



A Publication of the  
Justice Center

# ALASKA JUSTICE FORUM

Alaska Justice  
Statistical Analysis Unit

Fall 1991

UNIVERSITY OF ALASKA ANCHORAGE

Vol. 8, No. 3

## Alaska Civil Rule 90.3 and Child Support in 1989

Emily E. Read and Ginny Fay

A recent study indicates that Alaska has made significant progress in standardizing child support orders under Court Rule 90.3, but that proportional disparities in awards exist when examined by community, type of case and type of establishment procedure. The following article presents the results of the study *Child Support in Alaska: An Examination of the Effectiveness and Impact of Alaska's Child Support Guidelines*, which was conducted under contract with the Alaska Women's Commission and the Child Support Enforcement Division of the Alaska Department of Revenue.

### Background

In the last decade, issues of child support adequacy and fairness have become subject to debate and reform. The determination of parental financial obligations after divorce was long the responsibility of the state judiciary, with a reliance on a case by case method of calculating dollar amounts. Critics charged that the courts treated divorcing parties inequitably, that adjudication produced inadequate awards, and that the process was generally inefficient.

### HIGHLIGHTS INSIDE THIS ISSUE

- The Bureau of Justice Statistics examines the incidence of criminal victimization in the nation's households for 1990 (page 2).

In response to public pressure for reform, the U.S. Congress passed the *Child Support Enforcement Amendments of 1984* (CSEA). This legislation required states to develop non-binding guidelines for use by judges in setting child support amounts. It did not mandate how the guidelines were to be used—as mandatory or as advisory—but just that they be formulated. Four years later, when Congress passed the *Family Support Act of 1988* (FSA), issues of child support adequacy and nonpayment had become closely tied to “welfare reform.” Low award amounts and the failure to pay full or partial support by many obligors resulted in huge costs to the nation's welfare system, and the child support amendments to the Family Support Act were aimed at strengthening state child support enforcement efforts. Along with other requirements, the FSA specified that the use of guidelines be mandatory unless there existed a written finding that such use would be unjust or inappropriate.

Alaska responded to the CSEA by establishing the Alaska Child Support Guidelines Commission in October 1985. The commission made extensive recommendations on the structuring of Alaska's support guidelines, advocated a “percentage of income” approach to support calculations, and recommended the percentages to be used in making those calculations. These recommendations served as the basis for Civil Rule 90.3 of the Alaska Civil Rules of Procedure, “Child Support Awards,” which was adopted by the Alaska Supreme Court and became effective in August 1987.

Under Rule 90.3, in cases of sole or primary physical custody, the

annual financial obligation of the noncustodial parent is equal to the product of that parent's adjusted annual income (up to \$60,000) and .20 for a single child, .27 for two children, .33 for three children, and an extra .03 for each additional child. Regardless of income, under Rule 90.3 the noncustodial parent must pay a minimum amount of \$50.00 per month.

In cases in which the physical custody of children is shared, the rule requires that a modified formula be used to calculate the gross obligation each parent has toward the support of his/her child(ren).

In a similar manner, Rule 90.3 provides for adjustments in payments during periods of extended visitation and for a variety of other compelling reasons, including obligor impoverishment, large families, income of children, and extraordinary expenses.

### The Alaska Study

The study sampled divorce, dissolution and other domestic relation cases filed during 1989 in Superior Courts in Anchorage, Fairbanks, Juneau, Bethel, and Nome. Only those cases which involved the custody of children and those cases finalized by the courts at the time of data collection were included in the study. The term “sample” is used figuratively because in Juneau, Bethel and Nome, all such cases were included in the study. For Fairbanks, between 25 and 35 per cent of all cases, depending upon case type, were sampled for inclusion, and for Anchorage the figure was between 17 and 30 per

Please see *Child Support*, page 4

## A BJS Report

## Crime and the Nation's Households, 1990

In 1990, 24 per cent of U.S. households were victimized by a rape, robbery, assault, theft, burglary or motor vehicle theft. This was a decline from the 25 per cent of households that in 1989 experienced a crime measured by the National Crime Victimization Survey (NCVS). The 1990 percentage is the lowest annual percentage since 1975, the first year for the household indicator, when a third of all households experienced a crime. Until 1990 the proportion of households victimized by crime had remained unchanged for 5 years. A decrease in the percentage of households victimized by theft largely accounted for the overall decline from 1989 to 1990. Each year theft comprises almost two-thirds of the victimizations measured by the NCVS.

### Recent BJS Reports

In addition to the report summarized in the accompanying article, the following recent studies and reports from the Bureau of Justice Statistics are available from the Alaska Justice Statistical Analysis Unit:

*"School Crime: A National Crime Victimization Survey Report," a summary of results of a national survey of students, age 12 to 19, measuring the availability of drugs, prevalence of gangs and the extent of fear, NCJ-131645.*

*"Capital Punishment 1990," the 61st annual report on the death penalty, NCJ-131648.*

*"Drugs and Jail Inmates, 1989," an analysis of responses to a national survey of inmates of local jails on drug use history, NCJ-130836.*

The percentage of households victimized by burglary in 1990 remained unchanged from 1989, as did the percentages of households with a member victimized by a rape, robbery, or assault. However, a greater percentage of U.S. households suffered a completed or attempted motor vehicle theft in 1990 (1.9%) than in 1989 (1.6%).

#### Additional Findings for 1990

The 1990 indicator that measures the risk of crime among the nation's households also revealed the following:

- Five per cent of U.S. households had at least one member age 12 or older who was the victim of a household crime.

- Five per cent of all households experienced at least one completed or attempted burglary, and 17 per cent, a completed or attempted theft.

- As in previous years, households with higher incomes (29% of households in the \$50,000-or-more category) were more likely to

experience a crime than households with less income.

- Households in urban areas (30%) were more likely to experience a measured crime than suburban households (23%) or rural households (17%).

- Twenty-eight per cent of both black households and households of other races—Asians, Pacific Islanders and Native Americans—were victimized by crime, compared to 23 per cent of white households.

- Among the regions, the west continued to have the highest proportion of households touched by crime (28%), while the northeast had the lowest (20%).

#### The National Crime Victimization Survey

The NCVS has been an ongoing national survey of crime victims since 1972. The NCVS collects data on crimes that are not reported to the police, as well as those that are reported. Because some crimes are difficult or impossible to examine in

**Table 1. Households Experiencing Crime in 1990, and Relative Per Cent Change Since 1989**

	1989		1989		Relative per cent change, 1989-1990
	Number of households	Per cent	Number of households	Per cent	
Total households	94,553,000	100.0	95,461,000	100.0	
<b>Victimized by:</b>					
<b>Any NCVS crime</b>	<b>23,221,000</b>	<b>24.6</b>	<b>22,652,000</b>	<b>23.7</b>	- 3.4 <sup>a</sup>
<b>Violent crime</b>	<b>4,492,000</b>	<b>4.8</b>	<b>4,478,000</b>	<b>4.7</b>	- 1.2
Rape	124,000	0.1	104,000	0.1	- 16.8
Robbery	934,000	1.0	967,000	1.0	+ 2.5
Assault	3,648,000	3.9	3,591,000	3.8	- 2.5
Aggravated	1,400,000	1.5	1,287,000	1.3	- 8.9
Simple	2,521,000	2.7	2,527,000	2.6	- 0.7
<b>Total theft</b>	<b>16,671,000</b>	<b>17.6</b>	<b>15,905,000</b>	<b>16.7</b>	- 5.5 <sup>a</sup>
Personal	10,585,000	11.2	10,042,000	10.5	- 6.0 <sup>a</sup>
With contact	487,000	0.5	548,000	0.6	+ 11.5
Without contact	10,218,000	10.8	9,592,000	10.0	- 7.0 <sup>a</sup>
Household	7,548,000	8.0	7,199,000	7.5	- 5.5 <sup>b</sup>
<b>Burglary</b>	<b>4,697,000</b>	<b>5.0</b>	<b>4,557,000</b>	<b>4.8</b>	- 3.9
<b>Motor vehicle theft</b>	<b>1,553,000</b>	<b>1.6</b>	<b>1,825,000</b>	<b>1.9</b>	+ 16.4 <sup>a</sup>
<b>Crimes of high concern</b> (rape, robbery or assault by a stranger, or burglary)	<b>6,939,000</b>	<b>7.3</b>	<b>6,854,000</b>	<b>7.2</b>	- 2.2

NOTE: Detail does not add to total or crime subtotals because of overlap in households experiencing various crimes. Relative per cent change is based on unrounded figures.

a. Change was statistically significant at the 95% confidence level.

b. Change was statistically significant at the 90% confidence level.

Source: Bureau of Justice Statistics

a general population survey, the NCVS measures only the personal victimizations of rape, robbery, assault and theft and the household crimes of theft, burglary and motor vehicle theft. Homicide and commercial crimes are excluded from the household survey. Over the past 15 years this indicator, which reports the proportion of households that experience an attempted or completed crime, has been calculated to estimate the dispersion of crime.

A household refers both to a dwelling unit like a house or apartment and to the people who live in it. A household counted as experiencing a crime during the year met one of these criteria:

- It fell victim to a burglary, auto theft or household theft.
- A household member age 12 or older was raped, robbed or assaulted.
- A household member age 12 or older experienced a personal theft.

**Trends**

The percentage of households experiencing a crime has never shown a statistically significant year-to-year increase since the inception of the indicator in 1975 (see Figure 1). From 1975 to 1985 declining

**Table 2. Per Cent of Households Experiencing Crime, by Race and Ethnicity of Household Head, 1990**

	Race of household head			Ethnicity of household head	
	White	Black	Other	Non-Hispanic	Hispanic
<i>Per cent of households experiencing:</i>					
<b>Any NCVS crime</b>	<b>23.1</b>	<b>27.8</b>	<b>27.5</b>	<b>23.1</b>	<b>31.3</b>
<b>Violent crime</b>	<b>4.6</b>	<b>5.4</b>	<b>5.5</b>	<b>4.5</b>	<b>7.0</b>
Rape	0.1	0.1	0.1	0.1	0.2
Robbery	0.8	2.2	1.7	0.9	2.7
Assault	3.8	3.6	3.9	3.7	4.5
Aggravated	1.3	1.9	1.2	1.3	2.0
Simple	2.7	2.0	2.9	2.6	2.8
<b>Total theft</b>	<b>16.6</b>	<b>17.0</b>	<b>18.6</b>	<b>16.3</b>	<b>20.9</b>
Personal	10.5	10.2	12.9	10.4	11.9
Household	7.4	8.4	7.3	7.3	10.9
<b>Burglary</b>	<b>4.3</b>	<b>7.9</b>	<b>5.6</b>	<b>4.7</b>	<b>6.2</b>
<b>Motor vehicle theft</b>	<b>1.7</b>	<b>3.2</b>	<b>2.3</b>	<b>1.7</b>	<b>4.7</b>
<b>Serious violent crime</b> (rape, robbery or aggravated assault)	<b>2.2</b>	<b>3.8</b>	<b>2.9</b>	<b>2.2</b>	<b>4.6</b>
<b>Crimes of high concern</b> (rape, robbery or assault by a stranger, or burglary)	<b>6.7</b>	<b>10.3</b>	<b>8.8</b>	<b>6.9</b>	<b>10.5</b>

NOTE: Detail does not add to total or crime subtotals because of overlap in households experiencing various crimes.  
Source: Bureau of Justice Statistics

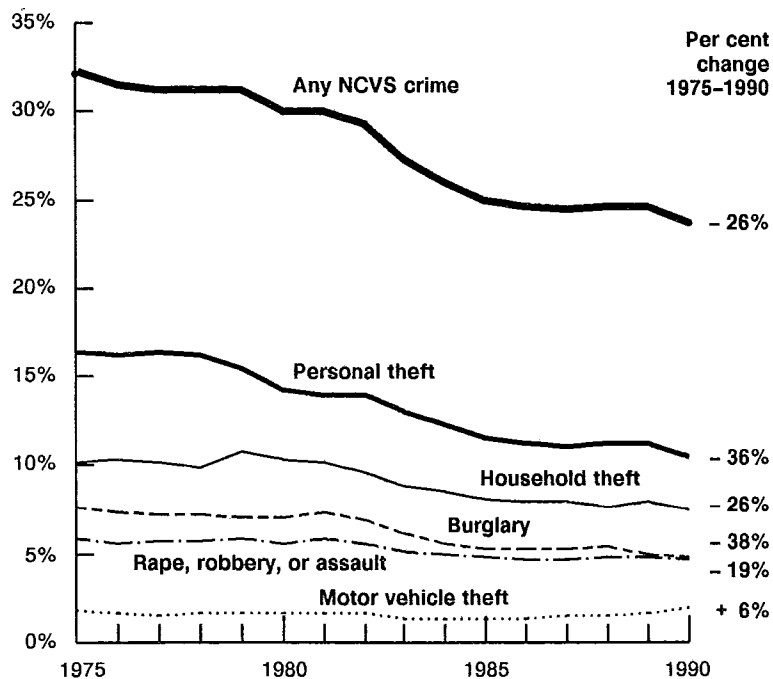
percentages of U.S. households were victimized by crime: 32 per cent of all households in 1975 and 25 per cent in 1985. Between 1985 and

1989 the percentage of households touched by crime remained unchanged before decreasing again in 1990.

Some segments of the American population have experienced trends that differed from the national trend. For example, between 1986 and 1989 the annual percentage of urban households victimized by a crime rose from 28 per cent to 31 per cent while that for rural households fell from 20 per cent to 17 per cent. In 1990 the percentage of white households experiencing a crime was at the lowest level ever, after being stable between 1985 and 1989 (see Figure 1). By contrast, black households experienced an increasing likelihood of criminal victimization between 1985 and 1989. (In the NCVS the race of the household is considered to be that of the household head.)

While lower percentages of both white and black households experienced a crime in 1990 than in 1975, black households had a smaller relative decrease than white households. The proportion of black households touched by crime declined by 15 per cent from 1975 to

**Figure 1. Per Cent of Households Experiencing Selected Crimes of Violence and Theft, 1975-1990**



Source of data: Bureau of Justice Statistics

Please see BJS, page 4

**BJS**

(continued from page 3)

1990, compared to a 28 per cent decline for white households. The

overall difference in the trends for white and black households primarily resulted from differences in trends of theft.

This article was based on Bureau of

Justice Statistics bulletin NCJ-130302, "Crime and the Nation's Households, 1990." Copies of the entire report are available through the Justice Center.

**Table 3. Per Cent of Households Experiencing Crime, by Selected Characteristics, 1990**

	Annual household income					Place of residence			Region			
	Under \$7,500	\$7,500- \$14,999	\$15,000- \$24,999	\$25,000- \$49,999	\$50,000 or more	Urban	Suburban	Rural	North-east	Mid-west	South	West
<b>Per cent of households experiencing:</b>												
<b>Any NCVS crime</b>	22.6	21.0	23.7	24.7	28.6	29.6	22.7	16.9	19.8	23.0	24.3	27.9
<b>Violent crime</b>	5.9	4.9	4.9	4.4	4.3	6.1	4.2	3.6	3.8	4.6	4.8	5.5
Rape	0.2	0.1	0.2	0.1	—*	0.2	0.1	0.1	0.1	0.1	0.1	0.2
Robbery	1.7	1.1	1.0	0.7	0.8	1.8	0.7	0.4	1.4	0.8	1.0	1.0
Assault	4.4	3.8	3.9	3.8	3.5	4.4	3.5	3.2	2.5	4.0	3.9	4.6
Aggravated	1.7	1.5	1.4	1.3	1.0	1.7	1.2	1.2	0.8	1.3	1.6	1.7
Simple	3.2	2.5	2.7	2.7	2.6	3.0	2.6	2.2	1.8	3.0	2.6	3.2
<b>Total theft</b>	14.4	13.9	16.6	17.8	21.5	20.3	16.5	11.6	13.3	16.6	17.0	19.9
Personal	8.3	8.2	10.1	11.5	15.1	12.4	10.9	6.9	8.7	10.6	10.6	12.4
Household	7.5	6.9	7.9	7.8	7.8	9.9	6.8	5.5	5.3	7.4	7.9	9.5
<b>Burglary</b>	6.7	5.0	4.7	4.1	4.7	6.7	3.9	3.7	3.3	4.5	5.5	5.4
<b>Motor vehicle theft</b>	1.3	1.6	2.0	2.1	2.2	2.9	1.8	0.7	2.5	1.3	1.8	2.2
<b>Serious violent crime</b> (rape, robbery or aggravated assault)	3.4	2.7	2.4	2.0	1.8	3.5	1.9	1.7	2.1	2.1	2.5	2.7
<b>Crimes of high concern</b> (rape, robbery or assault by a stranger, or burglary)	9.0	7.3	7.3	6.5	7.2	10.1	6.1	5.0	5.5	6.8	7.7	8.5

NOTE: Detail does not add to total or crime subtotals because of overlap in households experiencing various crimes.

\* Too few cases to obtain a statistically reliable estimate.

Source: Bureau of Justice Statistics

**Child Support**

(continued from page 1)

cent. Four hundred thirty-five (435) court cases served as the primary database for the report (Table 1). The final distribution of court cases, by community of origin and by case type, was weighted in order to produce a "statewide" picture of court cases involving child support (Figure 1).

To facilitate a comparison between judicially established support orders and administratively established orders, 171 Child Support Enforcement Division (CSED) administrative cases were also included for analysis. Administrative establishment procedures are initiated by CSED when child support is due the obligee but has not been established judicially through a divorce, dissolution, or other domestic relation case. The agency is also charged with the determination of paternity of

children born out of wedlock when support owed for a child. Seventy-five of the administrative cases involved the establishment of paternity; the remaining did not. Because Rule 90.3 applies to judicially and administratively established child support orders, questions about discrepancy or continuity in the establishment process were entertained.

To determine award amounts, Rule 90.3 requires the submission of a detailed income affidavit which covers various sources of income, specific deductions and allows for forward calculation of each parent's financial obligation. Unfortunately, a significant proportion of court cases did not contain income affidavits of any type. The extent of missing financial data varied by location and type of case, but, statewide, was greater for maternal income (32%) than for paternal income (26%). Because of the importance of income data in setting

child support orders, it was significant that large numbers of cases were missing a financial affidavit for one or both parties.

Data from the court cases were analyzed by location for Anchorage, Fairbanks, Juneau, and Bethel and Nome, as well as together for a "statewide" portrait (Table 2). The administratively established cases were examined as two groups—paternity or nonpaternity—depending primarily upon whether the parents of the children were ever married. In administrative cases, the establishment of paternity (if necessary) is often the first step in the process of establishing child support. Paternity may or may not be contested. This study also examined court cases based on whether the case involved a recipient of the Aid to Families with Dependent Children (AFDC) program and whether the case was administered by the Child Support Enforcement Division (CSED).

**General Characteristics of Study Sample**

- Mothers received physical custody of children in 71 per cent of court cases, fathers in 15 per cent. Physical custody was shared or split in 11 per cent.
- Interim custody orders were entered in 8 per cent of cases.
- Statewide, fathers were named the support obligor in 81 per cent of cases, mothers in 18 per cent.
- The support of one child was involved in 55 per cent of court cases statewide, two children in 32 per cent, and three children in 10 per cent. One case involved the support of eight children, while several cases involved the support of an unborn child of the marriage.
- Final visitation arrangements for the noncustodial parent were "reasonable" or "liberal" in 60 per cent of cases, and were restricted to a schedule in 16 per cent. Agreements for visitation with the noncustodial parent for an extended period were made in 11 per cent of the court cases. In 1 per cent of cases, supervised visitation was ordered or the court required that the parent not be under the influence of drugs or alcohol at the time of visitation.
- One-quarter of child support orders in the court cases contained a provision for an automatic cost-of-living increase.
- The obligor parent was ordered to maintain medical insurance for

**Table 1. Sample of Child Support Court Cases by Location and Case Type, 1989**

	Divorce	Dissolution	Other domestic relationship	Total
Anchorage	116	81	20	217
Fairbanks	41	66	7	114
Juneau	28	55	—	83
Nome	6	5	—	11
Bethel	4	6	—	10
<b>Total</b>	<b>195</b>	<b>213</b>	<b>27</b>	<b>435</b>

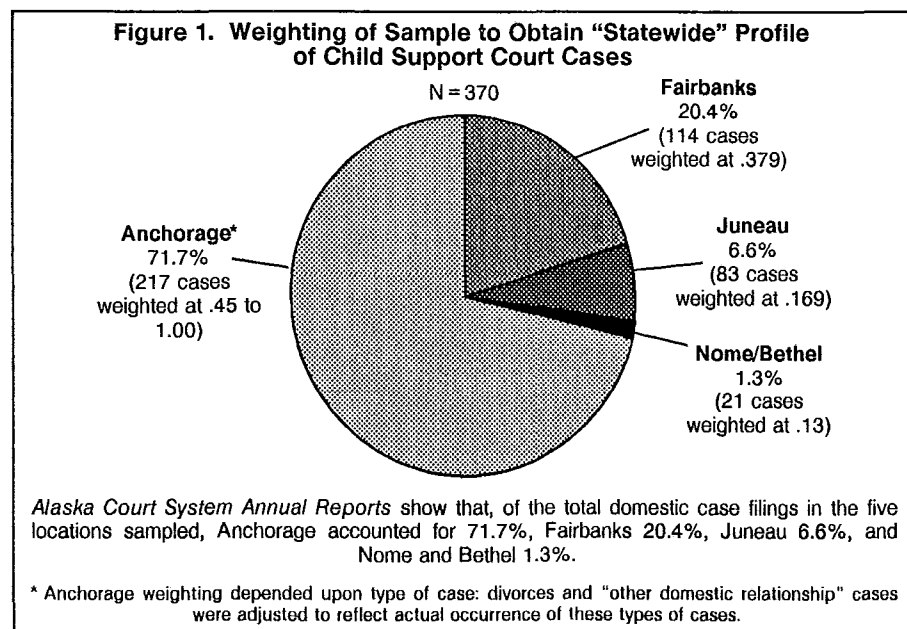
children in 38 per cent of court cases. Approximately 15 per cent of custodial parents were ordered to provide medical insurance coverage.

- Medical coverage was conditionally ordered of the obligor parent in an additional 26 per cent of cases. In most of these cases insurance was ordered to be paid if a policy was made available to the parent at a reasonable cost.
- Future court reviews were ordered in 5 per cent of the court cases.
- Spousal maintenance was ordered in 7 per cent of cases. These cases were characterized by higher obligor income levels and longer marriages, and most were divorce, rather than dissolution, cases. The median amount of these orders was \$300 per month, most of which extended for a duration of one year.
- In the court divorce cases, the mother was represented by an attorney in 87 per cent of cases, the father in 66 per cent.

**Income, Income Differences and 90.3 Applications**

- In calculating net incomes, fathers were more likely than mothers to declare allowable income deductions. Only on the expense of work-related childcare did the number of deductions by mothers exceed those of fathers.
- Statewide, the average annual net income of fathers was \$22,818, with a high average figure of \$25,181 in Nome and Bethel cases and a low of \$20,369 in Fairbanks.
- The average statewide net income of mothers was \$13,588—a figure that was 60 per cent of the

*Please see Child Support, page 6*



**Table 2. Selected Characteristics of "Statewide" Child Support Court Data, 1989**

Rounded to nearest per cent.

Case type	Per cent
Dissolution	54%
Divorce	41%
Paternity/custody	5%
<b>Group identifier</b>	
CSED <sup>a</sup>	35%
AFDC <sup>b</sup>	13%
Neither	51%
<b>Physical custodian</b>	
Mother	71%
Father	15%
Shared/split	11%
Undecided	2%
Unknown	1%
<b>Child support obligor</b>	
Father	81%
Mother	18%
Both/neither	1%

a. CSED cases are paid through the Child Support Enforcement Division, Alaska Department of Revenue.

b. AFDC cases are recipients of the Aid to Families with Dependent Children program.

**Source of data:** Anchorage, Fairbanks, Juneau, Nome and Bethel Superior Court records.

**Child Support**  
(continued from page 5)

average net paternal income. The average net income of mothers was lowest in Nome and Bethel, at \$11,606, and highest in Anchorage, at \$13,927.

- The ratio of mother-to-father net incomes was lowest in Bethel and Nome cases, where the incomes of mothers averaged 46 per cent of the fathers'. In Fairbanks, this ratio was highest, at 67 per cent.
- For court cases involving the support of one child, the statewide average obligor net income was \$17,520 and the average monthly support order was \$286, or 20 per cent of the net income—exactly what Rule 90.3 requires.
- Support awards varied by type of legal procedure. In cases involving one child, for example, the average obligor income in a dissolution cases was \$14,472 and the average monthly award was \$258, or 21 per cent of obligor income. The average obligor income in a divorce procedure with one child was \$24,166, and the average award was \$341, or 17 per cent of obligor income.
- Administratively established awards revealed precise application of the guidelines: 20 per cent of obligor net income in cases with one child, 27 per cent with two children, and 33 per cent with three children.

- The disparity between establishment procedures persisted in cases involving more children. Awards in court cases involving two children averaged 24 per cent of obligor net income; with three children, the awards in court cases averaged 30 per cent of obligor income. Both of these figures fall below the 90.3 guidelines.
- The percentages of obligor net income ordered in child support also varied considerably among the study locations: in Anchorage court cases, the average award involving the support of one child was 21 per cent of obligor income; in Fairbanks the proportion was 17 per cent; in Juneau, 19 per cent; and in Nome and Bethel, 14 per cent.

**AFDC Cases and CSED Cases**

- The average child support court order in cases involving a recipient of the Aid to Families with Dependent Children (AFDC) program was 28 per cent lower than the average award in non-AFDC court cases. This disparity, however, was income based, with the income of AFDC families being substantially lower.
- In 35 per cent of the court cases, child support was to be paid through CSED. In the judicially established cases, there was no significant difference in support orders between cases administered

by CSED and those cases not handled by the agency.

**Indicators of the Economic Impact of Divorce**

In calculating the post-divorce finances of families, the study assumed that child support would be paid by the obligor and received by the custodial parent. Current information on support arrearages from CSED indicates that there are large numbers of support obligors in Alaska who do not make full payment on their monthly child support obligation. This nonpayment or underpayment, in turn, affects the custodial family's financial well-being. Nevertheless, the income and support data from court cases were examined as indicators of the post-divorce financial health of families.

- In cases in which the mother was awarded physical custody, her family's per capita income declined an average 28 per cent from its pre-divorce level. This decline generally took place even when full payment of support was assumed and was due to the consistently higher earnings of the father which, after divorce, were no longer at the disposal of the custodial family. The average decline in custodial family income would be greater if nonpayment was considered. In contrast, the post-divorce per capita income of

**Table 3. Average Child Support Awards by Number of Children, 1989**

	One Child				Two Children				Three Children			
	N <sup>1</sup>	Average monthly child support	Average annual obligor income <sup>2</sup>	% income to child support	N <sup>1</sup>	Average monthly child support	Average annual obligor income <sup>2</sup>	% income to child support	N <sup>1</sup>	Average monthly child support	Average annual obligor income <sup>2</sup>	% income to child support
<b>Guideline</b>	—	—	—	20%	—	—	—	27%	—	—	—	33%
<b>Court cases</b>												
"Statewide"	64	\$286	\$17,520	20%	33	\$454	\$22,244	24%	13	\$627	\$24,736	30%
Anchorage	45	\$295	\$16,680	21%	23	\$497	\$23,559	25%	11	\$738	\$26,905	33%
Fairbanks	22	\$272	\$19,350	17%	14	\$362	\$15,060	29%	3	\$361	\$12,671	34%
Juneau	38	\$308	\$19,628	19%	17	\$494	\$22,615	26%	3	\$464	\$19,340	29%
Nome and Bethel	6	\$213	\$18,548	14%	4	\$368	\$19,986	22%	—	—	—	—
<b>Administrative cases</b>												
Nonpaternity <sup>3</sup>	51	\$206	\$12,373	20%	31	\$335	\$14,901	27%	11	\$265	\$9,360	33%
Paternity <sup>4</sup>	67	\$348	\$20,887	20%	8	\$275	\$12,200	27%	—	—	—	—

1. Number of cases is based upon the number of cases with income data.

2. Average obligor's income is the average annual net income.

3. Nonpaternity cases are cases in which the parents were married.

4. Paternity cases involve children born out of wedlock.

Source of data: Anchorage, Fairbanks, Juneau, Nome and Bethel Superior Court records; 1989 computer records of the Child Support Enforcement Division, Alaska Department of Revenue.



the noncustodial parent—the father in these cases—increased an average 54 per cent.

- In court cases in which fathers were awarded physical custody, the post-divorce custodial family per capita income remained relatively unchanged, increasing an average of 1 per cent. Yet the noncustodial mother still experienced an average 11 per cent decline in her per capita income.

#### Exceptions to 90.3

- In approximately 10 per cent of the court cases, reductions in monthly child support orders were made for long visitations.
- Exceptions to the 90.3 guidelines



## Alaska Justice Forum

Editor: Antonia Moras  
 Editorial Board: John Angell, Allan Barnes, Robert Congdon, Richard Curtis, Roger Miller, Emily Read, Lisa Rieger, Nancy Schafer, Lawrence Trostle  
 Typesetting and Layout:  
 Melissa S. Green

Justice Center, John Angell, Director

Alaska Justice Statistical Analysis Unit,  
 Allan Barnes, Director

Published quarterly by the Justice Center, and the Alaska Justice Statistical Analysis Unit, at the University of Alaska Anchorage, 3211 Providence Drive, Anchorage, AK 99508; (907) 786-1810; fax 786-7777.

© 1991 Justice Center,  
 University of Alaska Anchorage

ISSN 0893-8903

The Bureau of Justice Statistics, U.S. Department of Justice, provides approximately thirty-five per cent of the funding for this publication.

The opinions expressed are those of individual authors and may not be those of the Justice Center or the Bureau of Justice Statistics.

The University of Alaska provides equal education and employment opportunities for all, regardless of race, color, religion, national origin, sex, age, disability, or status as a Vietnam-era or disabled veteran.

## Library Resources

The Justice Center at the University of Alaska maintains a library of books, reports and other documents related to the justice system. Library holdings are now catalogued on the Center computer network. The library is open to the public on a non-circulating basis. In each issue the *Forum* includes a list of recent acquisitions. Further information concerning the use of library resources may be obtained by calling 786-1810.

*Alaska Criminal Statute Cross-Reference Guide* (updated). Allan R. Barnes and Richard W. Curtis. Anchorage: Alaska Justice Statistical Analysis Unit, Justice Center, University of Alaska Anchorage, 1991.

*Criminal Investigation*. James N. Gilbert. Columbus, OH: Charles E. Merrill, 1980.

*Ethics in Crime & Justice: Dilemmas & Decisions*. Jocelyn M. Pollock-Byrne. Belmont, CA: Brooks/Cole Publishing, 1989.

*Hard Time: Understanding and Reforming the Prison*. Robert Johnson. Monterey, CA: Brooks/Cole Publishing, 1987.

*Immunity from Execution*. Daniel Mockle. Ottawa: Law Reform Commission of Canada, 1987.

*Report on Euthanasia, Aiding Suicide and Cessation of Treatment*. Ottawa: Law Reform Commission of Canada, 1983.

*Toward a Canadian Advisory Council on Biomedical Ethics*. Jean-Louis Baudouin, et al. Ottawa: Law Reform Commission of Canada, 1990.

were made in 22 per cent of the court cases. The most common exceptions related to obligor impoverishment and shared physical custody of children.

#### Comparison with Previous Studies

In a study of 1988 child support cases administered by the Alaska Child Support Enforcement Agency (CSED), Ginny Fay reported that with one child an average 17 per cent of obligor net income was ordered for support (Fay, *Economic Impact of Alaska's Child Support Court Rule 90.3 on Family Income*, Alaska State Legislature, Legislative Research Agency, May 1, 1990. In this study, the judicial support orders found in 1988 CSED cases were analyzed.) The current court case data show a statewide figure of 20 per cent. For two children the earlier study showed an average 22 per cent of obligor income was ordered in support; the 1989 court data show a figure of 24 per cent. And in cases with three children the 1988 study found an average 19 per cent of obligor net income was ordered in support; the newer court data show an average of 30 per cent. While the data in the current study

are not directly comparable to those in the earlier study, it is notable that the 1989 data show consistent increases in proportions of obligor income ordered in support.

Comparison of the current data to a 1987 Alaska Women's Commission Study which examined pre-guideline support orders shows large increases in support amounts (Baker, *Family Equity at Issue: A Study of the Economic Consequences of Divorce on Women and Children*, Alaska Women's Commission, October 1987). Adjusted for inflation, the average 1985 child support order was approximately half the amount of the current post-guideline order. A central purpose of this study was to offer an assessment of the degree to which Rule 90.3 has been implemented in Alaska. Overall, average child support awards have increased; yet despite these gains, custodial families—largely headed by women with lower earnings—continue to experience decreases in their per capita financial resources. The disparities between male and female earning capacities, however, are not the focus of support reform, and do not fall within the domain of guideline remedy.

*Please see Child Support, page 8*

**Child Support**  
(continued from page 7)**Conclusion**

Comparison of support awards across community, type of case, and establishment procedure shows proportional disparities exist. One of the central purposes of guidelines such as Civil Rule 90.3 is to minimize these disparities. In Alaska, support obligations established within the

administrative process of CSED generally reflect a rigorous application of the guidelines; in these cases average awards exactly replicate the guideline proportions. The awards in court cases reflect a more lenient series of applications that produce average obligations below the proportions mandated in Rule 90.3. Yet even if Alaska has not achieved complete implementation of the support guidelines, the new data evidence significant progress.

*A fuller exploration of the study summarized in this article can be found in Child Support in Alaska: An Evaluation of the Effectiveness and Impact of Alaska's Child Support Guidelines. Copies of the study are available through the Child Support Enforcement Division, Department of Revenue.*

*Emily Read is a research associate with the Justice Center. Ginny Fay is an economics consultant based in Juneau.*

---

**Alaska Justice Forum  
Justice Center  
University of Alaska Anchorage  
3211 Providence Drive  
Anchorage, Alaska 99508**

Address correction requested

**Non-Profit Organization  
U.S. Postage  
PAID  
Anchorage, Alaska  
Permit No. 107**