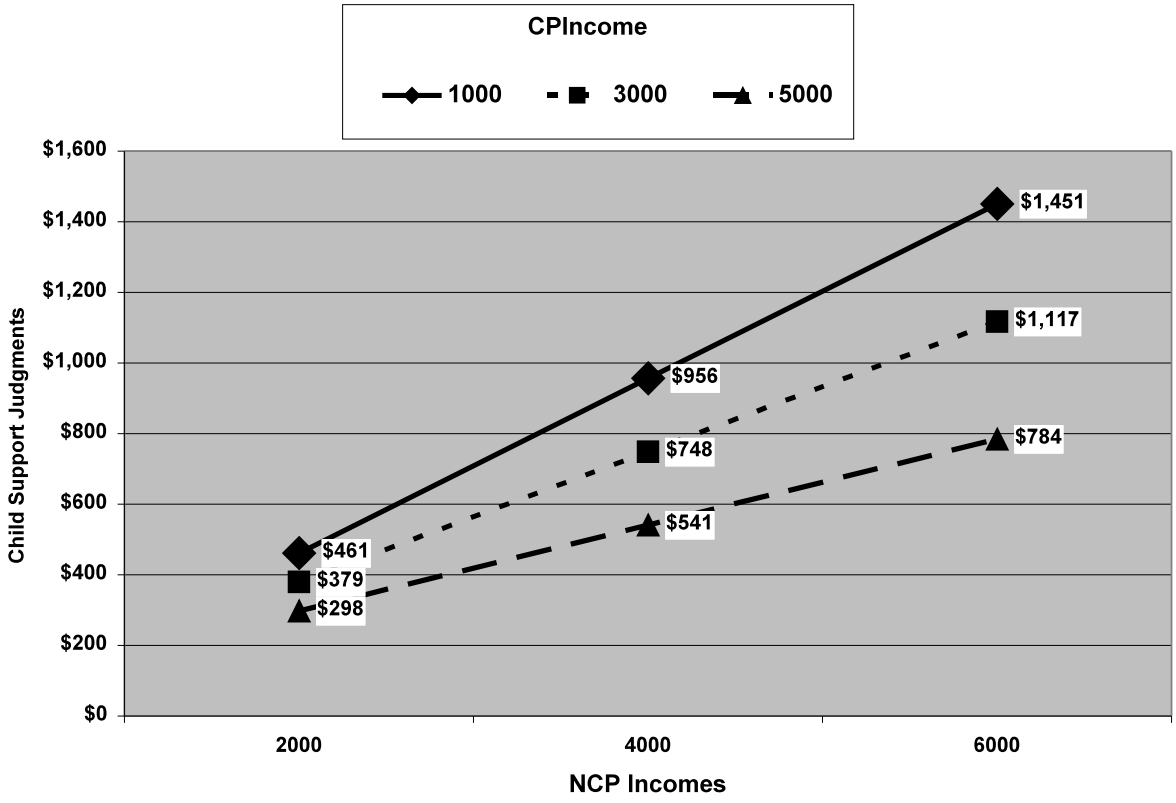

Figure Four

increase with NCP income. Our respondents strongly concurred with this principle, about which state guidelines differ.

3. Our respondents' widespread concurrence with the second point is shown by the small amount of variance in the slope of the individual regression lines. The estimate for CP income is -82 per 1000, with a 95% confidence interval of -89 to -75. The estimate for NCP income 185 per 1000, with a 95% confidence interval of 177 to 193. (The standard error for each is 3.6.) In contrast, there was a considerable amount of variance in the Y-intercept of the individual regression lines. The estimate is 307, with a standard error is 29.8, and a 95% confidence interval of 249 to 366. So when we ask them all the amount of support appropriate in a single chosen scenario, we find considerable variance, but when we then vary that scenario across different income levels for CP and NCP, we find relatively little variance in how each of them adjusts their answer in response to the changed incomes. We consider this finding further in the discussion.

The scenario findings presented in Figure 4 are *average* results, averaged over *all* respondents, without regard to what their Likert responses were. We can take into account individual differences in these scenario judgments by incorporating HLM's Level 2 equations. This approach allows us to see whether there is a systematic relationship between variations in respondent answers to the Likert-type items and variations in the support amount they name in response to the scenario questions. First, we allow, by adding a set of *i* subscripts, that each respondent might have their own individual child support equation, and that the 4 *b* coefficients for respondent *i* in (2) might not be the same as those of respondent *i'*. For the Level 1 equation (2), the equation becomes:

$$CSAmount_{ij} = b_{0i} + b_{1i}CPIncome_j + b_{2i}NCPIncome_j + b_{3i}CPxNCP + \varepsilon_{ij} \qquad (3)$$

Then we would allow as many as four Level 2 equations, each saying that one of the above 4 *b* coefficients in (3) for a certain respondent is itself predictable from specified respondent characteristics. For example, to see if the four Likert factors relate to these coefficients, we set up a

Level 2 equation specifying the following four predictors for the b_0 (intercept) coefficient for respondent *i*:

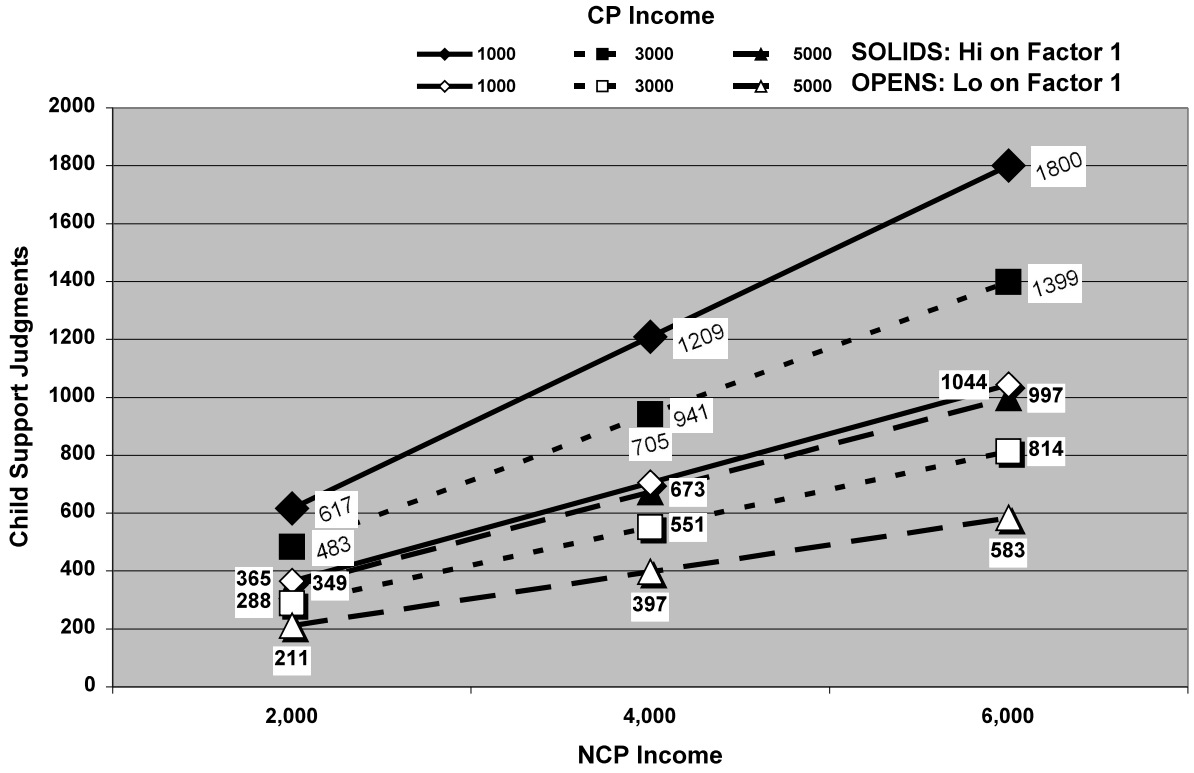

Figure 5
Relationship of respondent views on Factor 1
with their preferred support amounts, at various parental income levels.

$$\mathbf{b_{0i}} = \boldsymbol{u_{10}} + \boldsymbol{u_{11}}\mathbf{Likfact1_i} + \boldsymbol{u_{12}}\mathbf{Likfact2_i} + \boldsymbol{u_{13}}\mathbf{Likfact3_i} + \boldsymbol{u_{14}}\mathbf{Likfact4_i} + \varepsilon_{ij} \quad (4)$$

We create analogous Level 2 equations for each of the remaining 3 *b* coefficients (i.e., b_{1i}, b_{2i}, and b_{3i}.) Then we substitute the right side of these equations for each of the *b* coefficients in equation (3) to get one large "combined" equation.

A full exploration of what this HLM analytic approach reveals about the relationships between respondents' agreement with the abstract statements of the Likert items, and the dollar amounts of

child support they would award in individual cases, will be the subject of a subsequent paper. Here, we present only an example of our results, in Figure 5, for Likert factor 1 (Gross Disparity Plus). When this (and only this) Likert factor was added to the equations like (4), the result was a significant impact of this factor on both the NCPIncome coefficient and on the CPIncome by NCPIncome interaction coefficient.

The results are shown in Figure 5. Plotted with filled markers are respondents whose average endorsement of the Factor 1 items was at least one standard deviation greater than the overall mean. The mean was 4.99 and the SD= 1.33, so the filled markers represent respondents whose average endorsement of these items was 6.32. Plotted with open markers were those whose average endorsement of the Factor 1 items was at least one standard deviation below the mean, or 3.59. One can see that the basic patterns revealed in Figure 4 hold for respondents of both types. That is, both the responses of those with high levels of agreement with Factor 1 items (filled markers), and the responses of those with low levels of agreement (open markers), yield 1) three distinct lines at different heights with 2) an upward slope, and 3) some fanning out. But in addition, the interaction between Factor 1 and NCP income was highly significant ($p<.001$), and accordingly, one can see that the child support amounts increase much more sharply with NCP's income for those high on Likert Factor 1 than for those relatively low. Comparing, for example, the 3 judgments made for the $3,000 CP income situation, those high on Likert factor 1 on average thought that child support awards of 483, 941 and 1399 were proper for NCP's incomes of 2,000, 4,000 and 6,000 respectively, while those low on factor 1 thought these respective values should be only 288, 551 and 814. Clearly, then, the Likert responses were related in powerful and sensible ways to the child support guidelines the respondents would specify. As we will show in a subsequent paper, there were similar interactions for Factors 2 and 3.

4. Relating respondents results to amounts specified in existing guidelines.

One might wish to know how the support amounts our respondents believe appropriate compare with the amounts that courts would actually order under prevailing guidelines. That simple question, however, admits of no simple answer. State guidelines vary, so that there are potentially 50 different sets of numbers one might choose to compare with. Moreover, the guidelines methodology of states vary in ways that make it difficult to compare cases. Some states use guidelines that call for the input of net incomes while other states use gross incomes, so that any comparison must make assumptions about net and gross income equivalents. Most states allow adjustments to the guideline amount for medical costs and child care, but employ difference adjustment rules. A minority of states use POOI rather than income shares guidelines, and these two systems produce very different results in some cases. In short, any effort to compare our respondents' preferred support with those called for under existing laws necessarily requires some compromises and shortcuts.

Our approach was to look only at income shares states that employ net income guidelines. Income shares states constitute about 80% of all the states, and it seemed within reason to equate net income to "take-home" pay, which is how we described the parental income levels in the scenarios we provided to respondents asked to identify an appropriate support amount. A 1999 survey identified twelve states using net-income income-shares support guidelines.[33] A 2005 survey calculated the guideline amount in every state, assuming a one-child family in which the parents each had the median monthly income for their gender: $2,631 for men, and $1,762 for women.[34] It showed that for this couple, Iowa had the median support among the 12 net-income, income-shares states. We therefore compared the mean support amounts provided by our respondents to those that would have been

33. Jane Venohr & Robert Williams, *The implementation and periodic review of state child support guidelines*, 33Family Law Quarterly 7 (1999).

34. Jane Venohr and Tracy Griffith, *Child Support Guidelines: Issues and Reviews*, 43 Family Court Rev. 415 (2005).

ordered in Iowa (without adjustments for health care or child care). That information is provided in Table 5. Within each cell, the higher support amount is in italics.

Table 5

Iowa Support Amounts Compared to Respondents' Mean Preferred Amounts				
CP Income ▾	**NCP Income ▸**	**2000**	**4000**	**6000**
1000	***Survey***	*461*	*956*	*1451*
	Iowa	456	804	1122
3000	***Survey***	379	748	*1117*
	Iowa	*404*	748	966
5000	***Survey***	298	541	784
	Iowa	*374*	*668*	*954*

It is perhaps reassuring to see that the mean support amounts favored by our respondents do not occupy an entirely different universe than the amounts called for in a comparable support guideline. In fact, the result for the middle case, in which both custodial and noncustodial parent have the middle income, was coincidentally a perfect match to the amount in the Iowa guidelines. We are nonetheless hesitant to draw strong conclusions because of the noted limitations in the method for identifying comparable guideline amounts, as well as the wide confidence intervals in the Y-intercept of the regression lines (which suggests considerable variability in these means is likely in repeated administrations). It is nonetheless suggestive to see that our respondents favored higher amounts than the Iowa guidelines in cases involving the lowest income custodial parent (top row), but lower amounts than the Iowa guidelines in cases involving the highest income custodial parent (bottom row). Our survey respondents also increased support amounts by a greater margin, per additional dollar of obligor income, than do the Iowa guidelines, except for cases involving the highest income custodial parent. This is the pattern that *Theory* suggests one should expect if our respondents placed more

weight than does Iowa on child well-being, as compared to other considerations.[35] Recall that the item stating that child well-being was the most important reason to require child support payments received the highest level of respondent agreement of any Likert item.

Discussion and Conclusions

This first analysis of a growing data set contains a number of findings of interest to the policymaker. First, respondent views about support do cluster into a small group of distinct factors. The Dual Obligation and Earner's Priority principles offered by *Theory* appear to capture two of the four factors that emerge, and command a fair degree of support–especially the Earner's Priority Principle. The remaining two factors pull in opposite directions. The idea that there should be some limit on the support obligations of fathers is a factor, but one which is on average rejected by our respondents. Gross Disparity Plus, on the other hand, receives about the same level of support as Dual Obligation. Present in Theory but missing from this list is the Well-Being Principle. While the single item that tested for it received overwhelming support, it seems likely in retrospect that the simple statement about the importance of the child's well-being has a "mom and apple pie" character such that our respondents' endorsement of it tells us little about differences between them, although the mean support amounts that our respondents favor suggest they do give considerable weight to child well-being in their judgments.

The data presented here does show that our respondents follow a predictable and rational course in their intuitive lawmaking. They were given no rules for deciding individual cases other than to make the decision that seemed right to them, but their decisions were hardly random across cases. Rather, their favored support amounts varied systematically with both parental incomes, and with their

35. *Theory* argues that each dollar of child support is likely to buy more well-being when added to a low-income custodial household than when added to a high-income custodial household, so that increased emphasis on child well-being favors higher support amounts, at any given level of NCP income, when CP income is lower. It also favor steeper increases in child support for low income CPs as NCP income rises, until CP income is high enough to yield declining returns, per dollar, in child well-being–at which point the importance of the well-being principle declines.

view about the abstract principles captured by their responses to the Likert items comprising Factors 1, 2 and 3. This suggests that those engaged in creating support guidelines might profitably engage in some discussion of these basic factors. To the extent some consensus can be reached as to the weight to accord each of them, the structure of the support guidelines may follow, at least to some extent.

It is also important that judgments about how changes in parental incomes should affect child support amounts did not vary much among our respondents, even though they did differ in their assessment of the appropriate support amount in an initial case. This is a pattern that Ariely and his coauthors have called "coherent arbitrariness": The respondent's initial choice may be arbitrary, but relative values are coherent.[36] This suggests that policymakers would do well to find an anchor for support guidelines in sources other than citizen views, such as economic studies of the dollar amounts required to achieve a minimally acceptable living standard, but that once such an anchor is established, there may be a relative consensus among even diverse groups of citizens in how to build a set of guidelines from it. We intend in the future to examine additional hypotheses about factors that might affect the amount of variability in respondents' assessment of an initial anchor case, such as whether the support amounts respondents give to particular cases are different when they start with low income obligors and work up, as compared with proceeding in the opposite direction. By looking at our respondents views on the relationship of income to living standards and child well-being, we may also learn that to some extent respondent variation arises from different assumptions about facts as well as different values. In that case, reaching an accord on those fact — such as the dollar amount required to ensure the child, as well as the obligor, a decent minimum living standard, and a comfortable middle class living standard — may help to further narrow differences in the initial anchor case.

36. Dan Ariely, George Loewenstein, and Drazen Prelec, *Coherent Arbitrariness: Stable Demand Curves Without Stable Preferences*, 118 Quarterly Journal of Economics 73 (2003).

Nonetheless, our data also clearly reveal important differences between men and women, and especially between those in each group who have been in the child support system, that counsel against easy optimism in any effort to generate common understandings about appropriate support levels. We also intend to explore these gender differences more thoroughly in a future paper.

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