

**Australian men's experience of nonresident fathering**

**Bruce Hawthorne M.A.(Hons); MAPS**

The views expressed do not necessarily reflect the policies and/or views of the  
Family Court of Australia.

This paper reports some data from the author's two-stage study of Australian nonresident fathers, undertaken with the approval and support of the Family Courts of Australia and Western Australia. The study sample was drawn from applications filed in capital city registries of the Courts. Most fathers (92.3%) had been married to former partners. The minority (31.2%) had been involved in applications to the court regarding children or property issues. The first stage of the study, which employed both quantitative and qualitative data collection methods, involved two hundred and sixty fathers from across the country, who completed a one hundred and seventeen-item survey. At the second stage of the study, one hundred and thirty-five of those surveyed took part in an interview and one hundred and twenty also completed an abridged personality questionnaire, measuring the four folk scales of Responsibility, Socialization, Self-control and Good Impression, taken from the California Psychological Inventory.

Although some quantitative data are included, this paper focuses principally on some of the qualitative data taken from interviews with fifty nonresident fathers. The issues reported include their experience of the separation itself, their input into post-separation parental decisions and their perception of the interparental relationship. The remaining two topics are the difficulties they face as nonresident fathers, and the manner in which the social and legal systems impinge on their parental role in the separated family.

**EXPERIENCE OF SEPARATION**

As expected, most fathers (55.4%) reported that former partners had initiated the separation, supporting both clinical experience and research evidence that women initiate separation in a

majority of relationships (Jordan, 1988). Another 24.2% of fathers considered that the decision to separate had been mutual, with 20.4% initiating the separation themselves.

When partners had initiated the separation, fathers often expressed their shock and belief that they could have worked out the relationship difficulties. The following comment reflects a level of unawareness stereotypically attributed to men:

*'Being a man, I was the last to know. It came as a big shock for me, even though I wasn't happy in the relationship, but thought that we could work it out'.*

From some remarks it was obvious that fathers were often willing to remain in unsatisfying relationships, and were commonly unaware of the extent of their partners' dissatisfaction:

*'We went along to counselling for about half a dozen sessions and that took me by surprise, I guess. I was surprised that we had to go, and the sort of information that was discussed during those various sessions. I found it very rewarding and I sort of felt at the end of the day that it was a lot of nonsense that we should separate'.*

Some acknowledged their relationship difficulties, but did not envisage separation as a viable option, perhaps because they anticipated they would also have to leave their children. One father expressed it in terms of wanting to spare children the experience of parental separation, regardless of the cost. Comments such as this could well reflect fathers' projection of their own dread at being distanced from children:

*'I was absolutely devastated (by the separation). I knew things were not good but with my daughter, I certainly had intentions of trying to see it through. I am an honorable person. I made a promise and I tried very hard to do the right thing, and I never thought it would come to that'.*

When the separation did not come as a shock, some respondents said that they still felt deep grief and experienced emotional turmoil, without often displaying much insight into the issues that the separation had raised for them. Many brushed the separation experience aside, adopting the stereotypical male approach of *'gritting my teeth and getting on with life'*, whereas a few were more open about the turmoil that overtook them:

*'I was fairly devastated at the time, feeling cheated and betrayed and extremely hurt, and those things took some adjusting to. At one stage, when we were separated under the same roof,*

*I found myself in the kitchen with a knife in my hand, and I thought “this is a bit silly and could go too far”. I thought I should move out and I did. I don’t know if I have really found normality in my life’.*

A few admitted to having been relieved that former partners had ended the relationship. Their reaction suggests their own lack of courage, which is in some way understandable because of the added sense of loss that separation implied for them. One father admitted:

*‘Separating from her was like a breath of fresh air because there was always so much competitiveness, so much torment in there throughout the entire marriage. The hard part for me was no access to my son. I was so much part of his life and then suddenly, I have no contact with him. That was an enormous change for me’.*

One of a few experiencing a positive outcome from the trauma of separation spoke of it as a significant event which prompted him to address important issues in his life:

*‘The separation raised a lot of issues for me, and I have worked through most of them. From the perspective of personal development, it wasn’t a bad experience as I look back on it, but when I was going through it, I would not want to repeat it. Some of them were life messages that needed to be presented to me. Some of them I had obviously ignored for years, but fate just escalated them and put them back in front of me on a more severe scale’.*

The negative impact of separation still dominated others as is evident from their reports of unhelpful behaviour in the early post-separation period. One father frankly admitted:

*‘I was pretty off the rails. If I hadn’t gone back to my parents’ house, I would probably have done something stupid. I was out every second night and was out on the piss, if you know what I mean. If I came home on Friday night and my daughter was there, my mum was there to look after her if I wasn’t capable’.*

## **ADJUSTMENT TO SEPARATION**

Nonresident fathers’ adjustment to separation and their capacity to handle their emotional reaction to it varied greatly. Some referred to their ongoing struggle to make some sense of the separation, which challenged their identity and values and plunged them into a downward spiral from which they are still trying to recover. One father admitted to having been shaken to his foundations by the separation after discovering his partner had been having an affair:

*'The separation...caused the fundamental precepts I was clinging to, to fall into a heap. I am not sure I have recovered because my inner feelings are pretty raw I think. I spent so much of my energy attempting to recover my equilibrium. I had been thrown a real loop. I kept my job, but nothing else apart from my relationship with my son. All my friendships became a bit vague and undependable, and my social milieu, which was totally involved with my marriage, sort of crumbled'.*

Another colourful, down-to-earth participant, who cared for his son for three or four weeks out of ten when on leave from working on an oil rig in the Middle East, described his recovery from the trauma of the separation:

*'My whole life had been torn out of me at that time, that is how it felt. But then I read Steve Biddulph's book and it explained a lot about how I thought about things through my life. It just added up and just dovetailed so I thought it was wonderful. I thought a guy could let himself fall apart here or he could take the bull by the horns and get over it and have a life. And I did that'.*

Guilt and depression were common reactions to the separation or divorce. The guilt was either about their past behaviour during the relationship or about their sense of failing their children by not protecting them from parental separation. As one father mused:

*'It is alright to make mistakes but to live with the guilt I still do now is uncomfortable, but I just have to live with it. When I stop and think of the past and think about my son, I feel guilty about it. It is something that I will have to live with'.*

The depression was so deep for some that they suffered breakdowns and contemplated suicide. The crucial point for this father was when contact with his child broke down a year or two before the study, and he seemingly became paralysed by the depression:

*'After contact with my son broke down, I was discovering that my life was ending. I was starting to suffer. I am still suffering today. I am buggered, you know. So I was heading for a nervous breakdown and I saw a couple of professionals and went onto anti-depressants. I am now suffering from guilt trips for not doing anything about it (breakdown in contact)'.*

Another father, who described his immediate reaction to the shock of separation in these terms:

*'I just went out and played golf and painted her face on a ball and smacked it as far as I could',* admitted to later having suicidal thoughts:

*'Being a driver, I have come to an intersection and seen a brick wall in front of me and you think "if I put my foot down, it will all be over", but what is the point, I would never see my daughter again?'*

Their intense emotional reaction to the separation proved to be the barrier to a few fathers having any contact with children in the very early stages of separation. As an example, this father confirmed that he, and not his former partner, was responsible for him not initially having contact with his child:

*'We were pretty much of a mutual agreement that I could see my daughter fortnightly, but I made no contact deliberately in order to calm down internally. I would say that went on for two months before I made any attempt to make any contact'.*

## **Discussion**

These comments reflect something of nonresident fathers' diverse reactions to their separation and divorce. The depth of their feelings and their struggle to cope with strong emotions suggest that early intervention with separated parents by way of counselling or mediation may not always be useful. The risk is that, amidst their turmoil, the fathers may well grasp at anything that will potentially relieve the intensity of their distress, which sometimes could be to the detriment of children. Although the risk of nonresident fathers' disengagement is greater if contact arrangements are not worked out in the early stages of separation (Ahrons, 1994; Ahrons & Miller, 1993; Isaacs, 1988), clinical experience repeatedly confirms that nonresident fathers are often unable to focus on the interests of children while feeling swamped by their own personal agenda.

These fathers' discourse about separation suggests that men's adverse reaction to separation or divorce and their inability to deal psychologically with its stresses (Albrecht, 1980; Diedrick, 1991) do not stem simply from their distress at losing patriarchal privileges (Arendell, 1995). Evidence indicates that nonresident fathers have the lowest well-being of separated parents (Hughes, 1989) and experience separation in a radically different way from other men (Kruk, 1991) because they often grieve for the loss of children more than they do for the loss of marital identity (Gilmour, 1983; Guttman, 1989; Kruk, 1994). This anticipated loss of their daily contact with children following separation may well explain why many fathers are more prepared than mothers to remain in conflictual or unsatisfying relationships.

## **INPUT INTO POST-SEPARATION FAMILY ARRANGEMENTS**

An initial task facing separated parents is to determine post-separation family arrangements. The study found that 43.8% of surveyed fathers at the time of separation wanted children to reside with mothers, 42.3% wanted shared residence, and 11.5% wanted sole residence of children. Three to five years later at the time of the study, however, the proportion preferring children to reside with mothers had fallen to 32.3%, those wanting shared residence had marginally increased to 43.5%, and those wanting sole residence had almost doubled to 22.3%.

With regard to the decision concerning children's residence, almost half the fathers (48.1%) attributed it to a unilateral decision by mothers, and 43.1% believed it had been a mutual decision. Another 6.5% reported a judge had made the decision, and 2% that they or their children had done so. Most fathers (51.5%), however, claimed to have been very or extremely dissatisfied with their input into the decision, compared to 31.1% who reported having been very or extremely satisfied.

Nonresident fathers' input into the residence decision was found to be significantly correlated with a four-item measure of their parental authority within the separated family (Spearman's  $\rho = .37$ ,  $p < .001$ ). Satisfaction with their input in deciding children's residence was associated with parental authority ( $\rho = .51$ ,  $p < .001$ ), frequency of contact ( $\rho = .22$ ,  $p < .001$ ), level of involvement with children ( $\rho = .33$ ,  $p < .001$ ), interparental hostility ( $\rho = -.46$ ,  $p < .001$ ) and conflict ( $\rho = -.40$ ,  $p < .001$ ).

With regard to the decision concerning the amount, frequency and type of nonresident fathers' contact with children, 30.8% thought that mothers had unilaterally decided, compared to 51.5% who believed it had been a mutual parental decision. A sizeable proportion (13.8%) reported that a judge had determined their contact. Consistent with more of them having a say in contact decisions than in residence decisions, more fathers were satisfied with their input (37.7%) and fewer dissatisfied (42%).

Surprisingly, results showed that fathers' input into the contact decision was negatively correlated with their satisfaction with it ( $\rho = -.24$ ,  $p < .001$ ) and their parental authority ( $\rho = -.27$ ,  $p < .001$ ). This outcome could partly result from nonresident fathers' greater sense of security that

contact will occur when judges make orders than when parents make informal agreements. It could also possibly indicate that fathers, who insisted on having some say in the contact decision, generally did not get as much as they wanted, and the resulting interparental friction deterred resident mothers from inviting them to share in subsequent parental decision-making. Also, the study found that the few fathers reporting to have made the contact decision generally had decided to disengage, thus abdicating any parental authority. For example, one commented:

*'When I separated, I just woke up one day and said "this is a waste of time", so I packed my bags, packed my car, packed my trailer, and off I went. I didn't think of contact or anything like that, having never been married before or having kids. I just got up and left. The hardest thing was telling my son'.*

The reason a few fathers gave for not having pursued shared or sole residence of children was advice that they would not succeed were they to pursue the matter in court. Comments included:

*'All said that there was no way I would get shared residence unless she agreed to it, so I naturally backed off or else it was going to cost me a bomb and I would be fighting a losing battle. So I fought for what little ground I could'.*

*'At one stage I had thought about pushing for residence of her, but she thought she was better off with her mother and I knew that, if I pursued it in court, I didn't have much chance of winning'.*

When able to amicably work out contact arrangements with former partners at the time of separation, nonresident fathers seemed generally pleased to have successfully separated interparental hostility from ongoing parental relationships. As two fathers stated:

*'One of the best things that happened when we separated was that we didn't use our daughter as a pawn, even though we fought. When we separated, my former partner never said "you are not having your daughter, you are not seeing her", and I think that was one of the things further down the line that helped'.*

*'We were very fortunate in that my contact with my daughter was never a problem. Her welfare was the matter of concern to both of us, which was very fortunate'.*

However, arranging contact with children gave rise to considerable angst for some fathers. Two fathers perceived that they had to trade off finances in order to see children:

*'I felt in a way, I had to buy my son's freedom, or the freedom to see him. When we sat down to look at the nitty-gritty of separation, what is yours and what is mine, (she said) I want this and if I don't get this, then I am going to enforce that you are going to see your son only once a fortnight'.*

*'When my former partner first left, I got this letter saying I could not have access to my son, not even to talk, until I signed a child support agreement'.*

One father voiced a complaint frequently heard in clinical practice, when he spoke of what he saw as the bias of counsellors or mediators working with separated families:

*'I walked out of a lot of those so-called counselling (mediation) sessions very, very angry. When I was stating what contact I wanted for my daughter, they (mediators) were basically questioning whether that was best for my daughter, and I thought "how would you know what is best for my daughter?" It got to the stage where my former partner could virtually say whatever she wanted, but when I tried to put my case, she burst into tears'.*

## **Discussion**

The minority of nonresident fathers, who wanted shared residence at the time of separation, is significant in light of the recent Australian Parliamentary Enquiry into the advisability of adopting a rebuttable presumption in favour of shared residence of children after separation (Parliament of Australia, 2004). Had the Committee recommended such a presumption, it seems unlikely that most separated parents would opt for a shared-residence arrangement, with its necessary geographical restrictions on where they reside and its demand for greater communication between them.

Schwartz (1984) identified that a presumption for shared residence would involve an important shift in parents' and professionals' attitude towards contact between children and nonresident parents. Clinical experience attests to the accuracy of this claim. With the current widespread expectation, almost presumption, that sole residence is best for children after separation resident parents tend to believe that they can dictate the sort of contact children are to have with nonresident parents. As seen from the study, few nonresident fathers have much scope to determine the level and type of their involvement with children.

## **RELATIONSHIPS WITH FORMER PARTNERS**

Responses to a single item in the survey showed that 41.9% of fathers rated relationships with former partners as poor, and 25.4% as very or extremely good. On a fourteen-item measure of interparental hostility, with a score from fourteen to seventy and with high scores indicating intense hostility, nonresident fathers' average score was 38.86 (SD 14.2). Results showed that interparental hostility was negatively associated with frequency of contact ( $\rho = -.45, p < .001$ ) and involvement with children ( $\rho = -.59, p < .001$ ).

The nonresident fathers frequently confirmed the link between their contact with children and the quality of the interparental relationship, while acknowledging that children benefited from not being caught up in ongoing parental conflict. A typical comment was:

*'My former partner and I get on fairly well. It has always been like that. We decided that we would remain amicable for the sake of our daughter. We haven't had any harsh words, even when we separated. We didn't have any harsh words even though she was the one to decide on the separation.'*

However, very many indicated that the interparental relationship had improved over time, suggesting that it took some time for the wounds to heal and fears to dissipate before they could relate cordially with former partners:

*'I have a good relationship with my former partner. She pisses me off sometimes and that is probably why she is my former partner. Initially, we found it difficult to talk to one another, as there was some misunderstanding there, but as things went on, things smoothed out.'*

*'It took several months for my relationship with my former partner to take a turn for the better. I think initially there was that bitterness and anger when you feel like your child has been taken away from you and you have resentment towards that person. But as time went on, all those fears I had that I would not be able to see my son on a regular basis evaporated, because I was able to see him as freely as I wanted.'*

Several fathers attributed cordial interparental relationships to their preparedness to keep the peace by agreeing to whatever former partners wanted. They perceived that their contact with children would have been jeopardised had they not given into former partners:

*'I go along with her a bit because I am the one to try to keep the peace, but I have a bit of a fear that she has my son and she has the upper hand. She can call the shots and might make trouble for me, so to keep the peace is one reason I take it easy and give in quite a lot.'*

*'My new wife has often said that I suck up to my former partner on the phone, and I say that I have to in order to keep the peace. If I don't keep the peace with the mother, I lose the extra time with my daughter and the picking up and dropping off of her becomes worse'.*

Others reported that the interparental relationship had deteriorated rather than improved over time. They attributed this to factors such as mothers being denied their wish to reconcile, to relocation issues, or to bitter property disputes:

*'I would say our relationship took a turn for the worst when I got interested in another woman, as in a full-time relationship, about three to four years after we had separated. Prior to that we got on fairly well'.*

*'My relationship with my former partner was very amicable in the beginning but soured when she decided to move interstate. We ended up in court. Since then, it has not been amicable at all'.*

*'When we separated things were not too bad. We still talked but as the court proceedings (about property) went on, it got worse and worse. Our relationship deteriorated over the property matters'.*

To handle hostile interparental relationships some fathers adopted the strategy of avoiding any dealings with former partners, despite the potential cost to the children: .

*'Our relationship at the time of separation was very grim. It has not improved since then. She is a very vindictive person. We don't talk to each other. We don't have to dodge each other. When I pick up my son, he meets me out the front, and I drop him off at the front, so I don't see her'.*

*'I don't actually speak to my former partner. I speak to my daughter who talks to her mother and asks if she can come over'.*

*'I avoid her as much as possible. I just avoid her. It has been the situation since we separated. She has caused me so much grief. I thought that the only way she has control over me is when I react to her. When I stopped reacting to her, she lost control'.*

## **Discussion**

The study supports research evidence and claims that the interparental relationship is significant for nonresident fathers' engagement with children (Ahrons, 1994; Dunn, 2004; Erera, Minton, Pasley & Mandel, 1999; Nichols & Pike, 1998; Trinder, Beck & Connolly, 2002). By finding a negative correlation between interparental conflict and nonresident fathers' contact, the study

confirms many studies (Ahrons, 1981; Arendell, 1992; Isaacs, 1988; Koch & Lowery, 1985). However, some comments indicate that the absence of interparental tension or conflict has resulted from nonresident fathers surrendering their parental authority or disengaging altogether from children. This explains evidence of a positive correlation between nonresident fathers' engagement and interparental conflict (Arditti & Bickley, 1996; King & Heard, 1999). It suggests that interparental conflict, rather than being a product of bitterness over the separation, sometimes stems from parenting differences, which are more likely to cause friction when both parents are involved in children's lives.

### **DIFFICULTIES OF NONRESIDENT FATHERING**

In the semi-structured interviews, the nonresident fathers were asked to talk about difficult aspects of their role. They most commonly identified the following as difficulties they face as nonresident fathers.

**i) Loss of day to day involvement.** A constant lament was that they had lost daily involvement in children's lives and were deprived of simple, mundane parental experiences. Examples were '*not being able to say goodnight to him and tell him I love him every night*', or '*not going home to him or waking him up and having breakfast with him*'. One father, whose contact with his son had reduced from alternate weekends to only school holidays after the mother had relocated, described his experience as '*missing part of him growing up*'.

Amidst an understandable tendency for many fathers to romanticise the daily contact with children, one father brought an air of realism to the grief of his lost parenting:

*'It is terrible not seeing him every day. I don't think about it because I get upset. Separation from him was the most painful thing for me. I think it is very important to be involved in the everyday things. I think that is the most important part. How can you influence them and be part of their life if you only have them every second weekend and the fun part? I need to have him in the good and bad parts, when he is cheeky and so on, not just doing the fun part.'*

Some of these fathers probably felt keenly the loss of daily contact because they had been significantly involved with children prior to separation. Some, though, could possibly have exaggerated the extent of their previous involvement. Others, still, could have voiced their desire to be more involved with children than they had previously been, as is evidenced by many of those interviewed perceiving themselves to be better fathers since separation by being more

focused on children. Whatever the reason, fathers commonly expressed their pain at being on the fringe of children's lives.

**ii) Lack of involvement with schools.** In decrying the loss of day-to-day contact with children and involvement in the ordinary aspects of their lives, some specifically mentioned children's education and schooling. Their comments reflected the widespread tendency for schools to marginalise nonresident parents by neglecting, or even refusing, to communicate with them about their children. One father accurately summed up the issue:

*'Schools are funny like this. Parents separate and the custodial parent has to give permission for the other to be involved. They don't realise there are two parents'.*

Although several fathers were content not to be involved in children's schools and to receive information about children's progress from resident mothers, many were unhappy at missing out on helping children with school work and with being denied information about important school events. This unskilled father, perhaps wanting better educational opportunities for his son than he had enjoyed, seemed sad that he was unable to help his child with school work:

*'I am not there on a daily basis to help him with his school work. That is very important for me to help him through his schooling. I wish, too, that I could hear more about what is going on at school'.*

Another voiced his utter frustration in his efforts to gain some recognition by the school that, although separated from his child's mother, he does not cease to be a parent to his child:

*'I said I wanted to receive all the information like any other parent, and time and again I find out things that I haven't received information on, like parent-teacher nights. I jumped up and down and got angry, and the nun said "we can't be sending out all the notices" and I said "yes, I want to know all the information". I said to her "I notice you never fail to send the school fees to me". Her attitude was that we (he and former partner) should be together discussing these things. I told her "we choose to be apart. It is none of your business that we are apart. You can't tell us how to live our lives"'*

A few fathers had taken the initiative to ensure that they received information from schools and were involved in their children's schooling. This father had arranged with the school to send him notification of parent-teacher meetings and copies of school reports:

*'I have been proactive about it. I could sit back and be a victim, but I have gone out and made these arrangements'.*

Another, despite working sixty hours per week in his own business, still found time to be involved in his child's school:

*'I am the only dad at my daughter's school that does tuck-shop. Everyone at the school knows we're separated'.*

**iii) Loss of parental authority.** Several fathers confirmed the results of the quantitative data, which had shown that many nonresident fathers consider they have little opportunity to exercise parental authority in the separated family. One father succinctly remarked: *'I have no influence on decisions made about my daughter'*. Another father on an invalid pension, who sees his son irregularly because he cannot always afford to pay for his son's interstate airfares, bitterly complained that distance further reduced his scope for any parental authority:

*'You can't make decisions. If you say something, it is not even looked at. I have hardened up a bit, but you just think you are nothing. She won't let me have any involvement. I try to talk to her sometimes but she just puts the phone down'.*

Fathers' sense of parental powerlessness sometimes came to the fore when they were anxious about aspects of children's lives. This comment was an example of nonresident fathers simply having to accept that they were unable to influence some situations:

*'My son, who is overweight and in a terrible condition, needs exercise, but seeing him only for one or two days, you can't change his lifestyle. It is difficult not having any say in it'. You can't make a difference on one or two days per month. It seems pointless'.*

Some respondents were upset that they did not have any say in decisions about children's schooling. They were not always clear whether they referred to having input into the type of schooling they wanted for children or whether they wanted some say in selecting the particular school their child attends, as seen in the comment:

*'I don't have any say in where my daughter goes to school, even though I pay the school fees. I am happy to pay for her education, but I don't get any say in it'.*

iv) **Presence of step-fathers.** Resident mothers' repartnering evinced mixed reactions from respondents. A common fear was of becoming irrelevant to children, who now have step-fathers in their lives:

*'Sometimes I feel I have been superseded by a better model'.*

*'I get frustrated when I hear him talking about the effect of his step-father because it is not you (sic) who is having the influence'.*

*'My difficulty with her new partner is my daughter's affection for him. He seems a nice fellow, but a child can't have too many fathers, and where do I fit in? I am concerned that I will drift further and further into the background'.*

One father spoke of his struggle to protect his son from his own strong reaction towards the mother's new partner:

*'It was most difficult at first handing him over, knowing there was this other man there. I had to tread this fine line between hating this man and not making my son feel bad because he (mother's partner) was there a lot. I could not allow my son to feel that I despise this man'.*

Another voiced a common fear among nonresident fathers that step-fathers may abuse their children:

*'I don't know the bloke who lives with my former partner. I don't know his past, so I worry about my son. Is he getting kicked in the backside? I just worry about people beating up on him'.*

By way of contrast, a few fathers saw the presence of step-fathers in children's lives as a positive development, if not for the children, then for themselves:

*'It worked out better because they (former partner and step-father) are like a young couple who need time together, so it worked out better for me'.*

Despite admitting to feeling *'a certain amount of emptiness'* in his nonresident-father role, one father was able to say:

*'Her new partner is terrific with him. I am pleased with him. He is a great bloke. I have known him before they got together and have never had any animosity towards him. He does a lot of one off stuff with my son, and he is very good with him'.*

## **Discussion**

Nonresident fathers are not alone in experiencing difficulties in parenting, but many uniquely face the fear of becoming irrelevant in their parental role. Their limited scope to be involved in children's lives and to exercise some parental authority seems to result from structural as well as personal barriers. Respondents' comments highlight that the sole-residence arrangement, as generally exercised in Australia, provides little scope for nonresident fathers to be meaningfully involved in children's lives. Influenced by evidence that ongoing interparental conflict is potentially harmful for children (Johnston, Kline & Tschann, 1989), the social and legal systems have sought to minimise opportunities for ongoing conflict by consigning nonresident parents to the fringe of children's lives. Best practice for high-conflict families seems to have permeated the theory that shapes professional and parental attitudes and influences most post-separation family arrangements.

Some comments support evidence that resident mothers' attitude towards nonresident fathers is a key factor in determining the extent of fathers' engagement with children (Braver & Griffin, 2000; Madden-Derdich & Leonard, 2000). Respondents' remarks confirm that, a quarter of a century after Ahrons (1979) stressed that most children living in a one-parent household still belong to a two-parent family, school authorities continue largely to ignore nonresident parents (Austin, 1993; Baker & Bishop, 2003; Baker & McMurray, 1998). Respondents' reactions to step-fathers were consistent with evidence that mothers' repartnering can have an impact on nonresident fathers' involvement (Smyth & Parkinson, 2003, Zill, 1988) and can reduce their perceived parental relevance (Kissman, 1997).

### **ATTITUDE TO THE SYSTEM**

The invitation to comment on claims that the system, meaning society and the law, makes it difficult for nonresident fathers resulted in widespread, but not universal, agreement. Although some fathers admitted that their views were based on hearsay rather than their own experience, most were able to talk from their own experience of what they encountered as an inimical system.

A professional father had been advised against applying to the court for shared residence of his son and he ended up having alternate weekend and holiday contact with him. He accurately gave voice to the experience of many nonresident fathers:

*'I grew up as a young man when society was actively encouraging men to be involved in families. "Attend the birth, go to school meetings, read to your child, etc, etc". "Quality time" was the mantra. And many of us took this on, albeit imperfectly in many cases. After all, where was our role model? Our fathers didn't do it. But then the relationship breaks up and suddenly you are the disposable parent. "Your child no longer needs you, sir, he has his mother". Is it any surprise then, that as a group we are confused and bitter about this? Can it be a surprise that some men are pushed to doing irrational things? I think not'.*

Respondents commonly complained about a system which seemingly had adopted a presumption in favour of maternal residence regardless of the level of fathers' pre-separation involvement with children. As a result, they believed that they had little chance of being granted shared residence of children by the legal system. One father, who admitted to not wanting to run the risk of *'having my balls chopped off'* by pursuing children's matters through the courts, commented:

*'My solicitor said that shared residence was possible, but as soon as I mentioned it (to mediators), it was a different thing. "Oh, no, you can't have that". It was right from the start that the assumption was that it would be sole residence. It was like a sledgehammer'.*

Another also spoke of being deterred by the system from seeking a significant presence in his child's life:

*'Obviously, I would like to have equal custody, but there is no chance of getting that. We discussed it and I went to lawyers as well, but they said "don't go down that path. I would like to take your money, but the woman will always win out. Basically, the only way you will get custody is if the mother is mistreating the child". I think it should be taken on its merits rather than just given to the mother'.*

A father, who strongly urged other nonresident fathers to avoid the legal system if possible, believed that shared residence was of significant benefit to both children and fathers:

*'I think that shared residence ought to be the starting point rather than sole residence. A kid deserves to have a fair whack of each parent. I think if guys had their kids living with them more, they would not feel so bitter and lost'.*

Others thought the system made it difficult for nonresident fathers by its inflexible approach to contact issues. Complaining that his former partner sometimes made arrangements for his

daughter on his contact weekends, one father decried the standard approach to nonresident parents' contact with children:

*'I think that contact seems to be a fairly fixed formula that has been set upon by solicitors, and I think it can be a whole more flexible. I get the impression when dealing with solicitors "okay, this is going to be the end result, forget about it, and we'll just negotiate around that. Here's what you are getting out of it". You come out and think, hang on, there must be a better way'.*

The cost of litigation simply to get contact with children, or to bring matters back to court for contravention of contact orders was another contentious issue. A father, who had resorted to the legal system after his former partner had stopped his contact with his daughter, was pleased to be seeing her more than once per week, but was understandably peeved by the cost involved:

*'I couldn't see the reason, unless I was a child molester, drug addict, or something, why I had to go to court and spend thousands of dollars to get the access I am entitled to. If there is a separation, I think the father should be entitled to a minimum of time with his daughter. If he is not allowed, it should be up to the wife to prove why he can't'.*

The system's inability to enforce contact orders without nonresident fathers having to incur added costs also peeved some fathers:

*'I had court orders which she had signed and she just ignored them. She thought she was above the law. Then I had to go back to court and spend money on a solicitor to get my contact back. I reckon once it is drawn up and there is a court order, it should be gospel. Having to go back to court to change things is a pain and costs money'.*

As expected, numerous fathers complained that the child support scheme operating in Australia made their lives very difficult. They criticised the formula used for assessing child support responsibilities, their lack of input into how their child support is spent on children, and their treatment by the Child Support Agency.

Similar to one of the above criticisms of the legal system, one father suggested that the child support scheme is based on an outdated view of family. He commented:

*'I think the system is archaic. I suppose some years ago, were I the man in the family, I earn the money, and here is your housekeeping money. In this day and age, it is not like that.'*

*Money comes into the family and there is one joint account. It is a whole different ball game from when I was a child'.*

They complained about the assessment formula being based on gross rather than net income, on potential rather than real income, and on it including any additional income earned in an attempt to get ahead. As a father complained *'there is no incentive to better his (nonresident father's) life'*. Some fathers were even more resentful when they perceived stark differences between their lifestyle and the standard of living enjoyed by resident mothers. For example, one father said:

*'The biggest killer is maintenance, especially if the wife has done the dirty on you and run away with another bloke, and he is working and he hasn't got any kids and the wife could be working too. They are both earning a wage and you have to fork out your eighteen percent. That is a bit rough'.*

Fathers were also irritated by their inability to have any input into the spending of their child support contribution, particularly if they suspected that their children were not benefiting from their payments:

*'I don't begrudge paying the money. I would like to know he is getting the money and I would like to have a bit of input into what he is up to. I have no rights to find out what he has done or how he enjoyed it . I do wonder if the money is going to him. I would like more openness and be included in what he is doing. While she is bleeding money out of me, it is fine'.*

Overall, the fathers were not enamoured with their treatment by the Child Support Agency. The accuracy of their complaints about the CSA is difficult to determine, as their comments could stem from the sensitivity that many men display when dealing with the thorny issue of child support. It is not surprising that fathers, who are still smarting from the hurts of separation which they believe former partners have inflicted on them, react negatively to the CSA's predominantly female staff . A strong comment was:

*'When I first came into contact with the CSA, I felt like going over there and knocking some of their heads off. They were so arrogant and rude, and everyone was female bar none. It burned me something bad that they can ring up and treat me like a piece of dirt'.*

Two other fathers were hurt by what they saw as the *'very cold and heartless'* tone of letters they received from the CSA. One received his letter just two weeks after separation, and the other said the numerous letters were *'driving me to distraction'*.

A couple of respondents saw the CSA staff as biased by accepting resident mothers' version of things, almost on principle, and despite evidence to the contrary. One claimed:

*'The CSA only takes notice of the other side in any stories. I gave it details of all the payments I had made to my former partner and the details she had given them were two and a half weeks different. But they accepted her figures, even though I had given them details of every cheque. When I rang them, the answer I got was that they believe her'*.

However, not all the fathers agreed with claims that the system is gender-biased. As one put it, neither men nor women *'get a fair go in court'*. He pointed out that historically women have not been treated fairly by the legal system, and suggested that *'men are making noises now from disenchantment'*. Another, while agreeing the system can make it difficult for some nonresident fathers, nevertheless believed that others contribute to their plight by their attitudes and behaviours:

*'There are a lot (of nonresident fathers) out there who are not proactive and are happy with every second weekend. I think there is an element of moaning, but I think there are people who really struggle'*.

## **Discussion**

Nonresident fathers' perception of a biased legal system, as reported here, is widespread (Arditti & Allen, 1993; McMurray & Blackmore, 1993; Frieman, 2002), and is supported as accurate by some legal practitioners (Braver, Cookston & Cohen, 2002), despite earnest efforts by some jurisdictions to avoid biased decisions (Menno, 2003). The interests of parents and children in separated families do not always coincide, so decisions made for some families will inevitably be unfair to nonresident fathers. However, their commonly-raised issues suggest that aspects of the legal and social systems militate against nonresident fathers. Almost inevitable outcomes of them seeing themselves as victims of social policies and practices are either increased interparental tension or disengagement from children. Neither of these may be to the benefit of children.

Some complaints expressed by respondents seem to apply to nonresident parents in general and to reflect a structural bias in the way aspects of the social system treat them. Because fathers constitute almost ninety percent of nonresident parents, the risk is to interpret personal and systemic difficulties with nonresident parenting in terms of gender. This is even more likely to occur because nonresident mothers, undoubtedly for varied reasons, do not have a voice in contemporary society. Clinical practice suggests that some issues raised impinge also on nonresident mothers' role in the separated family. If gender overtones can be removed from the important discourse about systems surrounding post-separation family arrangements, a more temperate debate may be possible and children may have the opportunity for both parents to play a significant role in their lives.

## **CONCLUSION**

The richness of qualitative data provided by nonresident fathers is that it comes from their lived experiences of what is a fairly contentious role in contemporary society. The limitation of such data is that it does not necessarily represent the experiences of the wider population of nonresident fathers. The value of the experiences reported in this paper, however, is that they are those of both litigating and non-litigating fathers from around Australia and from a range of socio-economic backgrounds.

Some views expressed represent a majority view, others are those of a minority. Some are intemperate, others measured and rational. Some stem from what may be considered as separated fathers' narcissistic hurts, others from genuine desires to fulfill a relevant parental role within the separated family. In the context of significant changes to the traditional model of intact family life, the views of nonresident fathers need to be continually considered in the ongoing discourse about appropriate post-separation family arrangements in today's society.

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