

Men's Experiences with Child Support Payments:  
An Exploratory Study into Father's Interactions within Default Hearings

Submitted to  
Men's Educational Support Association  
Calgary, Alberta

Submitted by  
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January 2006

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## Executive Summary

### 1.1. Background to the Report

The Men's Educational Support Association (MESA) contracted principal investigator Christopher Drozda of the University of Calgary to conduct research on father's experiences with child support payments. Contact between MESA and the researcher was initiated through PhD candidate Paul Millar of the Department of Sociology at the University of Calgary. Funding for this research was provided by MESA to the University of Calgary under the supervision of Dr. R.A. Stebbins acting as academic liaison and is bound by the University of Calgary code of ethics. The underlying objective was to generate research on the social problem of child support from the experiences of fathers who are the "worst" cases. The "worst" cases are designated for this report as fathers who attend default hearings, a court system of enforcement, because of a questionable history of non-payment of child support with the Maintenance Enforcement Program.

The project was implemented in four stages. First, a research proposal for MESA was produced outlining the objectives and research questions for the study. Second, the process of gaining ethical approval from the University of Calgary Research Ethics Board, requiring a formal proposal outlining the precautions to which the research must adhere, was completed. Third, data collection over a six month period from April 2005 until the end of September 2005 occurred at the Court of Queens Bench. Finally, the data from these three sources of data was analyzed and the subsequent final report was submitted.

Based on the research literature, investigation of father's courtroom interactions within default hearings has been minimal. Traditionally, research has focused on enforcement strategies based on general compliance versus non-compliance in the

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aggregate (statistics-based) and not the “ground level” affects of specific measures. This is surprising considering the multitude of strategies employed by enforcement agencies for “difficult” cases. Findings of this study highlight the difficulty in performing research in the area of child support non-payment. Particularly, investigation of “worst” cases involves such creativity and persistence for recruiting potential participants that alternative methods for data collection were utilized. The combination of different types of data collection reinforces an understanding of what the data is “saying” assuring reliable and valid results. Based on an exploratory approach, these report findings reflect a descriptive analysis providing an inside view of the father’s court interactions in default hearings. The following are the major themes resonating from the project:

## **1.2. Research Findings**

### *1. The Maintenance Enforcement Program defines “support” in economic terms*

Based on the Maintenance Enforcement Act legislation, definitions of support or maintenance are construed purely on an economic basis. MEP’s enforcement strategies are centered on fulfillment of monetary exchanges between a “debtor” and a “creditor” reinforced through the rhetoric of the organizational culture of the institution. Effectively through the legislation of institutional social controls of child support, creation of a new family structure is implemented based on an economic and publicly construed basis.

- This rhetoric of economic support structures the father as an “economic” provider without possibility of other types of support (i.e. social). The father must now demonstrate “good citizenship” and not necessarily good parenting when complying with the law.
- This inadvertently structures the child as a “debt” and possibly affects the available structured actions of both the institution of enforcement and the fathers facing institutional social control.

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- The power relations of the court system and MEP are based on denouncing the individual as an “unwilling” debtor once registered. Thus the onus is on the father to demonstrate innocence through “good citizenship” (timely and continuous payments of child support). Responsibility does not rest on MEP’s ability to “prove” the case, but on the father to “prove” his case.

## *II. Personal Historical Trajectories Reflect Relational Conflict*

In all, twelve divorce case files were investigated outlining the history of divorce leading to default hearings. These files also contained sworn affidavits of both parties involved.

- In-depth investigation into a sample of case files of fathers attending default hearings demonstrates a large number of incidents concerning conflict between the ex-spouse, the institution and at times with law enforcement authorities.
- The evidence in these case files reflects a broader spectrum of socio-economic employment (towards higher socio-economic potential), perhaps indicating official records documentation of previous occupations without concern to flux or changes in employment.
- Many fathers have been issued at least one “warrant-to-hold” order(s) (67% of the sample) that, in some cases, led to temporary incarceration. A “warrant to hold” is a court order allowing authorities temporary incarceration until an appearance before a master of the court.
- Case archives reflect father’s reports of perceived depression, anxiety and other mental ailments, compounded in some cases, by a history of alcohol and/or narcotics abuse.
- A substantial minority (42%) have a history of violent incident(s) reported in the divorce documents. Violence is defined in this study as physical acts, characterized as slapping, kicking, and emotional abuse characterized as verbal

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derogatory statements and controlling strategies. Frequently these reports overlap with the reports of mental ailments.

### *III. Fathers Courtroom Conflict Strategies*

First and foremost in this study, an overwhelming number of fathers who appear in default hearings represent themselves in the court process (81 out of 88 observed cases or approximately 92%). A small number of fathers who are legally represented have legal counsel for a brief amount of time, typically hired for the day of the hearing. The default hearings are once a week, with five to eight cases heard. The last Monday of the month is set aside for docket days with a greater number of cases heard, numbering ten to twenty. Default hearings reflect two interrelated settings as part of the overall process. First, the informal setting before the court hearing is characterized by more direct exchanges void of any formalities and tend to contain more hostile types of exchanges between both parties. It is within this setting in the lobby of the courthouse where MEP personnel and fathers attempt to negotiate arrangements before entering into the second, more formal, setting of the courtroom. Three themes were salient in the conflict strategies presented by fathers. It is important to remember that these strategies are not exclusive, but may be used in combination by fathers who attend default hearings;

- **Strategy of “Injustice”**: this strategy is characterized by the father’s perception of being responsible within the enforcement system, but the system (the courts or Maintenance Enforcement) has allegedly made errors or taken a lack of responsibility on their part influencing the negative situation the fathers are now in.
- **Strategy of “Avoidance”**: is the most commonly used strategy. This is characterized by a passive attempt to withhold financial, personal or other

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information MEP may need in their enforcement of child maintenance. Actions such as, not remembering the last place of residence, not bringing in payment stubs of income of employment and non-appearances of default hearings are used as passive strategies. This strategy “walks-a-tightrope” because fathers must balance answering questions at default hearings (officially sworn in court), but cannot outright refuse any directed questions.<sup>1</sup>

- **Strategy of “Plight of Circumstance”:** Fathers in some cases give “reasons” or “explanations” of their current situation that is providing difficulty in complying with maintenance. Generally, discussion of employment is characterized in constant flux because of job market (construction, in/exterior). This strategy is different from “injustice” because the focus is not blame on the MEP, but on other life “situations” such as employment difficulties, other collection organizations and personal misconceptions of the system. Additionally, as compared to “injustice” there is not a perceived sense of self-responsibility within this strategy.

### **1.3. Recommendations**

The default hearing, like any other legal setting, has its own organizational culture, jargon and etiquette, unique to the environment. As such, the majority of these men do not have, either because they are unable, unwilling or due to other structural institutional constraints, the working knowledge to maneuver around the court system. The overwhelming number of men who legally represent themselves is disturbing because of two aspects. First, the conditions and implementation of legal guidance needs to be investigated. Is legal guidance accessible for these men, who for the most part cannot afford a lawyer? Are there other specific agencies that could handle the problem of men and child support? Second, if the resources are accessible, what are the

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<sup>1</sup> This can be a delicate situation as the Charter’s 11c provides protection of self-discrimination

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social circumstances affecting these men who rarely use legal guidance? Even if they are aware of the resources, why are they not accessing them? For anyone attempting to understand the bureaucratic system of the courts and the Maintenance Enforcement Program some working legal knowledge is a necessity.

In the process of performing this research I encountered information in the form of pamphlets concerning Calgary Legal Guidance, Family Law Information Centre, Legal Aid Society and the Lawyer Referral Service (built on a payment system). However, informal conversations and observations of the court process reflected little knowledge of these helping organizations. Information is available and accessible (in terms of knowing it exists, but not necessarily accessible), but some fathers stated that it was “a waste of time”, with a few experiencing negative interactions with Legal Guidance. As stated in the Legal Guidance pamphlet (found at the Court of Queens Bench, Divorce Files counter), the organization “may provide legal representation for all residents of Alberta involved in civil legal problems who lack sufficient funds to retain a lawyer.” Thus, research into the decision-making discretion of these organizations should be a future route of study. How many fathers do seek help, and how many are actually accessing these resources? If it is possible MESA may assist in this department by somehow providing legal assistance from volunteer sources, similar to what Legal Guidance is able to provide.

MESA’s mandate is to assist these fathers who are in circumstances of domestic crisis. In the course of the research of “difficult” cases, allegedly documented instances of violence (however it is measured and defined institutionally) including from actions such as kicking, punching and slapping were uncovered. Further expansion of MESA resources to assist these men may benefit from a background check into criminal behaviour maintaining the currently standing integrity of the organization. This is a

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reflection of the researcher's background in Victim Services whereby a potential situation of affiliation with a criminal element was a conflict with the mandate of the organization. This may be a difficult consideration for MESA due to the complexity in gaining such information (due to the mandate of MESA itself), other than "security checks" that the Calgary Police Service provide for other non-profit organizations. However, this is a consideration for future reference.

Finally, this research provides a good descriptive example of what fathers should expect when into a default hearing situation. Assisting with knowledge of the complexity and the seriousness of such an experience could benefit fathers who do not have a history of multiple appearances in court. Based on the observations in this study, the court process is an extremely stressful and negative situation and any assistance (even in terms of accompanying fathers to court as support) may help. This could assist in sharing knowledge with fathers on what to expect from the court process to negate some of the unfamiliarity. Also, as stated in a previous MESA board meeting, a potential video or pamphlet could be produced with "facts" and "descriptions" of what fathers could expect from appearing in court at a default hearing. It could be through these suggested measures that MESA, and further academic research that continued support can be provided to fathers in domestic crisis.

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## Introduction

A plethora of research effort has been invested into policy-making ventures concerning enforcement of non-compliance of child support. Non-compliance of child support payments has become a sensitive, emotional and historical issue that has recently come to the forefront through the social construction of “deadbeat” dads. According to Braver and O’Connell (1998), the image of the “deadbeat” dad has been a strong image throughout the criminal justice system, the media, and social research findings. While previous studies have added important knowledge to the social problem other avenues of research are needed to deepen this understanding. Also, past studies have centred on the issue of compliance and non-compliance of enforcement rather than the effectiveness of certain types of enforcement. Further, there is a lack of research on social control methods implemented by enforcement agencies “at the ground level” attempting to understand the very actors which are products of enforcement. In Alberta, the Maintenance Enforcement Program (or MEP) is one such agency given institutional power to regulate methods of social control for non-compliance.

Within the Maintenance Enforcement Program, the default hearing represents one type of enforcement strategy for the non-payment of child support. Within the problem of non-payment of child support, the default hearing represents the most difficult the enforcement cases that the Maintenance Enforcement Program oversees. Minimal research has been done on how father’s interactions are constructed within default hearings beyond the categorization of compliance and non-compliance. This study proposes three interrelated research questions: (1) As a method of social control against the non-payment of child support, what are the structures, processes and purposes of default hearings? (2) What are the men’s backgrounds and life trajectories leading to

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attendance of default hearings? (3) How does the experience of the default hearing shape the actions and non-actions of men within this method of enforcement?

The desired result of this study is to gain an exploratory understanding (a description of the actors, interactions, social meanings, of a particular type of institutional social control) of the default hearing within the context of child support as a socially constructed problem (Blumer, 1971; Spector and Kitsuse, 1987). Furthermore, this social problem is gendered because the majority of non-payers are men. Therefore, an understanding of the default hearing and its actors through a conceptual framework of gender relations of masculinities (Connell, 1995; Connell, 2002), through gendered structures of power and symbolism, is deemed appropriate. Gender relations theory allows an investigation into structured actions and interactions of fathers who attend default hearings with a focus on the social construction of action and reaction that is structured and influenced by both institution and individual.

In essence, the default hearing represents an example of a degradation ceremony (Garfinkel, 1956) performed to denounce men into a gendered social type of “bad provider”. This degradation ceremony is a relational process marginalizing these fathers in masculine hegemonic hierarchy (Connell, 1995). That said, throughout this process the men, who overwhelmingly represent themselves within the legal setting, use resistance strategies in an attempt to repel the conditions necessary for a successful degradation ceremony.

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## 2.1. Literature Review

Generally the bulk of research has been directed at trends in payment of child support and whether or not this obligation has been fulfilled (Bartfeld and Meyer 1994, Wright and Price 1986; Lin, 2000, Freeman and Waldfogel 2001) or based on economics of child support amount (Klawitter, 1994; Barham et al 2000). The basis of this research centers on the father's ability to pay or not to pay child support. Overall, this research has found that higher incomes are associated with higher compliance rates, void of understanding the social construction of types of enforcement used. Further, research is sparse concerning an understanding of how enforcement of non-payment through court proceedings affects the actions of the individuals within the setting. Factors concerning compliance with child support may stem from the father's perception of fairness (Lin, 2000) and former-spouse relationship (Wright and Price, 1986). If non-custodial fathers perceive fairness of the child-support obligation, there is a greater tendency to pay. Additionally, high quality in former-spouse relationships during divorce leads to higher rates of compliance.

Other researchers have recognized the complexity and multitude of factors that could be potentially salient in child support payments. The question of child support has been taken into the broader context of post-divorce fatherhood in terms of how involved children are affected. Leite and McKenry (2002) use a multi-dimensional approach by incorporating other factors such as father satisfaction, importance of the role of fatherhood, geographic distance from children, co-parent conflict, and institutional involvement to determine the amount of contact with children. This, in turn, has an effect on child support obligations because it was shown that there is a relationship between father involvement and child support payments. This is an example of movement into

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research focusing beyond a specific factor to more general and inclusive factors broadening potential fatherhood influences.

Some qualitative research exists investigating the experiences of men as parents after separation and/or divorce (Lehr and MacMillan 2001, Bloomer et al, 2002, Mandell 2002, Braver and O'Connell, 1998, Arendell, 1992). While these studies focus on experiences of fathers, the majority have small sample sizes and tend to be focused on fathers of lower socio-economic status. In addition, these studies do not document the effect of specific enforcement strategies which institutions legislate, such as courtroom hearings. Some studies do acknowledge that power plays a role in the behaviour of the non-custodial fathers, but lack the theoretical content to explore the context that power plays in the lives of individuals. That said, Lehr and MacMillan (2001) did find that feelings of a loss of a father's rights to visit their children were prevalent in effecting payment of child support. Further, non-custodial fathers had feelings of loss that led to a lack of confirmation of the fatherhood role. Another author reported that the powerless subjective experiences of men in this position are "masculine discourse"(Arendell, 1992).

Mandell (2002) used discourse theory and Foucault's theory of power to investigate the subjective views of men and the position of the non-custodial parent. She noted that men do not recognize themselves as "deadbeats" but construct their identity around "victim" and on "rights". This theoretical stance further uncovers the dimensions of power by providing backdrop to the structured ways that this discourse is perpetuated. However, further expansion into how masculinity and gender relations incorporate men's discourses and the institutional influences that shape their actions could provide a broader viewpoint. In addition, the sample generated by Mandell (1998, 2002) was based on seven men of higher socio-economic background who were involved in men's rights groups that could influence the type of discourses available to them. The research

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acknowledges that further investigation into the intersections of ethnic and socio-economic variables is needed.

A continuing gap exists when investigating types of enforcement that confer social control. The use of the default hearings as a method of social control has not been a topic of investigation nor has the understanding of the men's interactions within the courtroom setting (exemption: Johnson and Doolittle, 1998). While this was not a focus of the study, the principal researcher found issues of helplessness, powerlessness and a general lack of trust of the court system when attending court speaking to further researched needed in interactions of fathers in court.

## **2.2. Conceptual Framework**

Of particular importance is the understanding of the complex actions and interactions between the institution of social control, the Maintenance Enforcement Program, and the men who appear in the court system as "defaulters". Since one cannot operate and act without the other institutionally or individually, there are no acts generated separate from the context of the other. To investigate men who attend default hearings, attention must be warranted to the social context and background of the default hearing as a form of social control, and how that in turn affects the actions of the individual involved within the event of the courtroom. Borrowing from conceptual ideas of the social construction of social problems (Blumer, 1971), gender relations (Connell, 2002), and degradation ceremonies (Garfinkel, 1956), an investigation is possible in an attempt to understand how the fathers' historical trajectories through personal and institutional influences shape the interactions within the courtroom. Linked together these concepts act as "sensitizing" concepts (Van den Hoonaard, 1997) allowing an approach of open-mindedness and fluidity, but with a flexible framework.

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### **2.2.1. Social Construction of Social Problems**

To deconstruct how some fathers end up as “problem” cases and their subsequent actions and non-actions at default hearings, two situations must be investigated. Default hearings and the larger milieu of Maintenance Enforcement may be understood through the deconstruction of rhetoric meanings generated by social action. As such, investigating rhetoric of the “collective representations” (Holstein and Gubrium, 1994), for example, the enforcement agency of child support, may assist in gaining an understanding of the processes of “institutional thinking” (Douglas, 1986 as cited Holmstein and Gubrium, 1994) representing the views of wider society. This understanding is in the symbolic meanings of interactions, language and rhetoric that are constructed in society (Blumer, 1969; Charon, 2001). Social constructionists approach social problem discourse on the moral implications assessed to an individual social type (Best, 1990, 1999; Holstein and Miller, 1990). The moral implications of a social problem, such as the welfare of children, implicate a certain social type for those who do not pay child support. Thus the construction of a social problem is based upon a moral binary stance, with one individual worthy of positive orientation (mother) and the other worthy of a negative orientation (“deadbeat” father). The development of the moral binary stance reflects both societal and cultural norms and mores assisting the “construction” of the problem (Best, 1990). Discourse evaluation (the use of language and rhetoric) by an institution (the Maintenance Enforcement Program) can be used to mirror the larger cultural milieu (Holstein and Gubrium, 1994).

### **2.2.2. Gender Relations and Masculine Hegemony**

The social problem of non-compliance of child support is overwhelmingly constructed as a male dominant act. Thus investigation of non-compliance through the lens of gender, particularly masculinities, offers assistance in understanding the social

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problem. Connell's (1995, 2002) gender-as-relations approach focuses on the connections and interconnections between individual and institution. Gender-as-relations is composed of four different structures: production relations, power relations, emotional relations and symbolic relations (Connell, 2002). The process of gender is in the historically structured relations embedded within the individual and the institution that reinforce and reproduce those relations on a non-random feedback loop. Individual and institution do not exist without the other and they are not separated. For Connell, relations are "ways that people, groups, and organizations are connected and divided" (2002, pp.54). These relations are practices and configurations that are in flux. Individually people are "doing gender" (West and Zimmerman, 1987) through the structured relations between themselves and the institution.

Masculine hegemony represents the practice of gender relations as "the configuration of gender practice which embodies the currently accepted answer to the problem of the legitimacy of patriarchy, which guarantees (or is taken to guarantee) the dominant position of men and the subordination of women." (Connell, 1995, pp.77). Different men configure to the gender practice of masculine hegemony in different ways. Masculine hegemony is not a static, but an ever changing set of relations that are continually challenged, both currently and historically. Therefore, gender relations and specifically masculine hegemony as a relational practice allows for an investigation into the institution of the Maintenance Enforcement Program, the default hearing, and the individual fathers who attend. Gender relations are investigated using the four structures of power, production, emotional, and symbolic relations to understand the agency of the fathers who attend default hearings.

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### **2.2.3. Degradation Ceremony**

Garfinkel (1956) defines a degradation ceremony as: “[A]ny communicative work between persons, whereby the public identity of an actor is transformed into something looked on as lower in the local schemes of social types” (pp. 420). For Garkinkel the ceremony is moral indignation dependent upon the society deeming the status of the individual as morally wrong. However, the degradation ceremony is not deterministic but is a process consisting of four necessary conditions to be successful. First, there must be an event that the denounced has been accused of doing. Second, the perpetrator (as labeled by the institution) must be typed along with the event that has been “done”. For example, the father has defaulted, thus is a debtor. Third, the denouncer must be a member of the community at large and represent views of larger society (Maintenance Enforcement and the court system). Finally, the denounced is set apart, or ostracized, as socially distinct in a negative way from the rest of society. For example, the denounced is a “bad provider” or a “deadbeat dad” that is distinct from other men in society who are responsible providers. For the denunciation to be a success all the conditions must present to transform the identity into a negative type.

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## The Study

This investigation follows an exploratory ethnographic approach using three resources for gathering data ultimately representing unobtrusive measures (Berg, 2001). First, the direct observation of men at the default hearings resulted in detailed field notes (Adler and Adler, 1994). Second, a collection of primary resources reflecting the operation and organizational culture of the Maintenance Enforcement Program was gathered. This included the government website, the legislative act and various pamphlets and handouts available within the court house. Third, a sample of case files was obtained from the court house of fathers who attended the default hearings. The collection of data is an example of triangulation (Jansick, 1999; Berg, 2001) seeking to provide validation and reliability through more than one data source. Each is meant to be a check to strengthen the generalizations of the study.

A historical account of the data collection for this study is warranted because it is an example of research as process rather than as a linear pursuit (Stebbins 2001; Lofland and Lofland, 1994). Originally, formal ethical approval was given by the University of Calgary to conduct semi-structured interviews with the men who appeared at default hearings. The recruitment of participants consisted of approaching the men after the court proceedings. Information about the study was given to potential participants highlighting the research intentions. Response from these men was, in most cases, negative. Upon reflection, this could have been expected because the setting of default hearings is an extremely stressful and conflicting environment. The responses varied from outright “no!” to “maybe I’ll get back to you”. Other studies (Mandell, 1998, 2000) have also tried similar strategies, but in their case the researchers were connected to the very system to which these men respond negatively. Hoping to bypass these problems this research project attempted to detach any involvement with MEP or

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any other government agency. The recruitment letter (see Appendix A) promoted soliciting participants as both a university project and a MESA endeavor. However, this also proved to be difficult, with many expressing some interest without commitment and some fathers expressing outright rejection. Those who were interested became extremely difficult to contact through phoning at a later date to arrange an interview.

Next, there was a realization of the rich data that could be gathered within the courtroom itself. The information within the default hearings ranged from father's demographics to life situations because of the observation that a high number of individuals were called to the witness stand. The observations of the father's responses and interactions to the line of questioning proved to be fruitful. Also of note was the statement of addresses that the men provide to the court for the official records. The research used this to gain a rapport with the individuals by approaching them at the courthouse and by also delivering a recruitment package directly to the announced residence. As might be expected, this also proved to be difficult because the fathers didn't want to "be found" by anyone that could bring attention to authorities.

To gain some understanding and knowledge of the situation directly from the men, approaching them before their court hearings proved to be quite successful. The principal researcher began to develop more of an ethnographic direction by striking up conversations with the men. Even if they didn't seem to be interested in the formal interviews many were willing to answer a few questions informally in the lobby of the courthouse. These conversations were included in the field notes as part of the overall observations surrounding the default hearings event. Thus as an exploratory ethnographic study, this research shares many of the properties of a qualitative pilot study (Janesick, 1999).

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### **3.1. No Vested Interest**

The above discussion begs the question; Why was it so difficult to recruit participants for interviews on this subject? Many research projects have been performed using fieldwork with populations that are considered “deviant” by general society. However, in this regard the situation becomes increasingly difficult as the potential subjects do not have a vested interest in the project (Shaffir and Stebbins, 1980; Drozda, 2004). Generally, this difficulty surrounds a perceived stigmatized population composed of criminals or deviants (Goffman, 1963). However, research with criminals is usually conducted with those already in the criminal justice system. In some cases, the vested interest of potential participants becomes the positive affect that participating in a study could have on their incarceration or probation situation (Drozda, 2004).

There are many factors effecting recruitment of men who attend default hearings. First, court hearings are designed for the “worst” cases by the Maintenance Enforcement Program, which include some fathers with criminal pasts. Even fathers without criminal pasts the situation of non-payment of child support, although not deemed criminal, do face potential incarceration because of breaching court orders. Anything that can be done, including not divulging financial information to the courts or to a researcher, is key to escaping incarceration resulting in a strong sense of mistrust for anyone who is even remotely attached to the child support institution. Second, for some men this is an extremely embarrassing situation that has affected their work relations (through the garnishee of wages) and the loss of mobility (through the loss of a driver’s license). Most men in this situation do not want to talk about their predicament and would gain nothing from boasting about not paying child support to “put one over on the government”. For example, other deviant and criminal research found that individuals may focus on the enjoyment and fun of deviance and crime (Katz, 1988; Drozda, 2006). As such, a

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number of participants may have a vested interest in the participation of research because part of that enjoyment is boasting what they have been able to “get away with”. However, within the realm of fathers who are non-compliant with child support payments, there is no enjoyment or thrill from the situation of non-payment of child support.

The difficulty in recruiting subjects reflects a curious sociological finding. First, this could be a reflection of the deeply stigmatized situation for men who do not pay child support. The stigmatization of non-payment qualifies as a moral indignation (Garfinkel, 1956; Goffman, 1963) because of the importance placed in society for men to provide financially for their children. Second, within this particular group, there were not men who needed to “tell their story” about their plight with the Maintenance Enforcement Program. It is possible that further research may find variability in cases that are not “worst” cases or men who used to be “worst” case scenarios but are now willing to talk of their previous situation to gain a perspective.

### **3.2. Observations of the Default Hearing**

The first aspect of data collection surrounded the observation of court proceedings of the default hearings. In all, over 50 pages of field notes were generated from this setting. The field notes concentrated on the men and their course of interactions with people representing the court system. This included not only the formal interactions of the courtroom, but also more informal interactions in the courthouse lobby before court sessions. Default hearings are conducted at the Court of Queen’s Bench, once a week on Monday afternoons and are presided by a master of the court.

The setting of the court produced an advantage to the production of detailed field notes. There was no need to be deceptive or elusive about the process of taking notes in the field. However, participant observation within this study would be positioned within the complete observer on the participant observer spectrum (Adler and Adler, 1987).

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During the period of participant observation a few encounters with legal counsel representing MEP occurred when the principal researcher was approached with the inquiry of whether he was one of the cases heard that day. After noting briefly that he was observing for a university project, his presence was normalized in the eyes of the MEP representatives. The goal was to allow as much distance between the researcher and the MEP personnel as possible to assure to the fathers who were present that this project was not in any way connected to the court system or to MEP. This also allowed for the more informal conversations to take place within the lobby of the courthouse. The lobby outside of the courtroom was small in surface area and was extremely quiet, thus overhearing conversations and observing interactions between people was uncomplicated. The lobby also allowed for brief informal conversations with men who were waiting for the court to proceed.

After the court proceedings the principal researcher immediately spent time reviewing the rough field notes. The rough field notes contained some short-hand and self-generated strategies to gain as much information as possible. This process assisted in the memory and development of more detailed field notes developed and analyzed at a later date. The shorthand notes also assisted in posing questions and direction for further observation to help with comparison over different sessions.

### **3.3. Interpretative Analysis of the Maintenance Enforcement Program**

A collection of government documentation was gathered including information on the Government of Alberta Maintenance Enforcement Program website, handouts, and pamphlets available at the courthouse. This represented different sources available to fathers to gain “official” knowledge of the court system and the Maintenance Enforcement Program. This data collection was also critical to gaining a grasp of the structured actions of men in relation to the institution. Fundamentally, the collection of

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the different “texts” provided a basis to analyze the organizational culture of MEP, including mission statements, duties, and how they present this information as this could affect the actions of the men within the default hearings. The documents from the sources in this section provided an in-depth view into both manifest and latent content meanings generated by Maintenance Enforcement (Berg, 2001). It is the latent meanings portrayed that provide the symbolic functions of the institution and how it operates at the default hearings level.

### **3.4. Divorce Case Archives**

The default hearings provided a case listing of the individuals involved in the lobby of the courthouse. The listings contained the reference number or specific action number that could be used to gain access to the complete divorce file. These files are open to the public for a fee of ten dollars for each viewing. Acquiring the files was accomplished through the divorce department of the Court of Queen’s Bench. The case files were selected from the default hearing listings representing “easy” court interactions characterized by brief appearances (in terms of time) in court, as well as the more serious cases characterized by longer appearances on the witness stand. By establishing this procedure more variation of different types of difficult cases could be investigated.

The divorce case files are public record and gaining access was through a formal process at the Court of Queen’s Bench records division. The “specific actions” recorded from the case hearing list were used for “Search Request” forms needed to access the files. Generally, the divorce files were not stored at the courthouse, but at another facility within the city. Each request required a waiting period for delivery that ranges from four to ten business days. Once the file was received at the Court of Queen’s Bench the researcher received a phone call. Review of the divorce cases was extremely time-

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consuming due to the amount of paperwork and most often required at least an hour for viewing. Because the files are the property of the Court of Queen's Bench, they could not be taken directly from the counter and any photocopy request required a purchase of one dollar per page. Extensive field notes were produced of the divorce files similar to the system of observations made within the courtroom. Rough notes complete with "memory memos" and shorthand were compiled and developed more extensively in detail based on the readings.

The individual case files contained a complete official documented history of the divorce process, as well as the methods imposed by MEP to enforce the court orders of maintenance payments. Official records of notices to appear, warrant to hold (a court order to temporarily incarcerate those who fail to appear in court), a listing of the financial information provided by the debtor (most often, the father), and official statements from both the creditor (usually the mother) and occasionally the debtor were contained in the files. The divorce case files provided an abundant amount of information on the men<sup>2</sup> who attend these default hearings, including strategies of enforcement on the part of the institution and strategies of evasion on part of the men. However, the files focused on the maintenance issues and often did not divulge custody problems unless explicitly stated in the official record. The study cannot know what was not included in the files, but what is included provides a distinct view into how the overall system operates. Because of the sensitive information gathered, data is stated in the aggregate and any identifiers have been excluded in the results.

### **3.5. Analysis**

Due to a void in the research literature this study incorporated an exploratory approach (Stebbins, 2001) to understand the group of men and the processes of default

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<sup>2</sup> No women were subjected to these proceeding over the duration of this study's observation.

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hearings. The research design encompasses three distinct sets of data to provide an overall understanding of pertinent father interactions within the default hearing. In essence, the research design reflects an ethnographic exploratory descriptive approach to understand who, how, and why some men attend default hearings. The conceptual framework based on the social construction of social problems and gender relations provides the guideline for the analysis of the data focusing on flexibility and open-mindedness of the generated themes (Stebbins, 2001).

Analysis is done through the lens of gender relations, specifically masculinities, as forms of gender practice structured by the institution and the individual men who are defaulting on child support. By paying particular attention to the symbolic meanings and power relations inherent within the default hearings based upon the gender relations conceptual framework, analysis may generate themes and generalizations. As Glasser and Strauss (1967) note, grounded theory is generated from the data itself to reflect the results. An understanding is generated inductively, instead of deductively, from the data gathered resulting in generalized themes reflecting the proposed research questions. The themes are generated by a constant comparison (Glasser and Strauss, 1967) from categories and coding (Lofland and Lofland, 1995) based on the three sources of data collection. With many emerging categories and properties a constant theoretical sampling occurs noting the strength of these generalizations in the data until the point of saturation. The open coding is placed in a constant comparison between all facets of data collection with emphasis on the observational data in the field notes (the form of data collection that is closest to the phenomenon) until the point when the generated themes are mutually inclusive and exhaustive of their coding properties.

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### 3.6. Research Limitations

In pursuing a research study involving a difficult population, limitations are going to exist. Most prominently, the lack of semi-structured interviews with men blocked a full understanding in the interpretation of their situation, in their own words. However, the actions in the courtroom and the background of the divorce files did give an “official” representation of men involved in default hearings. The lack of ability to receive formal interviews (at a later date instead of informally in the court lobby) speaks to the deviant stigma of men who default on child support payments. The principal researcher has reflected at length on this issue and “it is possible that some populations are not accessible through general interviewing means” (personal communication-Dr. Stebbins).

Reflecting on the observational techniques, comparisons were made between the sessions over the time in the field. This is a “within comparison”, but not a “between comparison” A “between comparison” would involve data gathered from two different jurisdictions, one from Calgary and Edmonton. The “within comparison” involved comparison with a number of different sessions in one jurisdiction. Default hearings in other provinces could be qualitatively different depending on how the enforcement programs implement restrictions on default payers. A comparison with other default hearings in other provinces could result in broadening the generalizability of the results. This could potentially provide a broader perspective on the intersection of class, ethnicity and gender that is affecting the fathers involved in different jurisdictions.

Another limitation is the absence of comparison of men who have experience with default hearings but have now been granted “good payer status”. A complete and historical record over a long period of timely payments to MEP is required for the designation, but there is no formal explanation to the specific attributions needed. However, fathers who have the designation of “good payer status” are not directly in

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conflict with the enforcement agencies and potentially offer a comparison to the frequent non-payers who are in conflict.

## **Research Findings**

### **4.1. Institutional Texts**

The Maintenance Enforcement Program and the child support system reflect the idea that “institutions are organized social conventions involving typical routine ways of representing social reality” (Douglas 1986, as cited in Holstein and Gubrium, 1994, pg 268). The texts represent social reality found in social artifacts such as websites, pamphlets, and other media representations. Investigating these texts uncovers the rhetoric and symbolic meaning representing the social reality of everyday life in the environment of child support payment providing insight into the structured actions and non-actions available to fathers who find themselves at the default hearings.

### **4.2. Interpretive Content of the Maintenance Enforcement Program**

The Alberta Government website for the Maintenance Enforcement Program provides information on child support. The definition of maintenance is identical with child support as outlined in the Maintenance Enforcement Act:

“‘maintenance’ means maintenance, support or alimony and includes (i) an amount payable periodically, whether annually or otherwise and whether for an indefinite or limited period or until the happening of a specified event, (ii) a lump sum, (iii) expenses in respect of prenatal care and the birth of a child, (iv) an amount payable under a Queen’s Bench protection order under the *Protection Against Family Violence Act*, (v) a charge on property or otherwise as security for the payment of maintenance, or (vi) interest or the payment of legal fees or other expenses arising in relation to maintenance...”

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(Maintenance Enforcement Act, RSA 2000, C-M-1)

Thus maintenance or support is an economic act and is not linked with social issues of access or custody. In practice, family law institutions do not recognize access and child support as related within the court system of default hearings. However, the realization that these issues are intertwined is recognized by the government and information is available to those who are denied access to their children. The purpose of separating issues of child access and child payment support is to disallow justification for refusal to pay child support, however this is not necessarily the social reality (Mandell, 1998). Further, there is some evidence that both fathers and mothers define child support beyond economic aspects into other more social aspects, such as parental involvement (Bloomer, et al 2002), not fitting with the institutional definition.

Formal application to the Maintenance Program begins a bureaucratic process restructuring the relationship between two parties into a new family structure. In the process of restructuring the family, Maintenance legislation creates a distinct binary social type for the new family structure;

“‘Creditor’ means a person entitled under a maintenance order to receive money for maintenance on the person’s own behalf or on behalf of another person.

‘Debtor’ means a person required under a maintenance order to pay money for maintenance...”

(Maintenance Enforcement Act, <http://www.justice.gov.ab.ca/mep/>)

There are no fathers or mothers, or even parents, but a social construction based on an economic exchange. This act of redefining relationships is symbolic in two different aspects. First, the financial structure of the family shifts from a private domain to a public domain because of MEP’s formal application. Second, by redefining the relationships

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based on economics, the organization has essentially ruled out any social aspects of child support.

Furthermore, the designation of the two new statuses of “debtor” and “creditor” creates certain expectations and requirements apart from the previous relationships between mother and father, between parents;

“The former life-partner is now a creditor much like any other creditor: an impersonal claimant upon the resources of the debtor. In the new status of debtor, the payer is required to demonstrate good citizenship, not good parenting or concern for his children, by complying with the law and with the method and timing of payment” (Mandell, 1998, pp 177)

The relationship transcends the identity of the father, as parent, to an identity of based on economics. Further, the new status of “debtor” requires constant displays of “good citizenship” to remain “in good standing” (Maintenance Enforcement Website, 2006). On the other hand, the “creditor” is the passive recipient (in most cases the mother) of the monetary exchange. The “debtor” is constantly judged against the display of good “debt”, while the “creditor” is not required to display acts of good “credit”.

Not only does change in social types of “creditor” and “debtor” create a social status, but a third social type is also created. In the process of socially designating “creditor” and “debtor”, the child becomes “maintained” or “supported” through the new economic social contract created by successful application to the Maintenance Enforcement Program. The child now becomes a debt to be “payed off” by the debtor. Interestingly, this new social type is congruent, historically, with the image of the child as a piece of property (Arendell, 1992). In a humanistic sense the child becomes lost in the symbolic rhetoric of debt (economic), instead of support (economic and social). Paradoxically, the movement in recent years in child support enforcement has become

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child-centered (for the good of the child) unveiling a discursive irony that the solution to the social problem of child poverty is the social construction of the child into an economic entity. As noted by Arendell (1992), "Children are often discussed specifically in the context and terms of rights, especially fathers' rights; they were defined as a piece of property over which control was to be contested and fought" (pp 569). Possibly, there could be a dialectic relationship between the debtor and the institution of child support, each assisting in the structured actions of the other. This is not to suggest a lack of agency on the part of fathers as debtors, but a reflection of further complexity of the relationship.

The construction of child support as debt creates different strategies of social control available over some fathers who default. The methods of social control for maintenance enforcement vary in type and range in restriction. MEP oversees payments and enforcement of the court orders that are established by the Court of Queen's Bench. Measures used as enforcement are a reflection of a deterrence-based approach (Lin, 2000) and include garnishment of wages, the non-renewal of driver's licenses and property seizure. MEP may summon an appearance by the debtor before the court for a number of reasons which include; the failure to fully disclose financial information, defaulting on the payments of maintenance, or if the debtor has failed to appear at a previous court summons of a default hearing. The use of these strategies is based on the assumption that compliance occurs because of either punishment itself or the fear of punishment (Gibbs, 1975 as cited in Lin, 2000).

The default hearing as one of the methods of social control has a number of purposes for non-payment enforcement. For the most part, the use of default hearings is a result of other enforcement strategies, either alone or in conjunction with the previously mentioned strategies. By placing the hearing within the court system at the Court of

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Queen's Bench, enforcement is transformed into a "legal" event. MEP states that the function of the default hearing is to:

"Show the court why the enforcement order should not be enforced;

Be examined under oath about the debtor's finances;

Show why the debtor should not be committed to prison for *willfully* defaulting in the payment of maintenance." (Emphasis mine;

Maintenance Enforcement Program; <http://www.justice.gov.ab.ca/mep/>)

Inherent in this discourse is a symbolic relationship between the debtor and MEP. The presumption of "willingly" defaulting construes the debtor as choosing the circumstances of not paying child support and is engulfed in personal agency. Thus the onus is on the debtor to "prove" his position. Denouncing the recipient begins even before the individual has entered the courtroom. In essence, the "guilty" have already been labeled and the fathers must provide "evidence" to the contrary of the findings already made. The social type of "deadbeat dad" is choosing not to pay contrary to the preferred moral type of "father as provider" (Garfinkel, 1956).

The stance on potential defaulters places another strain on the relationship between fathers and MEP. This "...emphasis on coercing compliance rather than waiting for default, positions every support creditor as a *potential* defaulter" (Mandell, 1998, emphasis as in the original; pg 178). As such, the context could add to the mistrust and distress present in an already negative environment as many believe that when they enter into a courtroom they are fighting to avoid incarceration (Furstenberg, et al 1992; Johnston and Doolittle, 1999). Thus, the resistance strategies applied by some men, whether right or wrong, could be based on the premise that the system has already attempted to determine the outcome.

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The textual analysis of the symbolic rhetoric of MEP based upon the websites and the legislation brought forth three findings. First, the institution of enforcement of child maintenance is based upon the transformation of the definition of support to one based on economic exchange. Not only does the symbolic meaning of MEP transgress the man from father or provider to a “debtor”, it also transforms the child into a “debt”. Secondly, the power relations between the enforcement system and the fathers reflect a shift from the institution’s onus to provide proof to the men’s onus to provide proof. Thus some fathers find they are already defaulters and now must negotiate through the system based on this premise. Third, the MEP stance of fathers who are defaulters assumes fathers who do not pay as choosing not to pay based on an environment of individual agency.

#### **4.3. Sample of Case Files at Default Hearings**

This section provides a schematic background of fathers who attend default hearings. A sample of twelve cases was taken from courtroom observations to provide an in-depth viewpoint of the historical trajectory of these men who are in default hearings. Interestingly, the stated occupations providing in the documents point to a more varied type of employment than the standard “working class” (see Table 1). Of course, these designations are a reflection of the “official” documents and are not necessarily what the fathers have stated. Because the men have been designated as “difficult” cases the employment stated may not necessarily reflect the reality of these men. It is possible employment was recorded by Maintenance Enforcement and not by the men involved as many do not fill out the forms completely, thus the last known employment is used. The mean age was 50 years of age.

All of the men involved in this research sample had numerous debts in arrears. The mean monthly payment of the men in the case sample was \$349.00 a month with

varying amounts that are designated to on-going payments (if the child is still under the age of eighteen, or going to school after the age of 18, the designation is a “child of marriage”) and to the arrears within that total monthly amount. Also included in the court documents is an updated statement of arrears. The mean total arrears for this sample is \$22, 958 per file with the highest in arrears at \$51,000 and the lowest at \$11,000 (not shown). The fathers involved in the case files had a mean of 1.75 children based upon their monthly payments. Table 1 presents the themes uncovered within the divorce case files.

Table 1: Themes of Divorce Case Files

<i>Case Number</i>	<i>Age</i>	<i>Number of children</i>	<i>Occupation</i>	<i>Payments per Month*</i>	<i>Warrant to Hold</i>	<b>Violence**</b>
1	48	3	Truck driver	\$525	No	N/A
2	42	1	mechanic	\$400	Yes	Yes
3	58	1	Engineer	\$500	Yes	No
4	49	3	Construction	\$200 arrears only	Yes	No
5	51	1	Financial planner	\$300	Yes	No
6	46	1	House painter	\$270	Yes	Yes
7	56	2	Cabdriver	\$600	Yes	Yes
8	46	3	Drywaller	\$450	Yes	Yes
9	54	1	Woodworker	\$150	No	N/A
10	51	2	Landscaping	\$350	No	N/A
11	51	2	Construction	\$200	No	N/A
12	48	1	Sport sales	\$200	Yes	Yes

\*These payments included ongoing as well as payment to arrears

N/A: denotes there is no evidence for or against violence and is open for interpretation

\*\*Case files do not include official police reports which document the sequence of events and contexts. Thus a complete understanding of the violent circumstances was not possible, limiting the analysis.

The most common theme among the case studies (eight out of the twelve, or 67%) was use of a “warrant to hold”<sup>3</sup> as a method of enforcement. The warrant to hold is used for the following; when men fail to appear, are not in attendance for numerous court dates, or have not given proper statement of finances. Typically, a warrant to hold is requested after numerous attempts to serve a summons have failed by MEP officers.

<sup>3</sup> Commonly referred to as an arrest warrant.

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Of those eight, four have been incarcerated and held at the Remand Center (a temporary detention centre) until a default hearing was scheduled. Incarceration can also be a product of restraining orders that have been placed on the men for various circumstances. For example, in one case incarceration has been used three times in 15 years because of breeches in the restraining orders in place between himself and his ex-spouse.

All of the case files report repeated attempts to gain full financial disclosure from the fathers. The “statement of finances” is vital to the enforcement of child maintenance in order to ensure a fair and accurate standard of child support payments. Conversely, MEP’s mandate is to collect, whether payments are fair or not. If an order is unfair or inaccurate MEP lacks the power to change the set amount, however does have some discretion to reduce payments. Arrears does have to be paid, but results in some immediate relief for the payor.

Files contained a multitude of different strategies used by MEP to force fathers to divulge financial disclosure, including the garnishment of wages and the suspension of renewal of driver licenses, affecting most fathers because of their reliance on motor vehicles for employment. Also, fathers generally have not filed income taxes for some years, resulting in little official documentary evidence of claimed income. As such, many fathers are not only resisting full disclosure of finances to MEP, but also to Revenue Canada. This could be due to the “under-the-table” wages that may result in some construction or related employment suggested in the case files.

An important finding within the case files is documentation of sworn statements and in some cases, criminal investigations into violent behaviors allegedly perpetrated by these fathers. A substantial minority (5 out of 12 cases, or 42%) of the sample contained allegations of violent acts and emotional abuse perpetrated by these fathers.

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Emotional abuse, as cited in these cases, ranged from verbal to more dominating strategies, such as the controlling of financial resources. Acts of violence include physical abuse, such as throwing down stairs, punching, kicking and slapping by fathers. The seriousness of these violent actions resulted in a range of reporting from sworn affidavits by the ex-spouse to formal charges and convictions within the criminal justice system. This has led, in some cases, to restraining orders placed against the fathers by the ex-spouse that affect child access. In recognition of this problem a minority of fathers (2 out of 12 cases, or 17%) have completed anger management programs that are recognized by the Maintenance Enforcement Program.

Description of mental status is another major theme of the case files. Many men cited emotional disruption due to the combined affects of divorce, under-employment, child access and child support payments. Depression was the most commonly cited emotional disorder stated in affidavits for an application of variation order (to change the amount of the child support payments) with claims on how the depression affected the employment situation. Some men state the inability to afford medication for depression while others state that depression is a concern for them, but have not sought professional help. Generally, this is phrased as 'I've been feeling depressed' without specific medical accreditation. Some cite embarrassment and the conditions of the illness as possible reasons for non-action to help their situation. If depression is stated as one of the reasons for a variation order, the onus is on the father to provide medical evidence of his condition. Often the lack of this necessary evidence is included directly in the official record of the variation order application. While it may be possible that these fathers are using depression as a resistance strategy, what should be noted is the responsibility of the individual to provide the documentation. Further research is needed to explore whether type of mental illness has an affect on the non-payment of child

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support preceding the first order to pay or results in the difficulty in payment of child support.

The abuse of drugs, particularly alcohol, was a strong relevant theme of the men in the sample. The use of alcohol stereotypically overlaps with conditions of violence and difficulty in finding employment, and within this sample. Also included in the sample is the use of illegal drugs, from marijuana to cocaine and crystal meth. Some men (6 out of 12, or 50%) have acknowledged a problem with drug use but none in this sample have stated any formal initiatives to solve the problem. In some cases the men's use of alcohol or drugs resulted in changes to child access. For example, one affidavit stated that a father allegedly drove a vehicle under the influence of alcohol with his children in the car. Others have complained of abusive acts by their former spouses, both physical and emotional, on the children while under the influence of alcohol.

Congruent with other research (Arendell, 1992; Lehr and MacMillan, 2001), father's historical trajectories reflect the difficulty in adjusting to the post-divorce environment. In many instances changes to access have been made from occasional (one day every couple of weeks) to restricted access under supervision (2 out of 12 men had supervised access). Generally, these cases are the result of claims of some form of violence perpetrated by the fathers. Other historical accounts concern the ability of the ex-spouses to care for the child. In these cases fathers cite alcohol abuse or physical abuse on the child by their ex-spouses. Other conflicts stem from the belief, on the part of the ex-spouse, that the father is not pursuing suitable employment to the extent that he should. Ex-spouses state that previous occupations by the fathers were more financially stable than the current situation. For example, one father who has been employed as an interior painter is now working as a window cleaner, making a fraction of his previous wages.

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Case archives revealed that fathers have different types of resistance strategies. Father's affidavits reflect a stance that is hostile and mistrustful of the enforcement program. While the majority of fathers take an inaction stance towards or in response to enforcement (by avoiding and not providing information on the status of finances), others have taken a more direct approach. For example, one case stated a father's inappropriate behavior resulted in a restraining order against him. Since the restraining order was placed he has been incarcerated three times for breach of a court order. He responds by stating that he was harassed himself by the police service and complains about unfair treatment. A formal complaint by the father against the Calgary Police Service (which was dismissed) ended with a letter writing campaign to political organizations, including the mayor's office. Another example illustrates a different hostile resistance strategy. In response to alleged Maintenance Enforcement Program "harassment", the father applied for a restraining order against MEP stating 'he does not feel safe' and 'he feels threatened' by the continuing attempts by MEP to "coerce" him into paying support. This restraining order application (which was dismissed due to lack of evidence) was directed at specific MEP officials, including MEP's legal counsel. Further, the father asked for information from MEP officials on the "statistics" of murder and suicide among men who default on the payments of child support. He was concerned whether or not the enforcement strategies "caused" these types of events. While some men refrain from any action, others feel that they have been pushed to resorting to more aggressive resistance strategies to gain some control.

#### **4.4. Court Observations**

One of the strategies deployed by the principal researcher to understand father's courtroom interactions within a default hearing was the position of the "naïve" observer. Having had no personal experience with child support payments the researcher was

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able to experience the difficult system navigation first hand. As previously noted, the aim of the default hearings is a formal legal setting to answer the question; “Why has this father willingly defaulted on the payments?” Generally, the fathers are more aggressive, more hostile in the informal setting prior to the court hearing as the authoritative nature of the court is absent for a brief moment. Once the fathers are inside the courtroom the defensive posturing reflects the return to power of authority within a courtroom. What is common within both informal and formal settings of default hearing are MEP strategies seeking financial information and inquiring how the fathers propose to pay back the debt.

#### ***4.4.1. Description of Ethnographic Setting***

The observations of father’s courtroom interactions were made over a five month period from May 2005 to the end of September 2005. As noted, there is minimal literature on default hearings, justifying an exploratory approach reflecting an epistemological stance of the “naïve” ethnographer. The early stages of data collection consisted of “mucking about” (Lofland and Lofland, 1995) on the issue of “deadbeat dads”. This period was characterized by gaining bits of knowledge and casting “a wide net” to assist in understanding the social problem through informal discussions with a non-profit organization, MESA (Men’s Educational Support Association), which focuses on men in domestic crisis and encompasses custody, child support and other men’s issues. Additionally, reading general news magazines, newspaper articles and watching news programs on the subject helped to establish an overall understanding and assisted in the data collection.

In the City of Calgary, default hearings occur on a weekly basis (on Mondays) at the Court of Queen’s Bench presided by a master of chambers. Three masters rotated on a weekly basis with one female approximately in her 50’s, and two male masters, one approximately in his 50’s and the other in his 60’s. One female MEP attorney was

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present for the majority of courtroom observations, along with another, less senior, female attorney (she appeared a few times with the main attorney as part of her training) and one male senior attorney (who appeared only once). To gain a full perspective of the hearing experience the researcher arrived at the court house at least a full hour before the formal court hearings were conducted.

Default hearings are the generic term designated for this paper, but the sessions are divided into default hearings and docket dates. Default hearings occur on a weekly basis and generally have a smaller listing of cases to be heard, ranging from five to eight cases. By and large, the purpose of the default hearings is structured for the most prevalent “problem cases”. Within the study period, many fathers were observed to appear on a number of occasions. Cases heard during the proceedings consisted of general “due process” that lasted no more than a few minutes to lengthy periods lasting over an hour. The lengthy sessions usually involved formal questioning of fathers who were sworn in for formal questioning. Docket dates are structured at the end of the month and are designed to hear a greater number of cases, ranging from 10 to 20 cases, with a greater number of actors in both the courtroom and the lobby. The high volume of cases on docket days requires two additional staff to help negotiate with fathers directly before court proceedings.

Throughout the attendance of default hearings, one situation quickly became apparent. Rarely do fathers who attend default hearings have legal representation (7 out of 88 observed cases in this study) reflecting other research (Johnston and Doolittle, 1998). Default hearings provided an opportunity to investigate the interactions between legal practitioners, the Maintenance Enforcement lawyers, and non-legal practitioners who represent themselves, in this case the fathers. Also these fathers were not necessarily passively watching and listening to court proceedings. While most court

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interactions had the men standing before court for only a few moments, many observations were recorded of lengthy participation by the men who were sworn in on the witness stand to provide information on various financial matters.

Unfamiliarity with a court setting was demonstrated by a lack of knowledge of legal jargon, terminology, etiquette and a misunderstanding of particular behaviors that are not always apparent to the general population with little legal experience. For example, in this case a debtor is asked by the MEP attorney;

‘How old is your son?’ There is a long pause by the debtor who replies; ‘Twenty I believe’. ‘Aren’t you aware that you must pay when the child is still a child of marriage?’ He sighs and shakes his head, saying ‘I don’t know the significance of that term.’ ‘It means that you are responsible until that child leaves the place of residence...you are responsible for matters of education, health etc.’

Missed etiquette exhibited by the fathers was also presented more informally in the courtroom. For example, many fathers would stand before the court slouching against the witness stand or leaning back in chairs when not standing. Also, the attire worn by most men included t-shirts, sweatpants, jeans and baseball caps (which many times the men were told to remove before entering the court). Essentially, the default hearing provides an investigation into the actions of individuals who, generally, do not have a legal schema of how to make their way through an unfamiliar environment.

The interactions between fathers who appeared at the default hearings were few and far between. For the most part the lobby was silent, with a lack of any “small talk” initiated by the fathers with each other. Seating was always done to ensure the greatest amount of social space between them. If there was seating space between men they would never seat themselves between others. Most men would just stare ahead and were silent until the proceeding started. Thus, there were no informal signs of “group

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solidarity” perhaps furthering the appearance of marginalization. An acknowledgement of the stigmatizing situation that they were as in was provided by one individual who was wearing a dress polo shirt and dress pants;

‘A man seated directly behind me is talking on the cellphone with someone that is perhaps work-related, maybe a client. He speaks softly into his phone stated that he is in the dentist until approximately 2:30pm and will not be able to be contacted. But he will be in touch after the “dentist appointment.’

The idea of being a defaulter of child support does, in this case, carry a social stigma requiring a “cover-up” similar to the “spoiled identity” of stigma (Goffman, 1963).

#### ***4.4.2. Description of Population***

All of the non-payers of child support observed within this study were male. The age of the men ranged from late 20’s to early 60’s. As announced by the legal counsel representing MEP before each case heard, the majority of the men appeared in court numerous times. On only two occasions, as recorded in the field notes, was it documented where a father had appeared only one or two times. The time spent in the field allowed for the observation of the same men on at least a couple of occasions in the courtroom setting.

The socio-economic status of the men in the default hearings was determined in two ways. Direct observation of the men who attended the default hearings reflected a majority falling within “working class” designations. Men often presented themselves in t-shirts, well-worn jeans, sweat pants and baseball caps. While this could designate the group as unemployed, or presenting the appearance of, others would appear with their work gear reflecting the type of employment. For example, construction helmets, utility belts, and paint on work overalls worn by fathers were common in the courtroom. Only a small minority were wearing dress pants, dress shirts and suit jackets. Most fathers state

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their employment in terms of flux between unemployment, underemployment and employment based on project and seasonal positions. Once the winter started most men needed to find alternative lines of work that were not contingent on fair weather for an income. The ethnographic observations of the courtroom were done in the summer, which is the height for this type of seasonal work and many men stated that the continuing appointments for hearings were hampering their heavy work schedule.

#### ***4.4.3. MEP Strategies of Denunciation***

For the representatives of Maintenance Enforcement the goal, the mission, is to acquire the money that is owed. MEP officials employ strategies grounded in gaining financial information through knowledge of tax returns, employment records of “pay stubs” and any assets. The strategies performed by the MEP representatives at the default hearings reinforce the findings based on the rhetoric from the MEP website. The strategies are based on the denunciation of the father as a failed economic provider, thus the social control implementation in the courtroom reflects the attempted denunciation. It was rare to find MEP representatives, judges or legal counsel discussing children in their interactions with the fathers.

A common practice for the beginning of any case before the masters in the default hearing was a summary of the monthly payments, the total arrears and the number of times the defaulter has appeared in court. It was common to have MEP legal counsel state the defaulter has appeared 10 to 20 times and to make a statement concerning the unacceptable behavior of the individual in question; ‘We have made numerous attempts to gain the statement of finances and he has been continually uncooperative even with a garnishee in place’. During any line of questioning, particularly those formally on the witness stand the phrases ‘What is your proposal?’ and ‘How much can you pay right now?’ were common. Other linguistic measures have been

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used to portray the seriousness of the situation to the debtor such as ‘keeping him on a short leash’ and ‘time is running out for you’. This is to note to the debtor that he is entangled within a system of social control that will continue unless full compliance is completed.

Informally, outside of the courtroom there are attempted interactions by MEP officials to continue establishing the “bad provider” social type. On a few occasions MEP lawyers would first address the men (who for the most part knew their identity because of the number of times they have attended) and question ‘What are you going to do to stay out of jail today?’, ‘Why didn’t you make a variation order? You’ve had a long time to do that.’ The strategies outside of the courtroom tended to not be stated legally, but always focused on why financial compliance has not been met. The interactions are based on the paying back of debt and not on questioning social situations of the fathers.

On the other hand, the MEP lawyers also make attempts to inform the men of options that may help them in this situation. On a few occasions the MEP lawyers and MEP officials would mention legal guidance organizations and family law information centers that could help them with the application of a variation order (this is a court order to adjust the amount of monthly payments for unforeseen reasons). However, most occasions were framed on why they have not accessed these resources. This could be due to the number of times MEP has already suggested these measures to fathers who have appeared numerous times.

Interactions between fathers and the MEP lawyers only surrounded the legality of the court orders that have been placed on the fathers. As such, all of the rhetoric of denouncing fathers concerns not failure to pay child support or maintenance, but failure to pay arrears, make on-going payments, or failure to provide a statement of finances. What was missing from the rhetoric was any mention of children by the MEP officials.

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Conversations were framed using economic legal jargon. For example, in response to questions by the MEP legal counsel on financial inquiries, the presiding masters would calculate the living expenses based on the answers to determine what was left over at the end of the month.

#### ***4.4.4. Men's Courtroom Interactions***

Father's use of resistance strategies within the default hearing is not based on a "legal" defense expected in the court room setting. Thus, the basis of all three strategies, "injustice", "avoidance" and "plight of circumstance" share a deflection of responsibility in part or in whole of why payments have not been made. For some men, aggressive resistance focuses on blaming the institution because the institution is allegedly not taking responsibility for bureaucratic mistakes and is "forcing" these men into searching for "questionable" ways to pay. The strategies of "avoidance" and "victim of circumstance" are passive and are based on not complying with the institution. Resistance involves not providing information or using perceived "reasons" for not providing information or paying maintenance. The former involves deflecting or withholding information that MEP needs to enforce the father's payments. The latter reflects some agency on part of the men to provide information or make payments, although other situations or circumstances have occurred that are hindering their compliance. Finally, the resistance strategies listed above are unsuccessful because the strategies still reflect an economic defiance focusing on "providing" that continually supports the moral identifier of fatherhood in a narrow sense. However, in one case conditions for denunciation were not successful because of courtroom interactions that provided a broader sense of fatherhood beyond the limited role of "provider".

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#### **4.4.4.1. Strategy of “Injustice”**

Some men claim “injustice” by the enforcement system. In some instances the strategy of “injustice” falls upon a specific event directing the blame to the institution for making mistakes. For example, a debtor sworn in on the stand for formal questioning was asked about his proposal for paying back the amount of arrears. Instead, the debtor disputes the overall amount;

‘So do you dispute the amount of arrears?’ The debtor explains that the disputed amount is in regards to an over payment made to MEP that has not been fixed. The debtor then states he sent numerous registered letters to MEP for which he has not received any response. He reaches into a folder and pulls out letters he had sent to MEP concerning an overpayment of \$38 on a cheque for \$1850. The MEP lawyer responds ‘I can’t speak for a letter that is four years old’. Angrily, the debtor responds to the masters, ‘They STOLE that money from me! I have asked for receipts and have not got any and I have sent many letters to you... I did not make a decision to not pay, YOU made that decision!’.

This debtor presents that a payment on arrears should not have to be made because of a supposed clerical error for which Maintenance Enforcement will not take responsibility. Thus, the perceived reason for not paying child support is because MEP will not admit responsibility, however small, for a clerical error. Based on this claim of “injustice”, responsibility of not paying child maintenance is based on the belief that the institution is not itself “moral”. According to this example, the institution should be held in higher regard, so that when a ceremonial rule has been broken the higher status individual, in this case the institution of child support, must be held accountable without regard for the magnitude of the mistake (Antonio, 1971).

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Other claims of “injustice” surround how fathers have attempted to negotiate with MEP with frustration leading to actions that border on illegality when making support payments. This line of resistance is evident in this example in the lobby of the courtroom, of a father’s frustration about a bitter conflict with MEP personnel;

‘I just started working. I just got kicked out of my house...you’re going to throw me in jail for that! I need all kinda stuff like counseling...I’ve tried many times [to talk to MEP] and you guys keep shutting the door on me!’ The debtor starts raising his voice to the MEP official ‘This is going on forever...I’m trying to get a job and keep it...what more can I do; do you want me to work under the table?!’.

After this conversation the father decides to get on the elevator and leave the area to “cool off”. This is also an example, as compared to the formal internal setting of the courtroom, of the structural differences of conflict occurring outside of the courtroom. MEP representatives are “collectors” at this point and not legal practitioners which is evident by the open hostility in the lobby. In another example, a father states while on the witness stand that the continuing enforcement strategies have left him to consider ‘leaving the country’ because the perceived harshness of enforcement. The frustration felt on the part of this father leads him to state that ‘he has nowhere to go’ and should resort to illegal employment as the only resolution. Others claim injustice because the enforcement method used by MEP has resulted in them not being able to pay. Some men state that it is difficult to work because they are not able to retain a driver’s license. Thus they are “forced” into jobs or employment that do not pay as they need to rely on others to drive to the worksite. Thus the “injustice” in this situation is because enforcement is driving them to illegal activities.

The inherent qualities of these strategies are based on the perception that the fathers have taken responsibility, however small, and are being continually persecuted.

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The fathers are not paying because of the lack of response by MEP to negotiate, claim accountability for mistakes, or perceive that they do not fit the criteria for enforcement. In addition, others claim that the “injustice” is in the measures that they must take, sometimes borderline illegal, to make or avoid payments. Overall, for these men, the perception is that they have taken actions and the non-payments are due to the constraints placed upon them by MEP.

#### **4.4.4.2. Strategy of “Avoidance”**

“Avoidance” is the most commonly used strategy and has a more passive quality. The fathers that use this strategy have a wide ranging repertoire of actions and non-actions. From the perspective of MEP, some men will avoid attempts to receive the summons to appear by not answering doors at their last known place of residence. Others who are present within the court will provide as little information as possible. On some occasions, fathers who have been incarcerated at the Remand Centre due to a missed court date are brought before a master to explain their non-appearance. For example, when a master asked why one father did not appear at the last default hearing, the debtor responded ‘I don’t know, maybe I just forgot’. The line of questioning continues and he is unable to remember if he received his notice for appearance. While reading the report and highlighting the attempts made to deliver the summons the masters asks if he lived at the residence for the date in question ‘...um not sure, I really don’t know when I left there’.

The statement of finances is crucial for MEP in enforcing maintenance and requires information on every detail of one’s financial history. The key to the document is how much the fathers make in any given month and year. As previously noted, the majority of men in the default hearings have an employment background that varies between underemployment and seasonal work, such as, interior and exterior, painters

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and drywallers. Lines of questioning on the stand direct the debtor to state a monthly employment amount. Comments such as ‘it depends if it’s raining’ ‘how much work there is’, not stating a possible estimate of monthly income, is fundamental to the ongoing resistance of the default hearing.

“Avoidance” strategies are based on evading and limiting the amount of information given to MEP. In this sequence, during formal questioning, a number of attempts are made to gain financial information and income status from this father;

The MEP counsel asks the name of the contractor with whom he works. He replies that his name is Mike but cannot remember his last name. MEP counsel then inquires ‘How much money do you make a month?’ ‘I don’t know how much I make, it depends on the house; I get paid by the square’. Line of questioning shifts to whether or not the debtor has brought three pay stubs that are required for the statement of finances. He replies ‘No I don’t, I forgot to ask but I will see Mike at four o’clock so I can ask him then.’ The counsel replies ‘We have been waiting for a long time for these!’. Again the line of questioning shifts ‘Do you have your income tax?’ ‘No my accountant is still waiting before it can be done’ ‘Well you need your income taxes no matter what your accountant says!’

Avoidance as a strategy against the court is passive by not providing the necessary financial information for enforcement. Often the strategy is a fine line between answering the questions with little useful information and potential incarceration (for failure to answer questions by MEP lawyers).

#### **4.4.4.3. Strategy of “Plight and Circumstance”**

Fathers provide numerous “explanations” and “reasons” for their plight that involve a number of directions. The strategy could summed-up in the statement “It’s not my fault!”. This strategy reflects that while these men are trying to comply, other

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circumstances are preventing them from total compliance. In all, this strategy attempts to show some perceived agency on the part of the men to comply with the demands. This is different from “injustice” because the perceived blame is not the institution, but unforeseen circumstances in their lives.

One example describes the interaction with the MEP counsel assistant during a courtroom adjournment. She asks the father why he has not received his tax return from H & R Block (a company used for completion of income taxes). He states that he brought the receipts to show that they are being done, however they are not ready because it takes time. The assistant replies that he has to get a copy of the income tax before it is sent to Revenue Canada. He replies that he has nothing and ‘this is all I’ve got.’ Others state that payments could be made but there are other debts in their lives as well. For example, one father explains his difficulty based on life circumstances:

The master directs a question to the father on the stand, ‘Can you pay today and if so how much can you pay?’ The father pauses for a moment and replies ‘I don’t know, I’m kinda tapped out with all of my bills right now.’ ‘Well can you pay \$700 today?’ ‘That’s gonna be kinda tough with all the payments elsewhere, you know there are lots of wolves at the door’.

For this father maintenance is just one of the collections in his everyday life and he pays bills as he can. This father also stated the flux in employment he has endured resulted in a number of collection agencies attempting to acquire payment.

While not always, the claims of other circumstances may result in the father’s being forced into incarceration, the harshest use of enforcement. Generally, when this occurs, surprise is evident on the faces of these men. The father’s actions are not of hostility or aggressiveness, but are pleas and “last ditch” efforts of negotiation. This example demonstrates what happens when this father used this resistance strategy by

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stating that he could not pay due to ambulance costs he has to endure after a traffic accident. He is told that if he does not produce a \$1000 payment today he will be incarcerated for ninety days.

‘I don’t know why you are sending me to jail!...I was in good standing [status of a good debtor]...If I would have known earlier I might have had time to get some money, but she (MEP counsel) gave me no warning! If you just let me out for five minutes I can try to get the money, I just need five minutes.’ ‘It’s too late for that!’ replies the master. ‘I don’t know why you are sending me to jail?’ The masters states her instructions ‘You must make a payment of \$1080 and provide full financial disclosure’ ‘How am I supposed to get this information in jail?!’ Master replies ‘I’m sure you have friends that can get it to you.’ The CAPS officer (court room security) escorts him out of the courtroom and the next case is heard. All the while he is yelling at the masters to let him get the money.

During the time in the field, the principal researcher witnessed three other situations similar to the above example. Desperation seems to be the main defense in these circumstances.

#### **4.4.4.4. *Unsuccessful Denunciation***

The rhetoric of the default hearings is based on the successful denunciation of a father as economic debtor of his children and not necessarily of “bad father”. Thus the interactions between the fathers and the court system only surround the economic circumstances of the father’s ability to pay and allows for a relatively narrow ability to classify a “good father”. However, there are circumstances where the conditions for a successful degradation ceremony are not met because there is a blurring of the social type. This challenge to degradation is able to present other morally acceptable behavior that would go against the indignation. Fathers often talk of difficulties in keeping steady

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work that pays the monthly maintenance and when unemployment or underemployment occur a string of missed payments can occur. However in this example a father speaks to the difficulties of losing his job of 22 years in response to the MEP request of incarceration;

‘I have not missed a payment in seven years’ He is visibly upset and is holding back the tears throughout questioning on the stand. ‘I have lived on nothing, and I have been suffering from depression. I spend time with my children...take him out for dinner...I’m not a father who doesn’t spend time with my son. I can’t get help for my depression because I am behind on my Alberta Health Care payments...I am not a deadbeat dad.’

The transformation into the “other” social type is blurred by the introduction of good moral qualities that can be provided other than economic. In this situation the father has demonstrated circumstances of fatherhood beyond the provider role. The additional social aspects of father involvement can also compound the financial contribution for the child that can remain hidden and separate from child maintenance (Coley, 2001; Fabricius and Braver, 2003). This was also a concern for this father, as he had little money to pay for events, such as going out to the movies, limiting the types of activity that could be done. This example demonstrates what is rare within the default hearings. Interestingly, the MEP counsel stated that instructions were to request incarceration, but the master of chambers and MEP counsel could not justify the reasons in this case. The denunciation could not be complete because the man was a “father” above and beyond being an economic debtor. Thus the conditions necessary for the process of denouncing the debtor could not be completely accomplished because of other morally acceptable avenues of fatherhood beyond the role of provider.

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#### **4.5. Summary**

The father's strategies employed in the default hearing are based on attempts not to resist the labeling of "defaulter", but to state perceived "reasons" and "explanations" of why this label is not necessarily of their own doing. Thus, no discussion is made on how they have been good providers in the past, but to shirking responsibility of the situation that they are presently in. These fathers have attempted to repel a successful degradation by attempting to establish "...sense of accident, coincidence, indeterminism, chance...such measures should be inconceivable; at least they should be made false" (Garfinkel, 1956, p.422). The denunciation in the courtroom is successful because there is no attempt to defend against the social type other than circumstances and not on identity characteristics (i.e. a father who sees their children). However, the display by the one father who stated that he is not a "deadbeat" dad reveals how the moral indignation did not successfully denounce as he was more than just a "provider". In all, these fathers are placed in a position with little power within the courtroom and their defense is based upon strategies to prevent incarceration. In the default court hearing there is an imbalance of power between the institution of the courtroom and the men who attend, thus the men rely upon the small number of resistance strategies that are possible.

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## Discussion and Conclusion

The default hearing as a form of social control presents an interesting illustration of an institutional mechanism attempting to resolve a socially constructed problem. Against the conceptual backdrop of gender relations, specifically masculinities, an understanding of the father's actions and non-actions can be understood in relation to the institutional setting of the courtroom. Further, this is an example of how social interaction and the symbolic meaning of default hearings interpreted by the fathers affects them as non-law practitioners. The examples of men who attend default hearings, for the majority, represent the "worst" cases involved in the Maintenance Enforcement Program. Non-payment of child support presents an opportunity to understand the problem through the lens of gender relations because paying child support has by and large, been presented as a male problem. As such, investigation into the symbolic and power relations through the practice of gender offers an insight into a group that is marginalized.

For the most part, fathers in this study who attend default hearings vary according to socio-economic background. Yet, based on the courtroom observations and from the case archives a majority (10 of the 12 cases) is within "working class" or lower socio-economic groupings. Some fathers who have been recorded (as part of the divorce files) as achieving a higher socio-economic status assume the appearance in court of a lower socio-economic status. This is important in two aspects. First, "working class" masculinities may reflect the structured actions within the courtroom setting. Legally representing themselves places their experience within a framework of masculinities based upon their symbolic history of conflict with bureaucratic organizations attempting to constrain their working conditions (Connell, 2002). Thus the actions and non-actions available to these men are not constructive to the situation and

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more likely self-destructive (Furstenberg et al, 1992). Second, employment, as projected by these men in court is dynamic, fraught with uncertainty and contingencies. Questions directed to them concerning how much they make monthly were frequently responded to as 'it depends' based on the seasonal and economic dynamics of their employment. For some fathers in default hearings employment is transient based on the search for future work in their industry. There is disconnection between the enforcement rhetoric of the court and the fathers when this issue arises. Perception of enforcement is contingent on culturally accepted "salaried employee" status, which does not necessarily reflect the reality of those involved. For the default hearing it is 'how much can you pay now' and 'what do you make monthly' bringing forth the assumption of stable and static employment.

The Maintenance Enforcement Program and the court system are the designated institutions for social control over the non-payment of child support. The setting within this institution is reliant on the construction of a morally negative identity reflecting the societal importance of providing economically as the standard gender practice of fatherhood. The gender relations inherent in this institutional power framework reveals the masculine hegemonic practice of "man as provider", leaving some men without the criteria to be marginalized. This moral indignation is a process meant to transform and denounce the father into a particularly repulsive social type, the "deadbeat dad", through a degradation ceremony (Garfinkel, 1956), the default hearing. The process of this degradation is a structured, gendered construction of identities that falls upon the men as a "deadbeat" through the interactions of the fathers and law practitioners in the default hearing. However, the designated social type goes further than a "deadbeat", but a "debtor" through an economic relationship that effectively renders the child as a debt: a piece of property they have acquired and must pay for.

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The relationships constructed between “good provider” and “bad provider” reflect the larger cultural understanding of the moral responsibility of “providing”. Institutionally, default hearings and MEP are reflecting the cultural importance of the economic aspect of fatherhood, the “good provider”, “putting food on the table” and so forth. Christiansen and Palkovitz (2001) argue that the economic aspect of “providing” is not recognized as an act of nurturance of parenting because it is an “invisible”, taken for granted, part of fatherhood. However, this study demonstrates that providing economically is recognized and institutionalized with methods of social control when men are not “good providers”. The legislation for child support is an example of how salient “providing” is to the social construction of good fatherhood. Further, the different sets of data, particularly the content analysis of the Maintenance Enforcement Program website and the observations in the courtroom, demonstrate the overwhelming situation of maintenance or support as purely based on economics for the fathers and not something beyond that would be considered social or nurturing. This finding reflects other research (Arendell, 1992; Mandall, 2002; Furstenberg et al 1992) on child support programs being based purely on the “economic” father as a provider.

The default hearing as a process of degradation is not only within the courtroom itself, but through the structured power relations evident even before the courtroom is entered. MEP’s rhetoric typically involves aggressive questioning of the father, without the formal courtroom etiquette. This also occurs in the courtroom through the legally set economic discourse, ‘What is your proposal to pay this back?’. Typically, appropriate discourse is difficult within the legal setting as the majority of fathers represent themselves. Thus, the resistance strategies deployed by the fathers are a result of structured action based on a non-legal framework.

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This begs the question, “If the creation of the negative social type is successful, now what?” Based on the findings of this study, these fathers have been successfully denounced into a social type. The men do default on the child support payments and for a number of them attending default hearings multiple times seem to have little effect. Essentially, the social construction in response to this problem is not working if these men do not pay. This is contrary to other studies (Chambers, 1979; Beller and Graham, 1993) that demonstrate social control “deterrence” strategies, such as incarceration and garnishment of wages, produce a positive affect on compliance. The men in this study reflect an employment history riddled with inconsistency, underemployment or jobs that do not help to contribute to the payment of child support. The court system and MEP have been effective in the “shaming” of these individuals as “bad providers”, but these men still do not pay. In this study, there is no process of reintegration (Braithwaite, 1989) to resolve the problem once these men have been labeled. When the label of “bad provider” has been made, further steps need to be taken to resolve the payment of child support through a reintegration of these men from the “shaming” process (Braithwaite, 1989). Reintegration will provide an avenue to introduce those fathers that need it back into legitimate, consistent employment and “good provider” status.

Some child support programs, such as Parent’s Fair Share Demonstration (Furstenberg et al 1992; Bloomer, Stipe and Ruedt, 2002) may be considered as a “reiterative” (Braithwaite, 1989) process of fathers who fail to pay child support. Based upon certain criteria this initiative recognizes that enforcing child support payments does not necessarily provide a solution to child poverty. In this light a proactive approach is needed in upgrading and (re)education for better employment for those who qualify, essentially assisting fathers so that child support payments can be met. This is structured under the realm of “man as provider” and is congruent with the present

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system of the economic means of child support. There is yet, to the knowledge of the principal researcher, no research based on providing fathers with programs assisting other more social aspects of parenting.

### **5.1. Final Thoughts**

This study encompassed different sources of data to help understand the question, who are the “worst” cases of non-payment of child support? Further, this study was an investigation into one aspect used by the enforcement agencies, the default hearing, as a method of social control. Research focusing on default hearings is important as they represent a “last stand” for the court system and for MEP. A better understanding of the default hearings provides a discussion into the effectiveness of its use as a form of legal control over deviant behavior. Lumping all men who “willingly” attend default hearings into one group potentially oversimplifies the social dynamics at work. Enforcement is effective against those who can pay, but not necessarily those who cannot (Bartfeld and Meyer, 1994).

The default hearing represents a significant institutional attempt to implement social control over a violation of a social norm, providing for one’s children. behavior. Non-payment of child support easily arouses institutional support for the fight against child poverty. Conversely, this approach has been criticized as an attempt to reduce taxes and ensure the poor support themselves (Millar and Gauthier, 2002) As such, the default hearing, as a strategy, has framed itself in the form of a degradation ceremony. There is nothing wrong with rectifying child poverty and this should be championed, however for effective change to occur deeper understanding is required of these men who are marginalized by the system. This form of institutionalized control does not necessarily assist in the fight against child poverty. As this study reflects, both directly and indirectly, the institution helps to create an “economic” entity of child support through

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the symbolic rhetoric of the child as a debt and the father as the “debtor”. Consequently, the focus of child support – the child – becomes lost in the “payments”.

The exploratory description presented in this study opens many avenues for further research. Of particular note, the difficulty in recruiting fathers who are “worst” cases has been highlighted. Previous research reveals a (de)construction of fathers’ identity as non-payers of child support based on subjectivities of “victim” and “father rights” rhetoric (Arendell, 1992; Mandell, 2002) in defence against a stigmatizing label of “bad father” or “deadbeat dad”. A comment by Mandell (2002) is applicable in this respect suggesting that we may learn a great deal more from men who do pay child support than those who do not. How do these men (de)construct identities as fathers, providers, parents, etc. in relation to paying child support? This target population may be easier to access than non-payers and may provide some insight, indirectly, to those who do not pay. Findings based on this approach could be fruitful to future policy-making initiatives.

Beyond the confines of fatherhood within this study an expansion into the daily relations of fatherhood could be another avenue of investigation. The importance of the “economic provider” as a societal relational force within masculine identity needs to be explored further. Research into daily, mundane, relational construction of fatherhood as an identity would uncover how relations between structures of gender are salient in the construction of fatherhood as an identity. Some research on fatherhood roles (Minton and Pasley, 1996) or father involvement (Pleck, 1997; Marsiglio et al, 2000; Braver and Griffin, 2000) exist but further investigation is needed without the restrictions of role theory and the singularity of father involvement, with an emphasis on the dynamics of relational social change embedded in both institution and individual. This is necessary

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because of the importance to understand fatherhood beyond a singular formation, the provider, as part of the fatherhood identity.

The findings from this pilot study are meant to provide an open flow for discussion into further research in child support issues. An understanding of the difficult, inter-relational aspects of fathers who are “worst” cases needs perspective from the father’s perceptions. This approach will, in turn, assist social workers, administrators and legislators in their assessments of cases. By understanding the rhetoric and subjective meanings by fathers who are difficult cases of child support, better social programming can assist in rectifying this stated social problem.

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## Appendix A



Dear Sir,

My name is Christopher Drozda and I am a researcher with the University of Calgary. I am working on a project funded by the **Men's Educational Support Association (MESA)**, a non-profit organization that helps fathers and non-custodial parents who are affected by the consequences of family breakdown. I am currently attempting to recruit participants who have experienced difficulty with child support payments to interview for this project.

The focus of the project is to gather the experiences of fathers in an effort to better understand the situations faced with family, friends and the court system relating to child support payments. This project wants to hear your personal experiences in your own words.

If you decide to become a participant in this project the only requirements from you are: one interview lasting approximately one to one and a half hours asking about the experiences you have faced. This interview will be done at your convenience at a location by your own choice. This interview will be tape recorded and transferred into a written document. You have the choice to not answer any questions in whole or in part in that are given to you and you have the choice to stop the interview at any time. If you choose to withdrawal from the interview your taped recording can be destroyed at your request.

The concern of keeping your interviews confidential is of the up-most importance for this project. Any identifying details that are acquired from the interview process will be deleted from the written documents to ensure no identifying information can be linked to you. Further, the tape recorded interviews and the written documents produced by them will be secured at a location accessed only by the research associate and the principal investigator. Once the taped recordings have been changed into written form the tapes will be destroyed to protect your identity.

At the end of the project a copy of the research findings may be forwarded to you at your request.

**If you wish to participate in this study, or have any questions concerning the project, please do not hesitate to contact us at:**

Christopher Drozda: Research Associate, Men's Educational Support Association

Phone: 815-2760 or 228-6366

Email: [cdrozda@shaw.ca](mailto:cdrozda@shaw.ca) or

Dr. R.A. Stebbins: Principal Investigator, University of Calgary

Phone: 220-5827

Email: [stebbins@ucalgary.ca](mailto:stebbins@ucalgary.ca)

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**Consent to Participate  
For the Participant,**

**The Purpose of the Study**

*This study attempts to document father's experiences as a father, experiences with child-support, child access and post divorce/separation in the words of the individual. This study wants to know individuals feelings and thoughts, emotions before and during this experience. Your participation will increase the understanding of the circumstances that fathers face with child support payments.*

**To the Principal Investigator,**

*I acknowledge volunteering for the research project and I consent to my participation. I am aware of the procedures of the research project as outlined in the copy of the recruitment letter I have been given. Any questions or concerns I may have addressed to the principal investigator have been answered to my satisfaction.*

*I understand that I do not have to answer any questions in whole or in part in this study. I realize that I can leave the study at any time at my discretion. I have been informed that my confidentiality will be assured to the best ability of the principal researcher and that no information will be released in printed form that would reveal my identity or of my family. I have been informed that this procedure is in conjunction with the University of Calgary Ethics Standards.*

*I hereby consent to participate in this study,*

*Signature:*

*Date:*

Mr. Christopher Drozda, Research Associate  
Department of Sociology  
(403) 815-2760

Dr. R.A. Stebbins, Principal Investigator  
Department of Sociology  
220-5827

***Please Retain a Copy for Your Records***