

**Invisible Work, Power, and Money: Gender Inequality in Shared Parenting within Child Custody Arrangements**

by

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A dissertation submitted in partial fulfillment  
of the requirements for the degree of  
Doctor of Philosophy  
(Sociology)  
in the University of Michigan  
2023

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## **Dedication**

To myself, my daughter, and my family.

To all women who have been victimized by the patriarchy.

## **Acknowledgements**

The completion of this dissertation and doctoral degree would not be possible without the professional and personal support from other women who have uplifted me and my research. Firstly, I would like to thank and acknowledge Karin Martin, my faculty advisor and dissertation chair. Karin has been fundamental throughout this academic journey. She steadily led me with kindness, patience, wisdom, and expertise, as her other mentees would concur. I have learned immensely from Karin, which I am grateful for. Without her, this dissertation and degree would not be possible. A brief section cannot comprehensively capture her generosity and impact. Thank you for consistently guiding me in the ways that I needed!

I would also like to thank my dissertation committee members who collectively propelled my work forward. Erin Cech was influential to my development as a scholarly writer and thinker. From her, I learned elided expectations of a journal article: for example, the funnel, conceptualizing, and setting up an argument. Elizabeth Armstrong was especially encouraging during the job market. She provided me with a morale boost and encouraged me to pursue a professor position in my desired location. Katie Richards-Schuster underscored the relevance of my work and its contributions to feminist theory. Thank you all for your invested feedback on my dissertation!

My professional work would not be possible without the personal support of my family, mentors, and colleagues. Feminism had always been brewing inside me, but becoming a mother was the most impactful event of my life. It was the springboard to my intellectual passions and

pursuits. My daughter, Ysela, is a self-assured and assertive girl—traits I aspire to embody. Thank you for inspiring me, understanding that I “work too much,” and boasting about my professional accomplishments. My mother, Sandra, has cared for my daughter like her own. Her childcare support was vital to my advancement throughout the program so that I could successfully meet my deadlines and milestones on time.

Women of color mentors have carried me forward as I dissertated. To my therapist: Thank you for pushing me to see myself as I really am—you have encouraged me to acknowledge my wonderful attributes and embrace my strengths! Your therapeutic and professional experience has kept me level-headed throughout the years. To my attorney: Thank you for centering my daughter’s well-being, providing your legal support, and extending your mentorship over the years.

At the University of Michigan, I had the privilege of connecting with like-minded scholars. More specifically, I began graduate school with three intelligent Black women in my cohort. My scholarly trajectory was strongly influenced by the department’s gender and sexuality workshop and my colleagues’ instrumental feedback. I was also fortunate to have a network of advisor siblings (past and present) who shared their experiences in the field with me. Finally, I am grateful to the lecturer at UC Berkeley who encouraged me to apply to Michigan.

The acknowledgments above pay tribute to women’s labor contributing to my dissertation. It is not exhaustive list of all who have supported my journey. I see you and appreciate you, too.

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## **Abstract**

Most parents in the U.S. are raising children outside the romanticized heteropatriarchal, nuclear family—56% of children are growing up outside of two parent households in their first marriage (Livingston 2014). Yet I argue that the legacies of foundational feminist theories and extant sociological research on families have largely neglected the division of caregiving work in diverse contemporary family forms. One growing branch of contemporary family forms is shared parenting in child custody arrangements. The Office of Child Support Enforcement served 14.7 million children in 2018. Drawing on qualitative data of in-depth interviews with 50 parents, this dissertation explores how child custody agreements translate into daily life and what happens to the gendered division of parenting work in these separated family forms.

The first study of this dissertation presents the theoretically expansive concept of the “custody load.” In the context of family separation, the custody load is the invisible, distinct mechanisms necessary to manage practical logistics of state-sanctioned shared parenting rooted in the legal compulsory involvement of biological fathers. I find that mothers coordinate care between households, ensure court-promoted paternal participation, and compensate for fathers’ (lack of) caregiving labor. Further, Black mothers’ custody load is made heavier by state racism fathers face. This study underscores how macro-level shifts in culture and law toward gender neutrality can obfuscate that gender inequality is exacerbated in micro-level experiences within the family—in short, increased father involvement does not equate to fair care.

The second study of this dissertation offers the term “power moves” to analyze the interactional mechanisms parents deploy to exert (or deflect) influence over each other. I find that fathers primarily exercise power moves over mothers utilizing physical and legal custody as mechanisms to prioritize their own paid or leisure time and avoid invisible work associated with decision-making. Further, Black parents’ interactions are more challenging due to experiences of racial bias in the family court system. This study illuminates the interactional process of power in the family by situating micro-level experiences of inequality within macro-level changes that purport gender equality while reconstituting patriarchy.

The third study of this dissertation conceptualizes “invested mothering” to explain how state structures uphold the breadwinner-caregiver dichotomy by obscuring that financially providing has been integrated into caregiving under state-mandated child support. I find that the onus is on mothers to secure financial resources for children’s basic and enrichment needs through invisible, paid, and relational work strategies. Low-income Black mothers deploy adaptive strategies of self-reliance and are on the receiving end of fathers’ misdirected frustrations. This study highlights that legal and cultural expectations of women’s caregiving have been reconstituted to incorporate financial provision, collapsing the public and private sphere into each other—which are often in conflict—within an androcentric social landscape.

Collectively, these dissertation studies lean on an intersectional lens to mirror the experiences of contemporary U.S. parents vis-à-vis interlocking systems of gender, social class, and race. More specifically, the findings underscore that child custody arrangements adjudicated utilizing gender-neutral family laws ignore and obfuscate entrenched social gender expectations resulting in an unequal playing field day in and day out for mothers contending with interactions of invisible work, power, and money. Low-income Black mothers are the most disadvantaged in

these shared parenting arrangements due to sexism, historical economic inequality, and systemic racism. Child custody arrangements buttress patriarchy.

## Chapter 1 Introduction

“Care practices beg decisions about who does what, and illuminate that caring is not only Political (happening at the institutional level), but political, occurring in everyday life and decisions.” (Tronto 2015:11)

Family is a central site of gender inequality. As the primary segment of private social life, family provides members with care. This care often occurs outside the purview of the law reflecting the privatized, patriarchal construction of family based on blood ties (Lewis 2021). Family members’ well-being and development is contingent on everyday care work—care work that has been essentialized as “women’s work” and is unpaid, undervalued, and unsupported. Further, family life and care work does not exist in a vacuum—it is influential to and influenced by the public sphere and experienced by women as a location of unequal power.

Over the past 40 years, feminist sociological theorists have documented how women have shouldered the lion’s share of family caregiving labor including the housework and childcare, despite their increased participation in the paid labor force (Hochschild 1989; Lachance-Grzela and Bouchard 2010). Beyond physical manifestations of care labor, scholars have also explored the invisible (Daniels 1987), emotion (Erickson 1993), and kinship (di Leonardo 1987) work that women contribute to family life. Recent extensions of this scholarship have focused on how women manage the household through the unique dimension of cognitive labor which entails anticipating, identifying, deciding, and monitoring household needs (Damingler 2019). The unequal division of caregiving labor emanates into the dominion of parenting. Social ideologies posit mothering as an all-consuming, time-intensive, child-centered process whereby mothers are expected to prioritize their children’s needs and are held solely responsible for their children’s

well-being (Hays 1996). Children's future financial security as adults also relies on mothers' strategies and investments in a precarious economic social landscape (Cooper 2014; Lareau 2012; Nelson 2010; Villalobos 2014). Thus, feminist work illuminates gender inequality in the home.

Yet theorization on the unequal division of household labor has myopia on women's contributions in contemporary family forms (Pfeffer 2010). The mythical heteropatriarchal, nuclear family has been culturally and epistemologically reinforced as the default, desirable family structure in the U.S. with social scientists pathologizing and documenting detrimental effects on children who are raised outside of this family form (Smith 1993). However, this paradigm of research ignores that the traditional nuclear family has been historically elusive with the 1950s representing an aberration from a diversity of family models (Coontz 2000 [1992]). Most parents in the U.S. are raising children who are growing up outside of two parent households in their first marriage (Livingston 2014). Family scientists have, thus, advocated for a new conceptual model that utilizes a critical intersectional lens to integrate structural racism and heteropatriarchy as macro-level factors conditioning family structure (Cross et al. 2022).

Although recently emerging in family science, Black feminist intellectuals over the last four decades have advocated for an intersectional lens that analyzes race, class, and gender as interlocking (Crenshaw 1989; Collins 1990, 1998; Few-Demo 2014). More specifically, Black women's standpoint reveals a legacy of struggle against racism and sexism that has shaped Black mothering experiences (Collins 1990; Dow 2019b). Further, an intersectional lens bolsters Black women's productive and reproductive experiences in relation to restructures in the state and economy (Brewer 1999). In the face of economic inequality and stereotypes of poor, single Black mothers on welfare, "good" African American mothers are expected by their communities to be self-reliant and self-sufficient as adaptive strategies, particularly to seek middle-class status (Dow

2019a, b). As Black men face discrimination in the workforce due to systemic racism, Black women are left with the family care work within the context of little state support (Brewer 1999; Pager 2003; Pager and Pedulla 2016).

Taken together, these bodies of work demonstrate the scholarly imperative to explore the division of care work in contemporary family forms utilizing an intersectional analysis lens to understand women's continued contributions to contemporary U.S. families. Nested at this intellectual juncture, my dissertation study draws on in-depth interviews and a short demographic survey with 50 diverse parents who had a current child custody court order as an empirical case to explore how parenting work is performed and experienced in diverse shared parenting arrangements.

## **Background and Significance**

With 56% of children growing up outside of two parent households in their first marriage (Livingston 2014), child custody arrangements provide scholars with an empirical case of shared parenting in contemporary family forms. The proportion of separated families that go through a custody negotiation is unclear ranging from estimates of 50% to 5% (Kelly 2006:40; Mason 1994:121). Still the Office of Child Support Enforcement served 14.7 million children in 2018. Child custody, which is governed by individual states, determines a child's residence (physical custody), parents' time with the child (parenting time), authority to make legal decisions (legal custody), and financial responsibility (child support) (Waller 2020). Over the last 50 years, child custody laws in the U.S. and other Western countries have become gender-neutral, emphasizing children's access to contact with both biological parents as "the best interest of the child" with preference for equally shared time (DiFonzo 2014; Dowd 2000). Legal changes that award fathers with more custodial rights coincide with fathers spending more time with their children compared

to previous generations—for example, divorced men vocalize cherishing their roles as fathers more after separation (Andreasson and Johansson 2017). Men are culturally rewarded for being “hands-on” parents (Milkie, Nomaguchi, and Schieman 2019).

Courts idealize a cordial separation between parents leading to a continuation of shared parenting (van Krieken 2005). Parents are viewed as an “egalitarian project” and treated as interchangeable with biological fathers’ desire for custody prioritized over their history of actual behaviors (Elizabeth, Gavey, and Tomie, 2012a; Tolmie et al. 2010). However, gender-neutral legislation ignores existing structures of gender inequality. As Pease (2019) notes, “The language of gender equality is often couched in terms of treating men and women equally within a patriarchal framework” (p. 33). Thus, rather than allow for a clean break, post-separation parenting via child custody arrangements forces mothers into a continued relationship with their children’s father (Elizabeth, Gavey, and Tolmie 2012b). As Elizabeth and colleagues explain (2012b), “the good postseparation mother is evaluated almost solely in terms of her willingness to support father contact” (p. 462) due to family law’s pro-contact rules and the expectation of cooperative parents (Rhoades 2002).

Women have been found to encourage the father-child relationship post-separation regardless of paternal economic contribution (Nixon and Hadfield 2018); yet mothers continue to be labeled as gatekeepers or accused of parental alienation when they express concerns of fathers’ parenting abilities (Elizabeth, Gavey, Tolmie 2010; Fineman 2001; Rhoades 2002; Sano et al. 2008). This research renders visible the invisible care work mothers enact for children’s safety, well-being, and development under state-mandated shared parenting without state support while guarding against assumptions about mothers as prohibitive of father involvement. For divorced and never married mothers, the public sphere and private sphere collapse into each other as their



caregiving responsibilities also now integrate managing bureaucratic regulation, navigating power-laden interactions, and being primary breadwinners—all within a landscape of gender inequality.

## **Summary of Articles**

This dissertation is composed of three freestanding chapters (Chapters 2, 3, and 4). Each chapter is an individual study and delineates its theoretical framework, methodology, findings, and conclusion. I draw on parents' lived experiences and interpretations of their perceived shared parenting relationships to investigate the following overarching research questions: 1) How do child custody agreements translate into daily life? 2) What happens to the gendered division of parenting work in separated family forms?

Below, I provide a broad overview of each individual chapter and how they interrogate gender inequality in contemporary U.S. family forms utilizing an intersectional lens. The chapters zoom into parents' everyday experiences to elucidate the distinct invisible work required to enact child custody arrangements, unequal interactions of power during informal negotiations, and the collapse of financial provision into caregiving responsibilities.

The first study of this dissertation (Chapter 2), entitled “The Custody Load: Invisible Work and a Stalled Revolution in Child Custody Arrangements” (awarded as the winner of the 2022 Sally Hacker Graduate Student Paper Award by the American Sociological Association), examines gender differences in perceived parental styles and traditionally feminized responsibilities. I present the theoretically expansive concept of the “custody load” to untangle distinct mechanisms of invisible work that mothers are burdened with to manage practical logistics of state-sanctioned shared parenting. I find that mothers coordinate care between households, ensure court-promoted paternal participation, and compensate for fathers' (lack of) caregiving labor. For low-income

Black parents, the custody load is made heavier by state racism. This study underscores how macro-level shifts in culture and law towards gender neutrality can obfuscate how gender inequality is exacerbated in micro-level experiences within the family. In other words, gender equity and gender equality are not the same.

The second study of this dissertation (Chapter 3), entitled “Power Moves: Theorizing Gendered Power at the Interactional Level in Post-Litigation Child Custody Arrangements,” uncovers how power is exercised in informal negotiations after child custody litigation. I offer the “power moves” term to analyze the interactional mechanisms parents deploy to exert (or deflect) influence over the other parent. I find that fathers primarily exercise power over mothers utilizing physical and legal custody as mechanisms to prioritize their paid or leisure time and avoid invisible work associated with decision-making. Black parents must also consider the role of institutionalized racism in family law within their interactions. This study illuminates the interactional process of power in the family by situating micro-level experiences of inequality within macro-level changes that purport gender equality while reconstituting patriarchy.

The third study of this dissertation (Chapter 4), entitled “Invested Mothering: An Intersectional Analysis of Mothers’ Feminized Breadwinning Strategies Under State-Mandated Child Support Arrangements,” explores how parents financially provide for children under state-mandated child support. I conceptualize “invested mothering” to explain how state structures uphold the breadwinner-caregiver dichotomy by obscuring how mothers typically serve in the role of both primary caregivers and financial providers. I find that the onus is on mothers to secure financial resources for children’s basic and enrichment needs through invisible, paid, and relational work strategies. Low-income Black mothers are the most disadvantaged who contend with low-income Black fathers being confined to the margins of the paid sphere. This study demonstrates

that legal and cultural expectations of women's caregiving have been reconstituted to incorporate financial provision, collapsing the public and private sphere into each other—which are often in conflict—within an androcentric social landscape.

Together, these dissertation chapters expand sociological knowledge on the influence of macro-level changes on micro-level experiences. More specifically, I explore how seemingly gender-neutral structures of culture, law, and paid work that encourage paternal participation reproduce and reconstitute gender inequality, rather than dismantle it. The individual studies collectively lend insight to how mechanisms of unequal divisions parenting tasks that day in and day out burden mothers: i.e., the custody load, power moves, and invested mothering. Without this dissertation research, mothers' contributions to shared parenting arrangements are obfuscated and remain implicitly assumed resulting in women's loss of time, energy, power, and money—in addition, children are positioned in precarious arrangements where their safety, well-being, and development are vulnerable.

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## **Chapter 2 “The Custody Load: Invisible Work and a Stalled Revolution in Child Custody Arrangements”**

### **Abstract**

A lineage of feminist sociological theories on the gendered division of household labor and invisible work in married and cohabiting households frame how entrenched gender expectations persist in parenting despite opportunities for change. I argue that it is scholarly imperative to examine how parents are raising children outside of the elusive heteropatriarchal, nuclear family. Drawing on in-depth interviews with 50 U.S. parents, this article introduces the theoretically expansive “custody load” concept. In the context of family separation, the custody load is the distinct labor, constituted of invisible mechanisms, necessary to enact state-sanctioned shared parenting rooted in the legal compulsory involvement of biological fathers. An intersectional analysis suggests that mothers compensate for caregiving labor, promote paternal participation, and coordinate care between households. This study offers sociologists an opportunity to underscore how macro-level shifts in culture and law towards gender neutrality can obfuscate that gender inequality is exacerbated in micro-level experiences within the family—in short, father involvement does not equate to fair care.

After three decades, the stalled revolution continues to garner sociologists' imagination (Hochschild 1989). Today's women shoulder more than twice the amount of housework than men, despite their increased participation in paid work (U.S. Bureau of Labor Statistics 2021). Beyond physical household labor, classic feminist studies have elucidated that women perform invisible work (Daniels 1987) for the family including emotion work (Erickson 1993). The recent theory of cognitive labor demonstrates how women manage the household by anticipating, fulfilling, making decisions, and monitoring family needs (Daminger 2019). Within the stalled revolution, father involvement is culturally and legally promoted. Fathers are spending more time with their children compared to previous generations (Milkie, Nomaguchi, and Schieman 2019). Yet I argue that existing literature neglects the empirical reality of diverse contemporary family experiences in the U.S. beyond the heteropatriarchal, nuclear family.

With 56% of children growing up outside of two parent households in their first marriage (Livingston 2014), child custody arrangements provide scholars with an empirical case of shared parenting. Gender-neutral family laws assert that it is in children's best interest to maintain a relationship with both biological parents (Nielsen 2018). Thus, mothers may find themselves sharing custody although being sole or primary caregivers prior to divorcing or separating. Macro-level emphases on fathers' increased involvement and documented micro-level experiences of gendered division of household labor present an intellectual puzzle: How do parents report perceived parental responsibilities in shared parenting? Do custody arrangements produce distinct gendered parenting work? To shed light on how custody agreements translate into daily life, I introduce the "custody load" concept which renders visible the invisible work that mothers perform in shared parenting.

I define the custody load as distinct mechanisms, often requiring cognitive labor, necessary to enact state-sanctioned shared parenting. Drawing on in-depth interviews with 50 U.S. parents, I posit that mothers are burdened with the custody load to (a) coordinate care between households, (b) promote paternal participation, and (c) compensate for caregiving labor due to bureaucratic regulation rooted in the compulsory involvement of biological fathers. Examples of custody load tasks include sending allergy friendly foods to fathers' parenting time, keeping fathers informed via shared parenting applications, and securing continuity between households. Low-income Black parents traverse a unique custody load as they contend with state racism and structural inequality against Black fathers creating distinct emotions. The custody load differs from gendered family labor processes in married and cohabiting households because it reflects the labor necessary to bridge two households that have often reached an adversarial point but are required to remain connected under state-mandates that assume gender-neutral, cordial, collaborative shared care.

The custody load is subtle in nature and often goes unnoticed, assumed, and undervalued by the state, society, and parents themselves. Mothers would ideally be relieved of parenting duties during fathers' court-ordered parenting time. Yet I find that the court-ordered shared parenting adds a layer of invisible labor to mothers' plates. Mother's contributions are obfuscated, and gender inequality is reconstituted rather than dismantled by family laws that purport to be gender neutral (Randles 2018). This study offers sociologists an opportunity to punctuate how the gendered division of household labor remains a key mechanism contributing to the stalled revolution.

## **Background**

### *Theorizing the Unequal Division of Household Labor*

Extensive research over the last decades has looked at the unequal division of household labor in U.S. married and cohabiting heterosexual families despite women's increased labor force



participation (Bianchi et al. 2012; Daminger 2020; England et al. 2020; Gerson 2011; Lachance-Grzela and Bouchard 2010; Pailhé, Solaz, and Stanfors 2021), which is also known as the “stalled revolution” (Hochschild 1989). This line of feminist research was extended into “invisible work” (Daniels 1987) in the household, and classic studies documented the gendered unpaid, undervalued work women perform in the private sphere, such as nail clipping (Deutsch 2000), meal prepping (DeVault 1991), kinship work (e.g., letters, cards, presents) (diLeonardo 1987), and emotion work (Erickson 1993). Among married or cohabiting heterosexual parents, 74% of mothers and 55% of fathers report that mothers do more to manage their children’s schedule and activities (Barroso 2021).

### *Cultural Ideologies of Involved Fatherhood*

Fatherhood over the last few decades has taken on new cultural meanings. Fathers report that they view parenting as central to their identity and express wanting to spend more time with their children (Milkie, Nomaguchi, and Schieman 2019). Married heterosexual fathers are performing more childcare than before (Perry-Jenkins and Gerstel 2020), and divorced men vocalize cherishing their roles as fathers more after separation (Andreasson and Johansson 2017). Whereas fathers were previously expected to be stoic financial providers and sometimes encouraged to be playmates, today’s “good” fathers are concerned with being involved and hands-on, as well as providing emotional support to their children, with cited positive benefits to children (Dowd 2000; LaRossa 2016; Miller et al. 2020; Schoppe-Sullivan and Fagan 2020). Social initiatives have promoted father nurturance with the aim of developing healthier bonds and involvement with their children (Marsiglio and Roy 2012).

Although this parenting model has been mostly accessible to upper- and middle-class men, Randles (2018) theorizes “hybrid fatherhood” to demonstrate how U.S. government funded

“responsible fatherhood” programs have also reshaped the definition of heterosexual fatherhood for low-income men, who are unable to fulfill the breadwinner role. Hybrid fatherhood highlights how low-income fathers are encouraged to share more emotional expressiveness with their children. Thus, across all spectrums of social class, fathers are encouraged to partake in their children’s rearing with a focus on emotional support.

### *The Persistence of Gender Inequality in Parenting*

Despite cultural changes in understandings of fatherhood, heterosexual fathers continue to be shielded from daily parenting tasks because of entrenched gender expectations, particularly around paid work (Petts, Knoester, and Li 2020). When there is tension in the division of parenting, fathers’ attitudes and commitment to work tend to win (Naldini and Solera 2018). For example, in a study on divorced heterosexual Swedish fathers with joint physical custody, Andreasson and Johansson (2019) find that even though fathers subscribed to egalitarian views and wanted to operate in a gender-equal manner, they were unable to embody these ideals due to tensions with job demands, along with new relationships and social policies. Further, as Randles’s (2018) analysis on hybrid fatherhood provides, even when breadwinning is removed from the equation, masculinity is shifted to include emotional closeness rather than to dismantle gender inequality and hold men accountable for care labor. Political discourse reconstitutes patriarchy by allowing men to maintain their masculine identities rather than challenge the gendered division of parenting. In marriage and shared parenting, fathers across social class lines are considered “mother’s helpers” who have a choice of when to be involved, whereas mothers’ caregiving is expected to be guaranteed (Wall and Arnold 2007).

Cultural ideologies of intensive mothering also continue to place an exorbitant amount of responsibility on women’s shoulders across all social classes to prioritize their children's needs

above all aspects of their own lives even when committed to paid work, including the responsibility processes of identifying and meeting children's needs (Craig 2006; Doucet 2015; Hays 1996; Randles 2021)—resulting in stressors for mothers further complicated by identities such as social class and race and ethnicity (Nomaguchi and Milkie 2020). In an emerging branch of social science research, mothers have been observed to be mentally responsible for their children and family's organization even when not physically present to carry out tasks (Christopher 2012; Ciciolla and Luthar 2019). Mothers are the “designated worrier” in charge of coordinating their children's lives and delegating day-to-day caregiving to others (Cooper 2014:130).

Scholars have theorized the understudied phenomenon of women planning, organizing, and managing their family's everyday activities as mnemonic work (Ahn, Haines, and Mason 2017), mental labor (Robertson et al. 2019), and cognitive labor (Daminger 2019, 2020). Sociologist Daminger (2019, p. 610) offers cognitive labor as a new systematic category of non-physical, mental activities to include “anticipating needs, identifying options for filling them, making decisions, and monitoring progress.” Even in the most egalitarian arrangements, cognitive labor has been theorized to result in gendered pressure for mothers through experiences of stress due to denser cultural expectations of housework responsibilities placed on women, making tasks less enjoyable for women than for men (Milkie, Wray, Boeckmann 2021; Offer 2014).

### *Contemporary Legally Separated Family Forms*

The research on the division of household labor in married and cohabiting households largely overlooks but also opens the door to investigate contemporary households. Child custody, governed by the state, determines a child's residence (physical custody), parents' time with the child (parenting time), authority to make legal decisions (legal custody), and financial responsibility (child support) (Waller 2020). The proportion of separated families that go through

a custody negotiation is unclear ranging from estimates of 50% to 5% (Kelly 2006:40; Mason 1994:121). Current data demonstrates that 5.4 million parents were served by the Office of Child Support Enforcement, which is often tied to child custody (Grall 2022).

Over the last 50 years, child custody laws in the U.S. and other Western countries have become gender-neutral, emphasizing children's access to contact with both biological parents as "the best interest of the child" with preference for equally shared time (DiFonzo 2014; Dowd 2000). Prior, mothers during the mid-twentieth were automatically awarded custody based on gender (Kelly 2006). Legal feminist scholars advocated for gender-neutral family laws intending for egalitarian relationships and involved biological fathers (Fineman 2001); the Fathers' Rights Movement also argued that courts were biased in favor of mothers (Hodapp 2017).

As a result, courts now idealize a cordial separation between parents leading to a continuation of shared parenting (van Krieken 2005). Parents are viewed as an "egalitarian project" and treated as interchangeable with biological fathers' desire for custody prioritized over their history of actual behaviors (Elizabeth, Gavey, and Tomie, 2012a; Tolmie et al. 2010). Mothers who express worries about fathers' parenting abilities are labeled as gatekeepers (Fineman 2001; Rhoades 2002; Sweet 2019). With family law's overarching goal to involve both biological parents in the upbringing of a child, the U.S. is seeing a trend of increased joint physical custody, especially among middle and upper-middle class parents who have the resources to navigate custody (Nielsen 2018). Emerging literature in the field highlights that high-income parents are more likely to be divorced and have shared custody; whereas low-income parents are more likely to be never married or previously cohabiting, Black, and prefer informal agreements due to distrust in the state (Waller 2020; Waller and Emory 2018).

Nascent research demonstrates that equal legal access to children through custody arrangements does not result in an equal division of parenting. As Smart and Neale (1999, p. 46) foreshadowed, “Pre-divorce parenting may be a poor preparation for post-divorce parenting, and the skills, qualities, and infrastructural supports required for the former may be rather different to those required for the latter.” Lacroix (2006) found that separated parents’ attitudes regarding responsibility remained highly gendered with mothers’ participation guaranteed and fathers’ responsibility treated as a choice, but this inequality was obscured by the illusion of equally sharing custody. Similarly, Tolmie and colleagues (2010) found that women are still assumed to perform a majority of the physical, emotional, and financial parenting without proper formal recognition, authority, and financial support. More recently, Davies (2015) discovered that shared parenting reproduces unequal gender relationships and requires economic capital. To my knowledge, scholars know very little else about how parents share parenting, including unique invisible work, after custody litigation when parenting roles have been legally determined.

In the findings below, I extend existing scholarship by discussing how mothers in child custody arrangements have additional parenting tasks than their men counterparts geared toward coordinating care between households, ensuring children’s well-being and safety between homes, and engaging paternal participation, which I call the custody load. Without this work, researchers, policymakers, the courts, and parents are ignoring women’s on-going contributions to sustaining families, men, and children.

## **Method and Data**

In this article, I draw on qualitative data from a larger study that explores how child custody agreements translate into daily life and what happens to the gendered division of parenting work in separated family forms. This research study examines parents’ evaluations of one another and

mechanisms through which gender inequality is sustained. More specifically, I ask: How do parents report perceived parental responsibilities in shared parenting? Do custody arrangements produce distinct gendered parenting work?

### *Recruitment*

The inclusion criteria for the larger study were: (1) parents who (2) had a current child custody court order for at least one minor child (3) under jurisdiction of the state of Michigan. This study received approval from the corresponding institutional review board. The sample for this study was recruited with the goal of reaching a diverse population utilizing hard-copy and electronic flyers. Flyers were mailed across the state (e.g., Friend of the Court county offices, Head Start programs, and attorney firms); distributed in person in Southeast Michigan at locations parents would frequent (e.g., public libraries, doctors' offices, the health department, laundromats, cafes, restaurants, and churches) and a local low-income community (e.g., public schools, job training programs, and community engagement organizations); and uploaded online to Craigslist, Instagram, and Facebook (e.g., moms' groups, dads' groups, and fathers' rights groups).

The flyer invited divorced, never married, and remarried parents in the state of Michigan to be part of a sociology research study and, "Have a *confidential* conversation about how you share parenting work with your child's other parent." The study was described to take one to two hours at a place convenient to the participant, include a survey and interview, and provide a participant incentive upon completion of the study. Participants provided consent to participate and be audio-recorded via a written consent form, and they had an opportunity to ask any questions prior to participating. At the end of the interview, I discussed with participants the option to recruit the other parent into the study, but none did nor did not make this a requirement due to concerns

over violence, power differences, and contentious relationships (Elizabeth, Gavey, and Tolmie 2012; Waller, Dwyer Emory, and Paul 2018).

### *Procedure*

This study utilized an in-depth interview and short demographic survey. I conducted all the interviews (M = 68 minutes) in-person (n=38), unless respondents resided over two hours away (n=7) or were interviewed during the COVID-19 pandemic (n=5) with fourteen different counties represented in the sample. I asked participants structured, open-ended questions, with probes as necessary for clarification and expansion, about their relationship with the child's other biological parent, how they shared parenting responsibilities with the other parent under the order, the emotional impact of their court case, and any closing thoughts. I also provided participants room to narrate parts of their story they found significant to preserve conversational flow. The short survey asked demographic questions about the parents, children, child custody court order, child support court order, and caregiving work (i.e., grooming, education, health, and emotional support). Parents and children have been given pseudonyms to protect their privacy.

### *Participant Characteristics*

The data for this study come from 50 heterosexual parents who had a current child custody court order in the state of Michigan. Twenty-four participants (48%) identified themselves as White, 15 (30%) as Black, 5 (10%) as Latinx, 1 as Asian (2%), and 5 (10%) as multiracial. Participants' reports of their current marital status were as follows: 28 (56%) indicated that they were divorced, 7 (14%) were remarried or married, and 15 (30%) were never married. Most participants had some type of college education with 30 (60%) holding a bachelor's degree or higher, 16 (32%) an associate degree or some college, 2 (4%) a high school diploma/GED or less, and 2 (4%) participants did not provide their highest level of education. Most participants (62%)

reported an income under \$50,000, the remaining 38% reported an income higher than \$50,000. According to the U.S. Department of Housing and Urban Development, a family of four in Michigan is considered low-income at \$51,300 or below (HUD.gov, 2017). Finally, 21 (40%) cases were reported joint physical custody arrangements and 32 (60%) cases were reported sole physical custody arrangements. Three parents had a couple of custody orders and they tended to focus on one case during their narratives. Table 2-1 (see p. 36) shows the demographic characteristics of participants.

### *Analytic Approach*

Below, I discuss how I performed an adaptation of abductive analysis with flexible coding tailored to solo research (Deterding and Waters 2021 [2018]; Saldaña 2021; Tavory and Timmermans 2014; Timmermans and Tavory 2012). The coding process as a solo author was primarily an independent enterprise as it is in most qualitative studies (Saldaña 2021). Still, to establish trustworthiness of the data, I workshopped my coding of the data, wrote iterative memos through the analysis process, reflected on my positionality as the researcher, and leaned on participants' narratives to conceptualize invested mothering. To code, I imported professionally transcribed interviews into the qualitative data analysis software NVivo version 12 (now, NVivo Release 1.0). I affixed demographic attributes that participants reported on the short demographic survey to the interview transcripts: gender, income-level, race, education, marital status, and physical custody.

For the first cycle of coding, I focused on the first ten interviews. I re-listened to select audio recordings, re-read my post-interview field notes and memos, and I consulted with my faculty advisor to identify broad topics—the equivalent of index codes. Rather than rely on the interview questions, I broke down the data by how parents described themselves and each other:



mom-mom (i.e., a mother describing herself), mom-dad (i.e., a mother describing her child(ren)'s father), dad-dad (i.e., a father describing himself), and dad-mom (i.e., a father describing his child(ren)'s mother). I also had two undergraduate research assistants individually perform the index coding, and, in team meetings, we discussed our memos on emerging themes related to gendered parenting work, as well as favorite quotes. From the first cycle of coding and memos, I was able to develop analytic codes.

For the second cycle of coding, I developed analytic codes to apply to the entire data corpus: a) caregiving mothers, b) fun fathers, c) financially providing, and d) extra work. “Caregiving mothers” captured the everyday, administrative, and decision-making work mothers performed; “fun fathers” highlighted the emotional support, bonding activities, and discipline fathers provided; “financially providing” unearthed how parents covered their child(ren)'s financial expenditures before and after the custody court order; and “extra work” zoomed into additional labor parents created for each other through parenting time scheduling, disrupting children's emotional adjustment, and any other strategies. I did allow for more than one analytic code to be applied to data—also known as simultaneous, double, or overlap coding—because some portions of the data spoke to multiple themes (Saldaña 2021 p. 124); for example, a father exercising inconsistent parenting time without prior notice (extra work) caused interruptions to a mother's paid work and her ability to financially provide (financially providing). Because I did overlap coding, important contextual findings from other codes and sub-codes are included in this study. To apply the analytic codes reliably, I examined qualitative differences by attributes (i.e., race and social class) *after* coding thematically across all transcripts.

For this study, I drew from the analytic codes a) caregiving mothers and b) fun fathers. These codes reflected the gendered division of caregiving work with mothers carrying the load of

everyday, invisible labor and fathers wanting to engage in visible, memorable activities. Through iterative analytic memos, the custody load concept emerged that acknowledges the distinct labor mothers perform in the unique context of family separation. The other analytic codes (c and d) are being utilized for studies for the following studies that explore interpersonal power and financially providing.

While my social identities enhance my ability to interpret data, they may also unintentionally introduce bias. I identify as a Latina woman from a low-income background and am usually read as young. Although I grew up in a heteropatriarchal, nuclear family albeit with immigrant parents, my current family form is marginalized as I am a single mother. At the time of the interviews, I was in my late twenties so my parenting status to an elementary school aged daughter was ambiguous. I disclosed being a mother without a systematic approach: some participants asked, others had previous knowledge of me based on snowball recruiting, and sometimes it came up organically in conversation or during the interview (e.g., empathizing that replacing winter clothing for growing children is expensive).

My experiences as a mother provide insight into the work involved in raising a child and the gender inequality that underpins parenting work. Still, I also do not have fathering experiences. I tried to be inclusive and inviting to both mothers and fathers by remaining neutral in my responses to participants' descriptions of their ex-partners and parenting work. I believe I succeeded because some fathers, especially low-income, expressed their desires for me to utilize this research to prop up fathers' issues. In the findings below, I lean on participants' narratives to conceptualize invested mothering.

## Findings

The findings of this article culminate in the theoretically expansive concept of the “custody load.” The custody load is the invisible labor necessary to enact state-sanctioned shared parenting in the context of family separation—a burden carried by mothers. Although there were overlaps with mothers’ labor in two-parent, heterosexual households, I found that mothers in shared parenting arrangements engaged in *distinct* tasks to (a) coordinate care, (b) promote paternal participation, and (c) compensate for caregiving. Unlike married and cohabiting households, there are unique duties necessary to actualize the court’s vision of children maintaining a relationship with both biological parents. In other words, the custody load tasks are the result of essentialist family laws that place an invisible expectation on mothers to guarantee and cope with fathers’ involvement, all at the risk of being blamed for men’s lack of presence and effort. Figure 2-1 (see p. 37) provides a list of the custody load tasks and examples. I discuss the broader categories in more detail below.

### *Coordinating Care*

I found that mothers in custody arrangements bore the burden of coordinating children’s care to smoothly streamline the connection between households, which included filing court paperwork, seeking reimbursement for children’s expenses (typically beyond the child support court order), and reconciling different household calendars. In short, mothers’ labor sustained structure and maintenance of the court ordered parenting arrangements. Thus, mothers simultaneously struggled at both the institutional level with the state and interactional level with fathers to warrant a seamless custody experience for children.

Lucy’s lived experience highlights how she endured the responsibility of obtaining support from the court for her daughter’s well-being. Lucy was a low-income White mother who shared a

daughter, Josephine (age 16), with her ex-boyfriend, Wayne (high-income, White). She narrated the invisible work it took to ensure that Josephine received the accurate amount of child support from Wayne:

He's a doctor. So I've been battling [child support enforcement] for a while. And nobody's again, helping with the situation. The enforcement is just stupid. So they apparently found out he's been making \$26,000 a month. ...I did request of support review through the court saying that he hadn't seen her for over a year and so her child support did change. So now I want to try to change custody.

The quotation above demonstrates that it was Lucy's duty to guarantee the father's appropriate financial participation via filing paperwork and "battling" with child support enforcement. The current family law system implicitly assumes that the primary parent will be privy to any changes in the other parents' circumstances and request any modifications to the court-ordered parenting arrangements.

Similarly, Betsy's experience reifies Lucy's account. Betsy, who had one of the more favorable financial arrangements, was a high-income Latina mother who shared two children, Marcos (age 17) and Isabella (age 15), with her ex-husband, Luis. When I asked Betsy if she would ever return to court, she explained:

I have to go every year, because in our agreement, it says, I have a percentage of his salary. It's not like a fixed amount, so since I have a percentage, every time he has an increment, I have to go myself. He doesn't do anything. I have to go with a new paper, one of those you saw. Fill them completely, make him sign. I sign it and I have to go to the court. They check it, they stamp it, and then they have to go with the judge.

Although Luis paid a fair amount of child support (and alimony), Betsy found it more reliable for him to pay through the court system so his emotions would not affect his payment patterns; however, this required Betsy to stay informed of any income changes and update their court paperwork yearly.

Mothers (primarily White) who received fathers' financial contributions for expenses beyond the child support order were taxed with invisible work of tracking expenses and cooperating with fathers. Lily was a low-income White mother who shared two daughters, Eloise (age 7) and Ella (age 6), with her ex-husband Ace (low-income, White). She delineated her practices seeking payment from Ace:

I might have to remind him that he owes me money, but that's like for summer camps, is like, "Hey, summer camps starts coming. This is what we're doing. Or is this good?" We have to agree on this stuff and he agrees. I've met him like, "Okay, you have to give me the money now." [laughter] "Hey, you owe me some money." So I might have to tell him two or three times that he owes me money...

In addition to reconciling their household calendars for summer, Lily's account demonstrates that she was charged with covering summer camp expenses (via scholarships and out-of-pocket money) and guaranteeing reimbursement from Ace by reminding him on multiple occasions. Mothers' invisible work encouraged fathers to follow through with their participation.

Fathers' justifications of why the burden of coordinating care across households fell on mothers reflected gendered expectations. More specifically, fathers expressed that that it was easier for mothers to manage children's calendars and court records because they were more organized, enjoyed it, or had more money—a feminization of this labor. Julius, for instance, was

a high-income White father who shared two children, William (age 15) and Sarah (age 9), with his ex-wife, Lacey (high-income, White). He candidly disclosed:

She's really organized and very detail-oriented, so she'll schedule the appointments, she sets up childcare for my daughter for summer when she's not in school, she makes all of those arrangements. I'm usually the one that's responsible for getting her there. ...Occasionally, I'll forget something. What I usually forget is things like half-days. To make arrangements for things like that. Because if she doesn't tell me, and it just comes through a school email, then I miss it.

The narrative reveals how fathers believed mothers were inherently better at harmonizing households due to personality traits, such as organization and attention to detail. Lacey's labor enabled Julius to follow through with parenting time, especially on half-days, even though the information was readily available through school emails. This example demonstrates that fathers had discretion on paternal participation which hinged on women's invisible work.

#### *Promoting Paternal Participation*

The data suggest that courts and fathers placed the load on mothers to promote paternal participation at the risk of being judged as inhibitive to father-child relationship. To guarantee paternal involvement, mothers were tasked with reporting children's development to fathers (including using "co-parenting" apps), preparing and transitioning children for parenting time, and supporting fathers through their adaptation into single parenting. Fathers' reports support that the focus of the paternal relationship with children was to bond—an inferred result of mothers' invisible labor.

Mothers of color divulged in greater proportion that their children's fathers resided at a distant, making development reports more imperative to sustain fathers' involvement. Charlene

was a low-income Black mother who shared two children, Peter (age 8) and Isla (age 7), with her ex-boyfriend, Theo. Theo had been incarcerated for six years beginning when Charlene was nine months pregnant with Isla. Charlene reported utilizing different communication methods to maintain Theo's dignity:

Anything, like when he was not here, anything that would happen I would always let him know about it. So, whether we talked on the phone about it, or I wrote to him, he always knew, "Hey, they're in karate, they're in camp, they grew another inch, lost another tooth." He knew about it, so I always kept him abreast of things. And so that made him not feel like he's missing it so much.

Charlene utilized tools are her disposition (i.e., phone and letters), as well as a communication app like other mothers. Although Charlene's experience reflects the institutional persecution of Black men, it also highlights the invisible work mothers across the sample engaged in to garner fathers' participation by imparting updates. Thus, in addition to shouldering the lion's share of caregiving labor, mothers were also charged with dispatching information to fathers—many who they had a contentious relationship with or needed to tread carefully around.

When fathers did exercise parenting time with children, preparation labor fell on mothers. Hilary was low-income multiracial (Black and White) mother who shared two children, Callie (age 4) and Jasper (age 2), with her ex-boyfriend, Brandon (low-income, Black). When I asked Hilary about their parenting time schedule, she explained:

The reason I actually went back to get an official parenting time schedule is because, again, it wasn't working out. He was saying like, "Oh, you should have to provide the car seats," or, "You should have to travel halfway because it's so far for me to travel." And I was like, "No, I'm not required to do that."

To exercise parenting time, Brandon had expectations of invisible (i.e., supplying car seats) and visible (i.e., providing transportation) work for Hilary to perform. Like other mothers above, Hilary felt she had to go to court to have any recourse. Although Brandon faced several systemic issues (e.g., arrest warrants and transportation issues), the burden fell on Hilary to promote his participation by filling in the gaps. Therefore, parenting time came at cost of labor for mothers.

Despite contending with their own transitional struggles, mothers vocalized providing support for fathers establishing themselves as single parents. Melody, for example, was a low-income White mother who shared two children, Aden (age 9) and Eva (age 7), with her ex-husband, Juan (high-income, Latino). Melody recounted the invisible and monetary help she and her family provided Juan:

There was a shooting in his apartment complex... So I started looking for a house for him... My stepmom is in real estate and my dad at the time was in real estate too, and all four of us were looking for houses for him and we found him a house and I helped him with his down payment... And once he got into that house, the kids were there every other weekend, and they spent the night.

Due to Melody's assistance, Juan was able to provide the children with safe housing to exercise increased parenting time. Similarly, other mothers also described their efforts to aid fathers re-establish themselves, such as requesting child support enforcement to reduce fathers' payments. The custody load, thus, highlights that the onus is on mothers to secure paternal participation while garnering children's safety and well-being—often at the mothers' monetary and labor expense.

Fathers' narratives revealed that their focus was on developing a bond with their children either through entertaining activities (low-income) or emotional development (high-income)—activities they felt mothers were not engaging in. Daryl was a low-income Black father who shared



two daughters, Mae (age 11) and Rosie (age 10), with his ex-sexual partner, Chanel (low-income, Black). When I asked Daryl to describe himself as a parent, he detailed:

Their eyes is opened up to something new, and different... They never went to Chuck E-Cheese or anything like that. So I'll do things like that with them, I'll take them to the YMCA where they can run around, they like gymnastics, and doing backflips, we make videos and stuff like that, we have movie night and they're very talented.

Although Daryl vocalized respect for Chanel's parenting, his report also highlights how he focused his parenting time on recreational activities. In the interview, Daryl recounted intersectional inequality that he faced in the family court as a low-income, Black man with a criminal record. Yet his parenting experiences mirrored that of his White counterparts; specifically, fathers' reports highlighted gender inequality vis-à-vis the custody load that buttressed the father-child relationship by implicitly relying on mothers' labor.

### *Rectifying Neglect*

As a result of the compulsory legal involvement of fathers, mothers were faced with compensating for any neglect stemming from fathers' presence (or lack thereof). In other words, mothers performed the tasks of equipping fathers and children for paternal parenting time, responding to emergencies and neglect triggered by fathers, and providing children with emotional regulation related to fathers' parenting time.

Despite their labor to prepare and equip fathers and children for fathers' parenting time, mothers still found themselves responding to emergencies and neglectful behavior. Molly was a low-income White (Middle Eastern) mother who shared a son, Simon (age 6), with her alleged rapist, Jack (high-income, White). During the interview, Molly shared how she attempted to moderate Simon's life-threatening food allergy by providing the father with education, medical

paperwork, and medication—as well as packing Simon a bag of safe foods. Still, during his parenting time, Jack gave Simon a popsicle with lactic acid causing anaphylaxis shock:

He didn't give him the EpiPen, he calls me. I was like, "What do I do? You're a teacher, you don't know the rules? I gave you the EpiPen, I told you, you have all the information." So him and his mom are on the phone, they didn't know what to do, they had already given him Benadryl, and I was like, "I don't put my kid into anaphylactic shock. You're supposed to give the EpiPen." I was like, "Give..." At the moment, you're like, "Just give me my kid back."

This narrative illustrates 1) all the preventative labor Molly performed to prepare the father and 2) how she was liable for mitigating Jack's neglect. Even with her efforts to be inclusive of Jack in Simon's medical care, Molly reported being reprimanded by the judge—who called it the “popsicle incident”—for wanting to limit Jack's parenting time due to the neglect. Consistent with previous research (see Sweet 2019), mothers found that their safety concerns were met with gender stereotypes of women as exaggerating and irrational that were mobilized in court.

When fathers chose not to exercise consistent parenting time, it also created additional labor for mothers to compensate for fathers' disregard. Jessica was a high-income Latina mother who shared two children, Jacob (age 13) and Miranda (age 10), with her ex-husband, Javier (low-income, Latino). Jessica reported that Javier, who resided in a neighboring state, was distant and inconsistent, going months without seeing the children:

I feel sad a lot of the times because he doesn't spend time with them, and they miss him. My daughter will cry every now and then. And my son does too, he'll feel a little down... He'll say, "I wanna see my dad." "Well, call him. See what he's going... What's going on?"

What is he doing? Maybe you can go." And then he'll do that. But I feel sad my... I feel really sad myself, because they're sad. So it makes me sad.

Above, Jessica describes how she had to cope with and provide emotional regulation for Javier's inconsistent parenting time. Like other mothers, Jessica disclosed that she had drafted the court order and would have to return to court to develop a schedule. Thus, the custody load tasks come full circle in that there was an elided expectation that mothers would perform the invisible labor necessary to maintain fathers involved as imagined by the court; yet any legal collaboration that mothers sought from the state came at the risk of being viewed as inhibitive.

Similarly, Cheryl, a low-income multiracial mother (Latina and White) found that she had to "put everything on hold" when her ex-husband, Wyatt, became manic to support the children (and him):

Our situation is unique because of the mental health issue, but the court in that regard is also really unhelpful because they are like, "Whatever. He said, she said."...It was mind-boggling that someone could be involuntarily committed for acute psychosis and then granted the ability to be... Have custody of children. But that's just how the family court operates.... It was scary, but I just was like, "I'm gonna move really close" and I just put everything on hold and just tried to be as involved as I could.

Wyatt's mental health following the divorce—including acute psychosis (e.g., hallucination and delusion)—placed Cheryl in a contentious situation. More specifically, as her statement demonstrates, she was liable for maintain the children's safety because the court overlooked the father's ability to parent. Mothers' sacrifices ensured that children would be protected from neglect in dangerous shard parenting circumstances.

## **Conclusion**

This study offers sociology an analysis of gender inequality emerging in contemporary family forms. Drawing on in-depth interviews with both mothers and fathers, parents with a child custody arrangement provided evaluations of each other's perceived parental styles and responsibilities, illuminating the invisible mechanisms necessary to compensate for care, promote paternal participation, and coordinate care. The courts and fathers placed an elided expectation on mothers to carry children's safety and well-being across households unearthing a distinct type of invisible work. Mother descriptions reveal that the additional parenting tasks necessary to manage the practical logistics of state enforcement created stress and resulted in resentment for them. These findings situate family relationships within a broader scope by considering the role of culture and law.

My analysis of the custody load expands and builds upon invisible work theory work by highlighting the labor necessary under bureaucratic regulation. I analyze how the custody load differs by custody arrangements by bolstering the experiences of low-income Black parents. More specifically, low-income Black fathers identify state racism in their interactions with the courts and low-income Black mothers developed adaptive strategies to Black fathers' structural marginalization.

The concept offered here exemplifies how shared parenting appears on the surface to encourage gender-equal relations, which further obfuscates the underpinnings of gendered work necessary to maintain an essentialist parenting project (Tolmie et al. 2010) set forth by family courts. Thus, shifts in cultural expectations of fatherhood and family laws in child custody are not alone sufficient to destabilize the stalled revolution—the custody load is an extension of mechanisms anchored in entrenched gender expectations that are instilled over the life course.

Congruent with previous theoretical work (Randles 2018), the reality is that shifts in gender ideologies of fatherhood reconstitute patriarchal power rather than interrogate where culture and law leave us short. We can imagine that the theory posited here broadens to other under-examined rising contemporary family forms, including stepfamilies, where shared care across households probably continues to be gendered.

In addition to cultural ideologies that place an exorbitant amount of pressure on mothers to be the primary caretakers (Craig 2006), there is an elided expectation that mothers across custody, social class, and race will serve as the glue between fathers and children by remaining captains of the households even when separated. I identify that rather than serving as equal partners who perform essential daily parenting tasks during their parenting time, fathers continue to take the role of “mother’s helper”—creating additional labor for mothers between households—without facing consequences for their oversights. Patriarchy is reconstituted to promote fathers’ emotional closeness without addressing caregiving inequities (Randles 2018). Fathers across social classes failed to acknowledge the work mothers perform, sometimes utilizing language that diminishes this labor and comparing it to the emotional investment and entertaining activities they engage in. However, fathers can engage in this highly visible parenting because their children's needs are guaranteed to be (invisibly) met by mothers who are submerged in cultural expectations of “good” mothering.

Family law plays a role in enabling gendered division of labor. Courts seek to ensure the child’s access to both biological parents by using gender-neutral legislation without acknowledging that parenting has been historically gendered or investigating how it is carried out in child custody arrangements. Research consistently demonstrates that courts frown upon mothers who do not facilitate the father-child relationship or express concerns about the father’s ability to

parent. The “co” in parenting does not denote joint or equal responsibility—rather, it signifies a compulsive requirement by the courts for mothers to cooperate with fathers. It can be argued that mothers are blamed for fathers’ lack of involvement if they so choose not to engage in labor to buttress the father-child relationship. Mothers continue to serve as primary caregivers and carry the custody load between households. The stalled revolution in child custody arrangements means that mothers shoulder the weight in both the private and public sphere via caregiving and paid work responsibilities, even with the promotion of fathers’ presence in parenting.

This study has important implications for the family law system. As the findings above expose, gender-neutral U.S. family laws interfere in families at a point when the division of parenting can be restructured. However, without acknowledging that families are embedded in a gendered landscape, the courts reconstitute gender inequality rather than dismantle it, particularly if fathers are rewarded for their intentions rather than their history and actual behaviors as pointed out by Elizabeth and colleagues (2012a). To ameliorate issues of the custody load presented in this paper, family courts can make visible the invisible work that mothers undertake in shared parenting by sharing empirical data in their court-mandated parenting courses (for example, see S.M.I.L.E. handbook). A concrete example would be to create a list of the custody load tasks outlined above and encourage fathers to perform this labor, while also encouraging them to simultaneously remain vigilant of their systemic power.

Further, the courts’ interpretations of the “best interest of the child” laws are not necessarily in the best interest of children because they shield fathers from being held accountable for neglectful behavior for the sake of maintaining children connected to both biological parents. Court practitioners place mothers in a precarious situation when they are expected to manage and direct fathers’ caregiving, regardless of relationship history or current state. Family laws require a

more nuanced understanding of contemporary family forms and their history to gauge the amount of communication and cooperation that is required between parents. Thus, the research presented here aims to improve children's well-being by raising awareness that propels fathers into providing invisible work to their children within a framework that honors women's historic contributions to the family.

## Tables and Figures

**Table 2-1 Demographic Characteristics (N=50)**

		<i>Study Sample (N=50)</i>
Gender		
	Mother	34 (68%)
	Father	16 (32%)
Race		
	White	24 (48%)
	Black	15 (30%)
	Latinx	5 (10%)
	Asian	1 (2%)
	Multiracial	5 (10%)
Marital Status		
	Divorced	28 (56%)
	Remarried/married	7 (14%)
	Never married	15 (30%)
Education		
	Bachelor's degree or higher	30 (60%)
	Associate degree or some college	16 (32%)
	High school diploma or GED	1 (2%)
	No Response	2 (4%)
Income		
	High-Income	19 (38%)
	Low-Income	31 (62%)
Physical custody arrangement*		
	Sole	32 (60%)
	Joint	21 (40%)
Legal custody arrangement*		
	Sole	21 (40%)
	Joint	32 (60%)

\*Three participants had two child custody court orders



## Figure 2-1 The Custody Load List of Tasks and Examples

Distinct tasks vis-à-vis invisible labor necessary to enact the state’s vision for children maintaining a relationship with both biological parents—placing an invisible burden on mothers to guarantee, manage, and cope with fathers’ involvement.

### Coordinating Care

- Filing court paperwork.
- Seeking reimbursement.
- Reconciling household schedules.

### Promoting Paternal Participation

- Reporting updates to fathers.
- Preparing children for transitions.
- Supporting fathers into single parenting.

### Rectifying Neglect

- Equipping fathers and children.
- Responding to emergencies and neglect.
- Providing (emotional) regulation.

### Examples

*Divorce, parenting time, child support*

*Medical and extracurricular activities*

*Planning summer schedules, sending reminders for early release days*

*Utilizing “co-parenting” apps; sharing photos, appointments, development, and activities*

*Suppling transportation, packing bags*

*Contributing real estate and down payment support*

*Providing training, preparing paperwork and medication, replacing lost items*

*Medical emergencies and physical neglect*

*Mitigating children’s feelings around fathers’ last-minute scheduling, lack of presence, or negative talk about mother*

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### **Chapter 3 “Power Moves: Theorizing Gendered Power at the Interactional-Level in Post Litigation Child Custody Arrangements”**

#### **Abstract**

Feminist scholars have underscored how social processes at the interaction level result in gender inequality in power, despite structural changes toward gender equality. I argue this dynamic conceptualization of power has not yet been integrated into family scholarship where static measurements of relationship power have been deployed—particularly in shared parenting. Using child custody arrangements as an empirical case, I offer the novel theory of *power moves* to unearth how post-separation parents experience informal negotiations outside the courtroom *after* litigation. Power moves are interactional behaviors parents engage in to exert (or deflect) influence, motivated by gender norms and family laws. Analyzing 50 in-depth interviews with parents, I find that fathers across gender, social class, and race primarily exercise power moves over mothers utilizing physical and legal custody as mechanisms to prioritize their paid or leisure time and avoid invisible work associated with decision-making, buttressed by ideologies of division of household labor, paid work, contemporary parenting, and gender-neutral family laws. Further, Black parents must also consider the role of institutionalized racism in family law within their interactions. This article illuminates the interactional process of power in the family by situating micro-level experiences of inequality within macro-level changes that purport gender equality while reconstituting patriarchy.

A constellation of feminist theory has conceptualized how gender frames everyday social relations underscoring social processes at the interactional level that lend men continued power in the face of institutional and cultural changes towards equality (Martin 2004; Ridgeway 1997, 2009, 2011, 2019; Ridgeway and Correll 2004; Ridgeway and Smith-Lovin 1999; Risman 1998, 2004, 2018; West and Zimmerman 1987). Power in heterosexual relationships is defined as influence or resistance of influence (Lindová, Průšová, and Klapilová 2020; Simpson et al. 2015). Yet I argue a dynamic understanding of power processes has not been integrated into the family scholarship, which has utilized static measurements of resources, behaviors, levels of love, and decision-making (for a review on marital power, previously conjugal power, see Loving et al. 2004).

With an increase in shared parenting due to shifting family demographics, child custody arrangements provide scholars with an empirical case to uncover how parents in shared arrangements deploy power during informal negotiations. This article investigates why gender inequality persists despite legal and cultural movements towards gender-neutrality. More specifically, I uncover: How is power exercised in shared parenting? How do parents describe navigating informal negotiations *after* child custody litigation? More work is necessary in the arena of informal power once a child custody court order is in place, which determines a child's residence and parents' legal authority (Elizabeth, Gavey, and Tolmie 2012a; Smart and Neale 1999).

After child custody litigation, the onus is on parents to enforce their court order and navigate a myriad of tasks and details outside the courtroom, such as: Does the primary parent need to provide a car seat for the nonresident parent? What do you do when a parent continually refuses to exercise their scheduled parenting time? How do parents choose extracurricular activities? Attending to the interplay between micro- and macro-level, I offer *power moves*—defined as interactional behaviors parents engage in, motivated by gender norms and family laws,

to exert influence over or deflect influence from the other (biological) parent—as a novel concept to unearth informal, interactional power processes in the family. Drawing on in-depth interviews with 50 parents, I find that the on-going, informal process of separated parenting after litigation sustains entrenched gender inequality which provides men with power and absolves them from caregiving.

The parents I interviewed emphasized micro-conflicts between themselves that were often outside the boundaries of the law and/or required access to resources and energy to enforce legally. Although men and fathers' rights groups argue that mothers are privileged in child custody arrangements, data demonstrate that fathers exercise power moves utilizing physical and legal custody as mechanisms to prioritize their paid or leisure time and avoid invisible labor associated with decision-making, buttressed by ideologies around division of household labor, paid work, contemporary parenting, as well as gender-neutral family laws; mothers deflect these influences to protect children, which may be mistaken as gatekeeping. Black parents' interactions are also further complicated by racial bias in family courts. This article illuminates how structural changes that purport to uphold gender equality, such as law and culture, conflict with entrenched patriarchy and regulate power in familial relationships within everyday negotiations and interactions.

## **Background**

### *Gender Inequality in Intensive Mothering and Involved Fathering*

To dig at power in shared parenting, particularly informal negotiations after litigation, this study is situated within sociological literature that has consistently demonstrated over time that heterosexual relationships and parenting are largely unequal. Studies on marital power in sociology of the family studies have consistently overtime pointed to resource theory as the central explanatory mechanism for men's greater power, decision making, and advantages in heterosexual



relationships (Blood and Wolfe 1960). More recent research has explored how marital power translates to decision making and unequal division of household labor.

Cultural expectations rooted in intensive mother ideologies place expectations on mothers across social class and race to put their children's needs above their own with mother involvement treated as guaranteed (Christopher 2012; Garner 2015; Hays 1996; Randles 2021). More recently, scholars have explored how, in addition to primarily shouldering the household labor and childcare, mothers are also responsible for the invisible work of identifying, fulfilling, and monitoring children's needs, called cognitive labor (Daminger 2019, 2020; Tronto 2013). Regarding decision-making, mothers from both married and unmarried households are presumed to absorb the cognitive labor with minimal father involvement, such as to make school enrollment decisions; even when fathers are primary caregivers, their narratives reflect a less intensive emphasis on self-sacrifice and resource-seeking compared to mothers (Brown 2022).

Contemporary parenting ideologies over the past few decades have encouraged involved fathering whereby men are hands-on and emotionally present for their children (Gregory and Milner 2011; LaRossa 2016; Offer and Kaplan 2021; Randles 2018; Wall and Arnold 2007)—still, men are overwhelmingly absolved from housework and childcare. Due to their greater power in relationships, men have the capacity to avoid household responsibilities by claiming incompetence or personality differences, called domestic distortion and dodging (Ashcraft 2005). During the transition to parenthood, fathers enjoy more leisure time than mothers who are still primarily responsible for doing or outsourcing the housework and childcare despite their increased labor force participation (Dush et al. 2018). While fathers may cherish their parenting role, especially after separation, they continue to face gendered expectations that paid work takes priority (Andreasson and Johansson 2017, 2019; Miller 2011; Petts, Knoester, and Li 2020; Shows and

Gerstel 2009). Thus, like married households, mothers in child custody arrangements are assumed to primarily perform the caregiving work across households despite fathers' increased involvement (Lacroix 2006), especially the invisible, cognitive labor necessary to maintain children's well-being across both households and fathers' involvement.

### *Child Custody, Fathers' Rights, and Maternal Gatekeeping*

As more children are growing up outside of nuclear families (Livingston 2014), unequal heterosexual relationships and gendered parenting translate into power conflicts in shared parenting arrangements. Child custody proceedings determine a child's residence (physical custody), time with each parent (parenting time, formerly visitation), authority over legal decisions (legal custody), and financial contribution (child support) (Waller 2020). Historically, fathers were given automatic custody of their children until the mid-twentieth century when women were awarded custody on the basis of gender (called the tender years doctrine); in the 1970's, family laws began shifting towards gender-neutrality in harmony with rising divorce rates, the Women's Rights Movement, and changing parent ideologies; today, courts operate on the "best interest of the child" principle that children should have access to both biological parents by encouraging joint physical and legal custody (for an extensive review of child custody laws see Boyd 2003), which is more common among middle and upper-middle class parents who have the financial resources to enact such a project (Waller and Emory 2018). However, gender-neutral legislation ignores existing structures of gender inequality, and as Pease (2019:33) notes, "The language of gender equality is often couched in terms of treating men and women equally within a patriarchal framework."

As sociologists at the forefront of family debates have found, recent changes in child custody law have been influenced by men's feelings of loss of control, power, and authority during

divorces and separation when they view mothers as being in a favorable situation as primary caregivers (Smart and Neale 1999). Mothers continue to be custodial parents 79.9% of the time (Grall 2020), although the family law system operates on consent orders where parents are encouraged to negotiate their orders under guidance of court staff (Rhoades 2002). However, as Boyd (2003:20) notes, “At no time have mothers been accorded the virtually absolute rights under the law that fathers once possessed based on a hierarchical conception of patriarchal supremacy in the family.” Despite men’s privileged position in all arenas of social life, the bedrock of Fathers’ Rights Movement is to reassert paternal privileges through legal sanctions in response to a sense of discrimination and exclusion by courts and women’s position in children’s emotional lives (Collier and Sheldon 2006; Hoddap 2017). Fathers’ rights groups, which often have an anti-feminist foundation, symbolically seek equal and “fair” parenting without considering how parenting tasks will be carried out de facto. Further, the groups’ discursive hostility towards mothers increases conflict between parents, which reduces mothers’ ability to facilitate contact (Flood 2011, 2012).

Rather than allowing for a clean break, post-separation parenting through child custody arrangements forces mothers into a continued relationship with their children’s father (Elizabeth, Gavey, and Tolmie 2012b). An elided expectation is also placed on mothers to nurture the father-child relationship framed as the best interest of the child. As Elizabeth and colleagues explain (2012b:462), “the good postseparation mother is evaluated almost solely in terms of her willingness to support father contact” due to family law’s pro-contact rules and the expectation of cooperative parents (Rhoades 2002). Women have been found to encourage the father-child relationship post-separation regardless of paternal economic contribution (Nixon and Hadfield 2018); yet mothers continue to be labeled as gatekeepers or accused of parental alienation when

they express concerns of fathers' parenting abilities (Elizabeth, Gavey, Tolmie 2010; Fineman 2001; Rhoades 2002; Sano et al. 2008). As Puhlman and Pasley (2013) highlight, "gatekeeping" is a reciprocal process whereby both fathers and mothers influence the process and outcomes; mothers' openness and perceptions of fathers' ability is determined by fathers' level of involvement and their exertion of power (Fagan and Barnett 2003). Mothers who curb father involvement do so out of concern about violence, abuse, and feelings of abandonment for children that may result through contact with the father (Nixon and Hadfield 2018). Research has also found that terms, such as parent alienation, result in the minimization of violence in the family perpetrated by men (Rathus 2020).

As courts move toward joint legal custody, whereby both parents are granted authority over children's decisions, research has found that this form of governance enables fathers to threaten and coerce mothers by invoking the law, rather than encourage them to partake in caregiving (Elizabeth, Gavey, and Tolmie 2012a). The courts operate as if parents exist within a vacuum ignoring the power men hold over women in all aspects of life. Previous research has found that separated parents have the most conflict when it comes to parenting time (i.e., ability to provide childcare and fathers following through with parenting time) and decision-making (i.e., disagreements and ability to contact the noncustodial parent) (Bergman and Rejmer 2017). Feminist scholars encourage fathers' involvement and recognize their ability to care for children *given* that they do not act to undermine mothers' caregiving, which is influenced by the gender asymmetries discussed above (Doucet 2006). Existing literature leaves room for further exploration on how parents under family law authority manage micro-conflicts outside the courtroom.

## Method and Data

To analyze interpersonal power in post-litigation shared parenting arrangements, I employed qualitative data from a larger study that is extensively explained in Chapter 2 (Study 1). For this individual study, interview narratives lent insights into parents' experiences in everyday informal negotiations outside the courtroom, which would otherwise not be accessible through quantitative methods or observational data. More precisely, I investigated: How is power exercised in shared parenting? How do parents describe navigating informal negotiations *after* child custody litigation?

To answer these research questions, I utilized in-depth interviews and a short demographic survey that I conducted with 50 parents. Qualifying participants had a current child custody court order for at least one minor child that was arbitrated in the state of Michigan. Participants were recruited using a flyer that was mailed throughout the state (e.g., Friend of the Court and attorney offices), posted electronically (e.g., Craigslist and social media), distributed in person (churches, cafes, doctor's offices), and shared via snowball sampling. The parents who participated were 34 mothers and 16 fathers. I attempted to recruit more men by tapping into online fathers' rights groups on Facebook and recruiting at a men's empowerment program. The sample was half White (48%) and half participants of color: Black (30%), Latinx (10%), Multiracial (10%) and Asian (2%)—as well as, primarily low-income (62%).

During the interview, I dug at participants' relationship with the other parent, the process of going through court, the share of responsibilities, and the emotional impact of the court order. Once imported into NVivo 12 (now, NVivo Release 1.0), I analyzed the interview transcripts by leaning on an adaptation of abductive coding (Deterding and Waters 2021 [2018]; Tavory and Timmermans 2014). I affixed demographic attributes (i.e., gender, race, education, marital status,

income, and custody), assigned index codes (i.e., how parents described themselves and the other parent), and developed analytic codes (i.e., caregiving, bonding, providing, and extra work) all while writing iterative memos and consulting with senior scholars. This article draws on the index sub-codes “scheduling” (extra work) and “decision making” (caregiving) to investigate how parents utilize their rights under physical and legal custody to exercise power (i.e., influence and deflect influence) from which the concept *power moves* emerges.

## **Findings**

Below, I examine interactional behaviors that parents engaged in post-litigation to exert or deflect power, which were influenced by gender norms and the institutional role of family court—in short, *power moves*. The parents I interviewed primarily described fathers who exerted power in physical and legal custody by prioritizing their own time and wanting more decision-making leverage without performing associated cognitive labor. Fathers’ erratic parenting time had ramifications on mothers’ work and leisure time, and their uninformed exertions of power had detrimental effects on children’s health and well-being. Mothers sustained or deflected power moves while engaging in intensive mothering, although there were limited instances of power exertion. The gendered trends in this sample are supported by cultural and legal norms that provide fathers with authority and encourage them to focus on paid work and leisure time, whereas mothers are expected to be primary caregivers who are self-sacrificing and expected to uphold the father-child relationship.

Accordant parenting relationships (n=5) were the exceptions rather than the majority and required the mother to prepare her ideas prior to approaching the father. A quarter of the women (n=8) in my sample disclosed experiencing intimate partner violence (IPV) during their romantic relationship with their children’s father, including physical, emotional, verbal, sexual, and

financial abuse; these women were mostly low-income (n=6) and white (n=6). One father (high-income, multiracial) described that his ex-wife had “a tendency to lash out violently.” Predominantly a gendered experience, IPV highlights that power in heterosexual romantic relationships operates on a spectrum—violence being the most egregious and visible attacks of influence buttressed by an androcentric social landscape. In a separate section, I analyze interpersonal dynamics highlighted by Black parents that emerged because of racism, such as navigating the role of court bias in their interactions.

### *Fathers Prioritizing Their Time*

Mothers reported that fathers scheduled and exercised parenting time at their convenience. Fathers’ time priorities were often at the disservice of children’s health and well-being. These findings are consistent with previous research on cultural expectations of men as paid workers and mothers as sacrificing their time (Perry-Jenkins and Gerstel 2020). The sample trends illuminate that fathers wanted to exercise parenting time at their discretion. Moreover, I found that mothers were at the risk of being viewed as gatekeepers, by fathers, courts, or children if they disagreed with fathers’ scheduling. Most fathers did *not* depict mothers as placing a priority on their paid work or personal leisure time nor that mothers’ scheduling had a detrimental effect on children’s health and well-being.

The lack of a parenting time schedule resulted in uncertainty for children and mothers. Jessica was a high-income Latina mother who shared two children, Jacob (age 13) and Miranda (age 10), with her ex-husband, Javier. Javier did not have a set schedule and exercised erratic parenting time at his convenience. When I asked Jessica how scheduling worked out, she replied:

Not good because this last time, he didn't have a date to bring them back, and I had plans. And so, it was like an argument, back and forth, back and forth like, "Okay, are you

bringing them home or aren't you? You know, I need a date." And he couldn't tell me like, "No, I don't know when I'm gonna bring them back." ... And that was my problem, you should have dealt with me before you took them, because then I would have known what your plan was. ...I said, "Okay, well, if you can't bring them, you're not gonna give me a date, this is the date I'm coming, and I'll be there in the morning to pick them up at this time," and I was.

Jessica's statement demonstrates the numerous power move strategies Javier employed. First, Javier bypassed communication with Jessica and directly contacted their son—as Jessica stated, “you should have dealt with me.” Second, Javier kept the children for an undetermined amount of time making it difficult for Jessica to make any plans for herself. Finally, it was up to Jessica to drive to Javier's state to pick up the children. Thus, the informal negotiations of parenting time highlight a web interactional inequality.

Yet when parents did have a parenting time schedule, some fathers still chose to modify it at their convenience even if it was at the detriment of the child. Lucy was a low-income White mother who shared a daughter, Josephine (age 16), with her ex-boyfriend, Wayne. Lucy explained they had a set parenting time schedule that Wayne did not follow due to his schedule as a medical doctor. The following example of Wayne changing parenting time to his benefit stands out:

When the doctor suggested her colon be removed, he pushed back on that one. But like I said, didn't show up, I think maybe he did come to one appointment then, and asked the surgeon to do it on a certain day, so that he could be there at six in the morning, or whatever. Yeah. So we were there. He did not show up. So she came out of anesthesia and she was like, "Where's my dad? I'm like, "He's not here." "Well, I'm not leaving 'til he gets here." I'm like, "I have to leave 'cause I have to teach class."



Supported above, the parenting relationship was plagued by Wayne's attempts to dominate Lucy—for instance, “pushing back” on Josephine's colon removal. Despite scheduling the procedure around Wayne's work schedule (i.e., 6 am), he does not show up, like he had not showed up to previous appointments. Ultimately, Wayne's decision to not follow through with the schedule disappoints Josephine and impacts Lucy's ability to attend work.

Fathers' scheduling behaviors were often an attempt at reducing mothers' work and leisure. Marybeth, who had disclosed IPV to me, was a low-income Latina mother who shared three daughters, Leila (age 6), Hanna (age 5), and Giselle (age 3), with her ex-husband, Edgar. Marybeth described how Edgar did not provide parenting time flexibility, which led to her dismissal at work:

Right now, I stopped to work. 'Cause Sunday I was supposed to work in [chain store name]. And I asked him, 'cause I have to work 1:00 'til 9:00. And I asked him, "You know what? I'll get out at 9:00. Can you hold the girls right now? When I finish my work, I'm gonna go get them." And he say, "No. You better [be here] at that time."... [My employer] say, "If you leave, don't come back."

In the quotation above, Marybeth had requested for Edgar, who was unemployed, to extend his parenting time by three hours. Marybeth was currently solely relying on her income to provide for the girls because Edgar was behind on child support. Thus, Edgar's refusal to provide childcare support was a form of control that anchored Marybeth further into financial hardship.

Janice found that her respite time was inhibited by the father's behaviors. Janice was a high-income Black mother who shared a daughter, Justine (age 14), with her ex-boyfriend, Jacob. During the interview, Janice shared that they did not follow their court order because Jacob had an “unconventional” schedule as a police officer (i.e., on-call, holidays, no set schedule). When I inquired about parenting time complications, Janice explained:

On a few times, he's tried to bring her home early, and I'll... Like, "No, I'm not home." And I'm sitting in the bed, eating chips. No, because I feel like he didn't get her often, so if you're gonna keep her, you keep her. Do what I do. If you need to find a babysitter, do what you need to do, but no, you can't bring her back.

Janice's narrative highlights that Jacob's discretion over parenting time scheduling left her with need for childcare. Further, when Jacob did exercise parenting time, he continued to prioritize his (personal) time and exert force by attempting to return Justine home early, which Janice deflected by acting like she was not home. This exemplar experience demonstrates that social under-currents of gender inequality prioritize men's time as more valuable than women's—reinforced by the lack of legal remedies.

Fathers—especially low-income—narrated that they wanted more flexibility in scheduling parenting time. Alford was a low-income White father who shared a daughter, Laine (age 6), with his ex-wife, Julie. When I asked him how closely they followed their court order, Alford replied, "To the T," and he explained:

If we don't, even trying to get make-up time is ridiculous. So for instance, she messed up the court order this year. So she was ordered to schedule make-up time during this amount of time. And all of the times that she has offered don't work. But there's a whole bunch of other times that it does work... So we try to stick to the court order... Cause if we don't, she'll just try to rob time from me...

On the surface, Alford's account seems to be about a restrictive mother and a father being denied parenting time. Yet earlier in the interview, Alford had admitted to a history of pre-existing gendered power vis-à-vis documented domestic violence and substance abuse. In the narrative above, Alford had asserted power over Julie by emailing the caseworker after she missed the

parenting time and then expresses not being not satisfied with her offered make-up dates. Thus, this example highlights the underpinnings of systemic gender inequality and women's risk of being seen "robbing" from fathers.

### *Domestic Dodging in Decision-Making*

Overall, both mothers' and fathers' narratives revealed that mothers led the decision-making. White mothers, in particular, described the decision-making dynamic as another arena where fathers were culturally and legally allowed to forgo caregiving work, consistent with Ashcraft's domestic dodging (2005:7). On the other hand, some fathers expressed wanting more authority in decision-making and felt mothers did not involve them. Although mothers were more likely to have sole physical custody and oversee decision-making, parenting arrangements were more likely to have joint legal custody reflecting a formal recognition by the courts of fathers' rights.

White mothers recounted how fathers' decision to forgo decision-making labor was a deflection of responsibility. Stella was a high-income White mother who shared a daughter, Bella (age 7), with her ex-husband, Leonardo. When I asked Stella to describe Leonardo as a parent, she stated:

Yeah. I don't see him as a parent at all. ...He never had to think about, "Okay, which daycare do I take her to?" 'Cause it was a done deal. "Which school do I take her to?" Done deal. "Is this teacher good or should I switch her to another class?" Done deal. Everything was done. ... He never had to make those decisions. ...Like when you're a parent, you either talk them together with the other parent or you make the decisions yourself when you're a single parent. And with him, it was like, "Do what..." "Yeah. Even when I asked him, so I stopped asking. I would just say, "Hey, she's in karate."

During the interview, Stella detailed how her interactions with Fabrizio were encumbered with power moves (e.g., Fabrizio asking for parenting time in front of Bella). The anecdote above demonstrates the amount of labor it takes to make an informed decision and highlights how men are absolved from doing this work. Stella's move to make unilateral decisions and inform Fabrizio of them was a form of power deflection. While it may be argued that having total decision-making authority is a power move, previous scholarship has demonstrated that one facet of power imbalances in heterosexual relationships is the invisible behavior of getting out of responsibilities, which results in an unequal division of household labor favoring fathers (Ashcraft 2005).

Other mothers shared the sentiment that it was easier to make decisions alone because when fathers interjected, they often did so uninformed to assert their influence rather than to intervene for the children's best interest. Jessica, quoted above, was one of the mothers who described having an accordant relationship with her ex-husband. Although Javier tended to agree with her decision-making, Jessica shared an example of how he contradicted her:

[My son] said, "The principal said I had to write this paragraph of sorry," and I said, "Okay, so you're gonna do it." And he's like, "Ah, man! Why do I gotta do that? I don't wanna do that. And blah, blah, blah." I'm like, "Oh, my God." So he gets home, and he tells his, calls his dad and he tells his dad he don't wanna do it...But his dad was telling him, "No, you don't have to do it." And I'm like, "Oh, yes, you do. Is your dad gonna come here and do your suspension for you."

Jessica then explains to Jacob that the principal could have suspended or expelled him from the school. Javier's withdrawal from doing the investigative labor necessary for decision-making was a common trend in their relationship, illuminating men's domestic dodging.

Black mothers described making unilateral decisions because they often provided caregiving alone due to fathers' residing at a distance (i.e., out-of-state, outside the country, or incarcerated). Raquel was a low-income Black mother who shared two daughters, Anastasia (age 11) and Anne (age 7), with her ex-husband, Miles. Raquel carried the caregiving burden as Miles resided out-of-state. When I asked Raquel how they made large decisions, she responded:

We don't, I do. I make the choices and I tell him what they choice is I've made. Usually he doesn't have a problem with it. ...He's like, "Okay, wow. Yeah, do whatever you gotta do to make sure that she's okay." So, when I move, I'll let him know like, "Hey, this is the situation, what do you think?" I get input from him but he knows that ultimately I'm gonna make the final decision and he's okay with that because he knows I'm gonna do whatever's in the best interest of the girls.

Raquel and Miles shared legal custody, yet it was Raquel performing the invisible work to make decisions, such as taking the girls to the optometrist and orthodontist. Miles's trust reflects his physical distance, as well as deferment to Raquel's labor. Thus, for Black mothers, who primarily had sole physical custody, making decisions alone made more sense.

### *Power Moves in Black Parenting*

Some Black parents described that navigating power moves in their parenting interactions was challenging due to institutional racism, particularly during a historical time with heightened attention to police brutality. A couple of mothers (Black and multiracial) were cautious to involve the court system and most Black fathers (n=4 out of 5) expressed they could not rely on the court for support. Hilary was a low-income multiracial (Black and White) mother who shared two children, Callie (age 4) and Jasper (age 2), with her ex-boyfriend, Brandon (Black), who resided in a bordering state. Hilary's romantic relationship with Jasper was burdened with domestic

violence, both physical and emotional. Once Hilary was able to leave the relationship, she had to turn to the courts for custody:

And the kids often... They was used as kind of like a manipulating bargaining tool, even before the custody order. And so. I knew I needed some type of reinforcement. And I wasn't particularly thrilled with it having to be the court system, just given the way the courts and police scene and all that happens for black communities and black families. I didn't really feel like it would be an advocate for me, per se, but I didn't really know what other options there were, and I wanted some type of protection.

Hilary was aware of the potential ramifications of going to court due to racism but felt she had no other recourse in their interactions. Yet Brandon was still able to exert interpersonal influence post-litigation when it came to scheduling.

According to Hilary and the court order she provided, the parents would agree on in-state parenting time in writing with exchanges at a mutually agreed location. However, Jasper would inconsistently request parenting time at the last minute, interfering with Hilary's family plans, and expect Hilary to transport the children out-of-state and provide the car seats for him. In one instance, Jasper did not return the children until hours past their agreed time and had his sister transport them, due to warrant arrests he had in Michigan, without communicating these details to Hilary. At the time of interview, Hilary was awaiting an official parenting time schedule from FOC but was anxious because "the judge is not concerned over my wellbeing or the kids' father or how the kids are doing." Thus, Hilary's perspective demonstrates that compared to other parents in the sample, some Black mothers consider racial positionality in law while attempting to legally deflect interpersonal power moves fueled by gender norms.

LaToya was a high-income Black mother who discussed awareness of her positionality as a Black woman. LaToya described an altercation where she threw water at her ex-husband, Bryan, and he called the police:

I was done. Because if you call the cops on me, your pregnant wife, and you know the things that are going on in the media and in life with the cops? No, I'm done. I couldn't come back from that....The last two years was the most I ever had to deal with any kind of system, and I did not like it at all. It's very stressful. Because I know the system is not made for me. And he knows the system is not made for me.

As Bryan was White and Latino, LaToya recognized the power imbalance in their interactions and the role that institutionalized racism played when formally and informally negotiating parenting, highlighting police brutality in the media.

Black men's accounts focused on how they observed a lack of support by the court system and how that made them feel voiceless and powerless in their interactions with mothers, including enforcing parenting time and having a role in decision-making. Jay, for example, was a low-income Black father who shared two children, Tanya (age 9) and Rico (age 8), with his ex-girlfriend, Britany, who lived out-of-state with the children. During the interview, Jay described to me in detail the timeline of his court proceedings with Britany, and how he perceived Britany prevented him from being involved in decision-making. Jay felt he had little recourse through the court system:

I have all the documentation for all these things. ...She claimed that my daughter, who has sickle cell...Without any recommendation from any doctors, she stated that my daughter would be better in the temperature of (warm state). This is also a lie. I have a doctor [name redacted] is willing to speak on this. She's wrote a letter concerning this. She's been on my

witness list continuously, and continuously the judge would not let [the doctor] speak. Because what that would do, is it would show that he made a completely inept judgment that endangered my daughter medically.

In the narrative above, the judge had granted Britany permission to move out-of-state with the children, and the court order Jay provided stated his parenting time was suspended, even though he reported having joint physical custody. Their case was complicated by discord, including a Child Protective Services (CPS) allegation opened by the father and a Personal Protection Order (PPO) filed by the mother.

What low-income Black fathers' narratives reveal is that, unlike White low-income counterparts (including Alford above), they were unable to guarantee and assert their rights as fathers by utilizing the court system to enforce their power in interactions with the mother. Black fathers reported feeling restricted in their ability to have a "say" in decision-making solidified through their contact with family law. Blake (Black, low-income, Associate's) also felt unsupported by the court system. When I asked Blake how he and his ex-girlfriend, Emma, made decisions about their infant daughter, Helen (age 1), he said:

The custodial parent is still what they call the custodial parent which is the parent that has her the most. And so I don't really don't get to make those decisions. I technically have no power, what 50-50 legal custody means is I get to say yes or no, I get to go to the appointment, I get to make appointments, I get to have access to all her information, I get to do all of that fun stuff, but I can't actually be the one who makes decisions....Being a father in Michigan is hell. You have to really put your ego on a shelf and just be okay with taking shit for a long time.



This narrative demonstrates, as Jay's does, that Blake's position as a Black man influenced how he was able to leverage the law in his interactions compared to his White counterparts.

The nuanced findings above fuse to reveal that parents experience power moves differently by gender with complexity by social class and race. Overall, narratives across genders agree that fathers want more—more rights and time with their children. However, mothers' anecdotes highlight how fathers fail to follow through with their demands for parenting time and decision-making, and how these behaviors negatively impact children and their mothers.

Fathers engage in domestic dodging and leave the cognitive labor associated with decision-making to mothers—sometimes interjecting with decision-making for power rather than their children's well-being. Black parents' narratives also demonstrate the role of the court in their interactions at the interlocking systems of gender, race, and class. Consistent with previous research, children's relationships with their fathers and fathers' rights as parents are culturally and legally prioritized over actual behaviors providing fathers with an avenue of interpersonal power.

## **Discussion and Conclusion**

The empirical case of child custody arrangements illuminates that parents have a myriad of tasks to informally coordinate after establishing a child custody court order. These tasks are often outside the margins of the law: e.g., Who provides the car seats? How do parents agree upon extra-curricular activities? What is considered “reasonable” when offering make-up parenting time? They also require time, energy, and financial resources for parents to enforce: e.g., What do you do when a father repeatedly ignores their court order parenting time? The theory of *power moves* captures the interactional behaviors parents engage in to assert influence on or deflect influence from the other biological parent. I find that fathers utilize physical and legal custody as mechanisms to exercise power moves over mothers, while mothers deflect and sustain power

moves to protect children which may be misunderstood as gatekeeping. An intersectional lens also reveals the distinct experiences of parents by social class and race, particularly Black parents who must consider the role of racial bias in family courts, along gender as the main axis of differentiation (Maldonado 2017).

When considering why gender inequality persists despite legal and cultural movements towards gender equality, including gender-neutral family laws and fathers' increased involvement, an interactive analytic framework elucidates that power moves in shared parenting are buttressed by gender norms around paid work, division of household labor, contemporary parenting, as well as the courts' disregard of the gendered structures that afford men more power which parents are embedded within day in, day out of the children's lives. Thus, while the uneven distribution of child custody awards may give the appearance that women have more power post-separation, parents' narratives of their lived experiences demonstrate that informal shared parenting negotiations continue to be another area of unequal power. Fathers can prioritize their paid work (high-income) and leisure activities (low-income) with some overlap and avoid invisible cognitive labor necessary to make informed decisions; yet they continue to request more parenting time flexibility and decision-making authority, often at the detriment of children's well-being as demonstrated above. The law has historically prioritized fathers' rights and continues to do so (Boyd 2003), enabling power-laden interactions by overlooking micro parenting conflicts.

This study integrates feminist theorization on the interactional processes of power into familial relationships, which has been largely unexplored in sociology of the family. Beyond static measures of inequality utilized in family scholarship, an interactional lens illuminates how parents experience and engage in everyday power processes, informed by the structures they are embedded in. The negotiation of parenting tasks is not remedied by going to court, although a court order

does help specify roles, and does not exist within a vacuum where parents are on equal levels. Thus, a dynamic analysis of power interplay conceptualizes the relationship between macro-level changes towards gender-neutrality with micro-level experiences of inequality—in short, institutions and culture continue to envision gender equality through a patriarchal lens by ignoring the impact of the systematic marginalization of women in interpersonal arrangements; heterosexual relationships have historically been grounded on the disadvantage of women. Like claims of “color blindness” (albeit an ableist term) in the face of racial inequity, family courts cannot operate under the facade of gender-neutrality without recognizing that parents’ power (or lack of power) in their interactions, both formal and informal, is derived through gender inequality.

Men’s claims and anecdotes, especially White fathers, that family law is biased in favor of women are a response to a perceived loss of power while continuing to undervalue mothers’ time, paid work, efforts, and continued feminized labor (Smart and Neale 1999). Some men do not cherish their roles as caregivers until *after* separating (Andreasson and Johansson 2017) when their access to and authority over children and mothers is in question. Further, as demonstrated in this study and previous studies, women’s behaviors are often in response to fathers’ caregiving abilities and power moves as mechanisms of protection toward their children. Fathers can leverage the law in their favor to exert power over women, such as seeking parenting time flexibility, unlike most mothers who describe ambivalence towards the court. However, this privilege extends to White fathers, both low- and high-income, as Black fathers expressed lacking institutional support in their parenting interactions, a phenomenon that some Black mothers highlighted.

While this research lends insight into the everyday experiences of parents, the data only includes the perspective from half of the parenting dyad. None of the parents that participated shared a child custody court order with each other; therefore, I was unable to compare parents’

assessments of one another. Due to the contentious nature of child custody proceedings documented by other research (Elizabeth, Gavey, and Tomie 2012a/b; Waller and Emory 2018), it was not a requirement that both (biological) parents participate based on safety concerns and power imbalances. At the end of the interview, I discussed with participants the option to recruit the other parent into the study, including paper flyers, but none did. Participants may have been more likely to present themselves in a positive light and their ex-partners negatively; on the other hand, participants may have also spoken more freely without the fear of retaliation by the other parent for participating in the study. To provide a comprehensive analysis, I present mothers' reports and compare them with fathers' reports. Future research should consider interviewing pairs of parents who share minor children and a child custody court order to compare findings within a shared parenting arrangement.

The implications of this research highlight that women have borne the brunt of childcare and continue to do so within the context of unequal power relations, lacking formal legal recognition of the behaviors they sustain. Therefore, social initiatives and legal policies that encourage fathers' increased involvement should also recognize men's systemic power and acknowledge women's historical contributions to sustaining families; further, fathers should be held accountable for prioritizing children's (and by proxy mothers') time and schedules and performing invisible work to engage in informed decision-making. The theory presented here could be extended to other family forms including those not governed by essentialist family laws (i.e., legal emphasis on children's access to both biological parents). Stepparents, for example, do not have legal connections to children, unless the other biological parent's rights have been terminated and the stepparent has legally adopted the child. However, stepparents and their family forms are embedded within gender norms that dictate how men and women should parent (see

Moore 2008). Family interactions in contemporary family forms shine light on the push and pull of power between parents under an androcentric society.

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## Chapter 4 “Invested Mothering: An Intersectional Analysis of Mothers’ Feminized Breadwinning Strategies Under State-Mandated Child Support”

### Abstract

This article conceptualizes *invested mothering* to explain how mothers typically serve in the role of both primary caregivers and financial providers under court-mandated shared parenting. A line of feminist literature has conceptualized hegemonic expectations of women’s caregiving through the umbrella theory of intensive mothering, and family scholars have studied how these ideologies influence parental investments in children. I assert that more research is necessary at the juncture of this scholarship, especially in contemporary family forms which reflect most parents’ reality. In this study, I analyze 46 in-depth interviews with parents to investigate parenting experiences under court-assigned through the empirical case of state-mandated child support. I argue that the onus is on mothers to secure financial resources for children’s basic and enrichment needs through relational, paid, and invisible work strategies—mothers enact *invested mothering*. An intersectional analysis reveals the distinct invested parenting work that mothers, especially low-income Black mothers who are the most disadvantaged, perform as adaptive strategies to interlocking sexism, systemic racism, and historical economic inequality. Overall, mothers’ financial position as primary breadwinners is feminized as their contributions are unsupported, unacknowledged, and undervalued by the courts and fathers.

**Keywords:** gender; family; motherhood; child support; qualitative methods

“Child support stops even though my children don’t stop eating or anything.”  
Martina (low-income White mother)

## **Introduction**

Society continues to position men as breadwinners and women as caregivers, despite women’s increased labor force participation and father’s involvement in childcare (Hochschild, 1989; Schoppe-Sullivan & Fagan, 2020). Mothering is considered an all-consuming, time-intensive, child-centered process whereby mothers across social lines are expected to prioritize their children’s needs and are held solely responsible for their children’s well-being, complicated by employment status, class, and race (Hays, 1996; Christopher, 2012; Dow, 2019a; Randles, 2021). I argue that additional research is necessary at the convergence of parenting ideologies and parental investments in contemporary family forms beyond the elusive, romanticized two-parent, heterosexual nuclear family (Coontz, 2000 [1992]). Over the past 50 years, children’s living arrangements have shifted away from two parents residing together with one parent, mother-led households becoming more common (U.S. Census Bureau, 2021). Thus, child custody arrangements provide scholars with an empirical case to explore shared parenting arrangements under state-mandated child support. The state serves as a facilitator between parents—often assigning mothers as primary custodial parents and fathers as payers of child support reflecting a caregiver-breadwinner dichotomy. Yet the courts ignore that only 45.9% of mothers receive consistent child support payments (Grall, 2020)—resulting in a gap in the social science literature, as well as divorced or never married mothers’ pockets.

The conundrum presented here, at the tension between fathers’ increased parenting involvement and mothers’ increased paid work, is: How do parents in shared parenting arrangements financially provide for their children under court enforcement? How do state-

mandated child support arrangements compare to parents' lived experiences? I propose the concept of *invested mothering* to capture women's visible and invisible work to secure financial resources, such as basic needs (low-income) and enrichment activities (high-income), for their children in the face of state mandates. I argue that mothers under child support enforcement are primary providers, contrary to the payer-payee child support structure; however, their contributions as primary breadwinners—whether in the form of relational labor soliciting fathers' additional investment, paid work, or invisible work (e.g., taking on debt, managing public benefits, seeking community resources)—are feminized. In other words, divorced and never married mothers' financial contributions to their children in state-mandated child support arrangements are obfuscated, assumed, and devalued because they are incompatible with the breadwinner-caregiver dichotomy that underpins gender inequality in masculinity, marriage, and the cultural idealization of the heteropatriarchal, nuclear family as the desirable family structure (Randles, 2018).

This article extends theoretical understandings on the gendered division of labor in parenting, as well as the intergenerational reproduction of inequality, within state-mandated child support arrangements while simultaneously considering class subjugation in relation to race. The everyday experiences of parents elucidate that the cost of the unequal, gendered division of financial support and caregiving is mothers wearing themselves thin (financially and emotionally) attempting to fill in economic gaps. Further, shared parenting financial arrangements perpetuate the reproduction of social class because high-income parents possess financial resources to invest beyond basic needs in enrichment activities that shape children's life chances—household income explains the entire difference for single parents and much of the gap for cohabiting parents (Hastings & Schneider, 2021). I engage in a critical intersectional analysis approach—a missing theoretical, conceptual, and methodological framework in family science (see Cross et al., 2022;

Few-Demo, 2014)–to investigate how sexism, historical economic inequality, and systemic racism shape mothers’ everyday experiences, especially low-income Black mothers, and the adaptive strategies they deploy.

Thus, the empirical consequence of the undiscovered social phenomenon of invested mothering is that family courts continue to reproduce gender inequality which lead women and children to lack the necessary financial resources furthering economic inequalities. The theoretical consequence of this research is building on scholarship (such as, Dernberger & Pepin, 2020; Few-Demo & Allen, 2020) that explores family processes via the interplay of the public and private sphere through gender as the main axis of differentiation. In other words, legal and cultural expectations of women’s caregiving have been reconstituted to incorporate financial provision, collapsing the public and private sphere into each other—which are often in conflict—within an androcentric social landscape.

## **Literature Review**

Although women’s labor force participation has continued to increase, mothers overwhelmingly continue to shoulder the childcare and caregiving work, including invisible work and cognitive labor (Daminger, 2019, 2020). Intensive mothering ideologies (Hays, 1996) place working mothers in precarious situations as they experience challenges around finding childcare and being perceived as incompetent at work—resulting in stressors, including work-life imbalance, guilt, overload, and career strain (Lamar & Forbes, 2020). Low-income mothers of color contend with growing inequality, a shrinking social safety net, and classed ideologies of motherhood to provide basic needs for their children. Inventive mothering, which extends from intensive mothering, demonstrates poor mothers’ resourcefulness, innovation, and distinctive parenting strategies to protect their children from shame and stigma (Randles, 2021; for *defensive mothering*

see Elliott & Bowen, 2018). However, extant research that anchors itself in the intensive mothering theoretical strain has overlooked the scholarly imperative examination of mothers' financial contributions to children in shared parenting arrangements under state-mandated father child support.

Thus, mothers face a collision between the public and private sphere. In other words, women are held to a high standard both in caregiving and financially providing with very little structural support (Blair-Loy, 2003; Collins, 2019; Damske, 2011; Hu, 2019). For example, the receipt of public benefits is culturally perceived as antithetical to paid work because it defies the breadwinner-caregiver dichotomy of a two-parent, heterosexual household (Evans, 2022). The public-private tension is further solidified at home as mothers' earnings are usually allocated to cover "women's work," such as children's care, maintenance of the family, and supplemental unpaid household labor (Pepin, 2019).

Mothers' dissonant experiences at the juncture of caregiving and paid work differ by with nuances by marital status, race, and social class. By marital status, unmarried mothers have a stronger presence in the workforce (BLS, 2021). By race, Black and Latina women are less likely to have interruptions in paid work due to motherhood, which reflects patterns of financial self-reliance (Florian, 2018). At the intersection of race and social class, middle-class Black mothers across family types (i.e., married, divorce or separated, and never married) narrate cultural understandings of working outside the home that are integrated into their mothering duties because of historical economic necessity (Dow, 2019a). Therefore, women of color have historically carried a heavier financial weight for children.

### *Parental Investments*

Intensive parenting ideologies emanate into parental investments in children (Ishizuka, 2018), particularly during a time of heightened perceptions of economic insecurity and inequality when mothers are held solely accountable for children's financial security as adults (Cooper, 2014; Nomaguchi & Milkie, 2019; Villalobos, 2014). High-income families have the economic opportunities to spend a larger proportion of their budget on children's education, enrichment activities, and resources (e.g., tuition, lessons activities) than low-income families whose income primarily goes to their children's basic needs (i.e., housing, utilities, food, and medical care). Parental investments are explanatory mechanisms of income-based education achievement gaps, which have been found to be stronger indicators than race (Coley, Sims, & Votruba-Drzal, 2016; Kornrich & Furstenberg, 2013; Kornrich, 2016; Lareau, 2011; Reardon, 2011; Schneider, Hastings, & LaBriola, 2018). Further, married households possess the capacity to invest more money in their children than cohabiting and single parent households due to their household income (Hastings & Schneider, 2021). Thus, as children are more likely to grow up outside of a heteropatriarchal, nuclear household and research on shared parenting across households continues to expand, further attention is required on how state-mandated child support further entrenches gender norms, as well as burdens and marginalizes women.

### *Centering Intersectionality*

The mythical heteropatriarchal, nuclear family has been culturally and epistemologically reinforced as the default, desirable family structure in the U.S. with social scientists pathologizing and documenting detrimental effects on children who are raised outside of this family form (Coontz, 2000 [1992]; Smith, 1993). Yet this paradigm of research ignores that the traditional nuclear family has been historically elusive with the 1950s representing an aberration from a diversity of family models (Coontz, 2000 [1992]). Further, the romanticizing of the

heteropatriarchal, nuclear family ignores the social and structural privileges that are conferred to these arrangements simultaneously intersecting with White, heteronormative, and patriarchy privilege—reflecting a disconnect between an idealized family form and the reality of family laws, anti-immigration policies, and historical, systemic racism and exclusion, particularly toward Black families (Leticq, 2019; Williams, 2021). Family scientists have, thus, advocated for a new conceptual model that utilizes a critical intersectional lens to integrate structural racism and heteropatriarchy as macro-level factors *conditioning* family structure and child outcomes (Cross et al., 2022).

This conceptual and methodological shift in family science echoes the work of Black feminist intellectuals over the last forty years who have advocated for race, class, and gender to be analyzed as interlocking (Crenshaw, 1989; Collins, 1990, 1998; Few-Demo, 2014). An intersectional lens bolsters Black women’s productive and reproductive experiences in relation to restructures in the state and economy (Brewer, 1999). More specifically, Black women’s standpoint reveals a legacy of struggle against racism and sexism that has shaped Black mothering experiences of self-reliance and self-sufficiency (Collins, 1990; Dow, 2019b). In the face of economic inequality and stereotypes of poor, single Black mothers on welfare, “good” African American mothers are expected by their communities to work outside of the home, retain economic independence, and rely on childcare from kin as adaptive strategies, particularly to seek middle-class status (Dow, 2019a, b). Although both low-income and middle-class Black mothers confront with many of the same parenting issues, low-income black mothers are not able to leverage their class status to protect their children from racism and discrimination (Turner, 2020) and often turn to trading, hustling, and kinship support to fill in financial gaps (Brewer, 1999). As Black men face discrimination in the workforce, Black women are left with the lion’s share of families’

productive and reproductive work within the context of little state support (Brewer, 1999; Pager, 2003; Pager & Pedulla, 2016).

### *Child Support*

The Office of Child Support Enforcement (OCSE) collected \$32.3 billion for 14.7 million children in 2018. Child support payments in the state where this study was conducted are calculated using the Michigan Child Support Formula (MCSF) (MCSF Manual, 2021: see Chapter 3). The MCSF is intended to cover general, medical, and childcare needs by taking into consideration the parents' monthly income, income level, overnight parenting time (formerly known as, visitation), and responsibility to any other children (MCSF Manual, 2021). The courts use a separate formula for parents that do not meet the "low-income threshold" and can exercise discretion with families with "extremely high income," as well as in specific cases (see 1.04(E) Deviation Factors in MCSF Manual). Moreover, parents in Michigan who receive public benefits are mandated to cooperate with child support enforcement, which is also the case in other states such as New York (Waller, 2020). Although low-income families are likely to avoid formal court orders due to distrust in the legal system and competing frames (Sandefur, 2008; Waller, 2020), the compulsive structure of support orders for welfare recipients is likely to help explain the large proportion of low-income participants in this study.

In the U.S., less than half of all custodial parents, who tend to be mothers, receive consistent child support payments (Grall, 2020). Research demonstrates that support award amounts are often below the actual cost of raising children (Venohr & Griffith, 2005) and the burden is on mothers to guarantee child support payments (Natalier, Cook, & McKenzie, 2019). Low-income women express being unable to rely on both fathers' formal and informal support to financially provide for their children due to infrequent payments (Venohr & Griffith, 2005). The result of unpaid



support for mothers includes anxiety and uncertainty, decreased levels of public assistance, long-term financial consequences (e.g., accumulating late payments), and shouldering all the financial provision while being primary caregiver (Harris, 2015). Custodial mothers, especially those who are low-income and on public assistance, are faced with administrative and accounting labor that has little payback to ensure that the state seeks compliance and collects child support from the nonresident father (Natalier, Cook, & McKenzie, 2019).

Low-income fathers are mandated to pay a greater percentage of their income than other fathers: 27% versus 16-19% (Huang, Mincy, & Garfinkel, 2005). Low-income fathers have documented barriers to child support payment including high-burden orders, competing obligations, negative experiences with the child support system, and strict enforcement measures (Vogel, 2020). They are more likely to provide support to their children through informal and in-kind support at an average of \$60 worth per month, which hold emotional significance and are experienced as indicative of fathers' closeness with children (Kane, Nelson, & Edin, 2015; Waller, Dwyer Emory, & Paul, 2018). Nonresident fathers, regardless of social class, view their support as a gift, struggle with losing power over how mothers spend money, and believe their contributions are invisible to children (Natalier & Hewitt, 2010). Although extensive research has explored the effects of child support debt on fathers and children (see Nepomnyaschy et al., 2021), I argue less is known about mothers' strategies to fulfill their economic obligations as sole or primary financial providers in child support arrangements. Thus, more social science research is necessary at the crux of mothering ideologies and parental investments utilizing an intersectional analysis to provide insight into parents' experiences of financially providing for their children under state-mandated child support.

## Method

I draw on qualitative data to uncover parents' experiences financially providing for their children in court-ordered child support arrangements. Although quantitative data provides an overview of de jure child support enforcement, a qualitative approach uncovers parents' practices and mothers' invisible work that is not documented or recognized by family courts. This study unearths how parents make sense of their practices to contribute financial resources to their children under a child support arrangement with special attention to the intersection of gender, social class, and race. I interrogate: 1) How do parents in shared parenting arrangements financially provide for their children under court enforcement? 2) How do state-mandated child support arrangements compare to parents' lived experiences?

The data for this study is a subset from the larger study detailed in Chapter 2. The larger study included in-depth interviews and a short survey with 50 parents who had a current child custody court order in the state of Michigan that were recruited using a flyer and snowball sampling. From 50 participants, 46 parents (32 mothers and 14 fathers) reported having a state-mandated child support court order. The demographic characteristics of parents under child support enforcement were comparable to the original study in regard to race, income, and education. In this sample, parents were primarily racially diverse (52%), divorced (52%), and low-income (65%) with some type of college education<sup>1</sup>. Parents' reports were that mothers had sole physical custody 61% of the time, parents had joint physical custody 35% of the time, and fathers had sole physical custody 4% of the time. Table 4-1 (see p. 96) shows the sample descriptives for the parents with a state-mandated child support court order.

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<sup>1</sup> The participant characteristics are comparable to the Michigan population, although more racially diverse and educated. The U.S. Census Bureau (2022) estimates that 75% of the Michigan population is White, 30.6% of persons have a bachelor's degree, and the median income is \$63,202. Among divorcing parents in Michigan, it is documented that 75% have a sole physical custody arrangement and 25% have joint physical custody arrangement (MDCH, 2021).

Overall, I performed an abductive analysis with flexible coding using qualitative data analysis software as a sole author (Deterding and Waters 2021 [2018]). As I previously explained in Chapter 2, I performed index coding to uncover how parents described themselves and the other parent. Based on those findings, I was able to develop the analytic codes a) caregiving mothers, b) fun fathers, c) financially providing, and d) extra work. Throughout this process, I established trustworthiness by writing iterative memos, working with undergraduate research assistants, and consulting with my dissertation committee. I also provide an in-depth reflexivity statement, consistent with feminist scholarship, where I consider my position as a mother and my intersecting identities (i.e., young Latina mother in a contemporary family form) in relation to the research participants including fathers.

For this article, I drew from the analytic code the sub-code “after custody” under “financially providing” to explore how parents in shared parenting arrangements financially provide for their children under court enforcement and how state-mandated child support arrangements compare to parents’ lived experiences. For the “after custody” sub-code, I coded portions of parents’ narratives that reflected how parents financially provided children’s material needs (e.g., food, clothing, and housing) and enrichment (e.g., extracurricular activities), the sources they drew from, and the influence of child support enforcement on financial provision including the parenting relationships. The analysis of this subcode reflected that mothers were primary caregivers, did not receive sufficient financial support from fathers, and had to request any additional funds from fathers, while fathers, especially low-income Black fathers, disagreed with child support and held resentment towards their children’s mothers—all which culminated in the *invested mothering* concept.

## Findings

An intersectional analysis revealed that mothers in shared parenting arrangements were *both* the primary caregivers and financial providers contrary to the structure of their formal child support orders. The child custody system ostensibly emulates the heteropatriarchal, nuclear family breadwinner-caregiver ideal via a payer-payee dichotomy. Yet, participants' experiences suggest that the state and fathers placed the onus on mothers to secure children's financial resources. Most mothers described being entirely or primarily financially responsible. To meet their financial burdens, mothers across social classes and race/ethnicity engaged in strategies of relational, paid, and invisible work—which I conceptualize as *invested mothering*—that were unacknowledged and unsupported at both the institutional (i.e., legal recourse) and interactional (i.e., consistent childcare) levels. Fathers, however, often employed various methods (e.g., residing outside of the U.S., allowing debt to accumulate, working under the table, wanting to pay outside of the formal court system, delaying reimbursements) enabled by the current court structure to remain absolved from their court-ordered financial responsibilities and assert control over women, making mothers' financial responsibilities more challenging.

In addition, I found that the child support structure also ignored the lived inequalities that low-income parents and families of color grapple with. More specifically, Black mothers were the most disadvantaged as they had to navigate adaptive strategies of self-reliance in a society that stereotypes Black single mothers and entrenches them in poverty, while also contending with a greater proportion of fathers residing at a distance. Simultaneously, low-income Black fathers described precarious finances and misdirected their frustrations towards mothers. Black parents' experiences are constructed at the intersection of systemic, structural racism, sexism, and historical economic inequality. Comprehensively, *invested mothering* reveals how feminized caregiving

responsibilities in the private sphere have been reconstituted to also integrate breadwinning. Mothers' double-barreled caregiving-breadwinning role is ignored and obfuscated, while fathers are exculpated from their financial responsibilities and maintain patriarchal control over women. Figure 4-1 (see p. 97) shows how the reported child support court order arrangements compare to the experiences narrated by parents.

### *Relational Work*

The court served as a conduit for parents' relationship because the current structure places the responsibility on mothers to seek child support enforcement from the court, as well as any additional monetary contributions directly from fathers, often with limited to no compensation for that labor. Therefore, regardless of their own financial positions and challenges, the legal system has shifted the financial burden squarely onto mothers and requires relational labor to secure fathers' investments. More specifically, low-income mothers demonstrated empathy and understanding for fathers' financial position and expressed feeling intimidated by the court system as well as reluctance to request fathers' contributions. High-income mothers, however, performed direct relational work that saved the courts bureaucratic labor. Black mothers, regardless of income, bore the brunt of fathers' frustrations with a racist state.

Michelle was a low-income White mother who shared a son, Mikey (age 11), with her ex-boyfriend, Joel. Michelle explained how Joel's monthly child support obligation had been set at the low amount of \$46 per month, which she reported he did not pay:

I had got a notice from the Friend of the Court that we had to come in for an appointment and this was actually right around the time I got notice that I was going to lose my job in 60 days, but I didn't tell the Friend of the Court that because I felt too intimidated. I just said, "Well, he's getting ready to be out on his own, and I don't wanna ask for too much

support, 'cause I wanna give him a chance to get on his feet." And that's why they made the child support so low, but I really regretted it, because now all these years he's pretty much gotten away with not paying. And he's lived a life of fun while I struggle to provide, and I only sporadically get money from him for my son.

Michelle's narrative exemplifies the emotional cost low-income mothers shouldered to seek financial support through their interactions with the court system: intimidation, regret, and struggle. Although not a direct interaction with Joel, Michelle performed relational labor by choosing not to seek a higher, fair support amount to provide him an opportunity to "get on his feet." Yet Michelle was Mikey's primary caregiver and provider and was in a precarious financial position herself. Michelle also shared that Joel wanted to pay sporadic amounts of child support outside the support system—another form of control. Thus, Michelle's experiences highlight how the court presumes mothers will be able to provide for children regardless of the level of father's financial contributions, while fathers assume the title of payers without fulfilling their financial roles.

Low-income and, especially, high-income Black mothers described the resentment fathers placed on them due to their financial obligations and feeling that their contributions were not recognized, which resulted in Black mothers having to perform relational labor within a contentious context. However, analyzing low-income Black fathers' accounts reveals the state racism they faced, which the fathers often mistook as gender bias.

Amara was a high-income, Black mother who shared a son, Kade (age 7), with her ex-boyfriend, Otis. When I asked about Amara what the worst thing about having a court order was, she explained:

I think just because I know he's struggling financially, because it's tied with child support and I know that he struggles financially. I get it is hard out here, especially right now with COVID happening. And we are getting this relief check, and his is gonna be taken because he owes back support and I know that it probably would really help him right now. That I feel like is hard for me to deal with 'cause I feel guilty. But it needed to be done.

Amara's account reveals that Otis struggled financially. It also highlights the relational labor of guilt that Amara had to contend with because Otis's COVID-19 relief check was going to be garnered to cover some of his child support debt—money that she needed for Kade. The low-income Black fathers I interviewed described frustration with their children's mothers; however, a deeper analysis revealed that they were confronting a racist court system and their anger towards mothers was wrongly directed because they viewed their financial obligations as a court gender bias issue.

Jay was a low-income Black father who felt the state was biased against fathers. He shared two children, Tanya (age 9) and Rico (age 8), with his ex-girlfriend, Brittany. When I asked Jay, how he felt about child support, he explained:

[Brittany] don't want me to send them anything, you want me to pay child support to hand you money. So instead of you buying my son nice clothes, you buy him bullshit clothes. Instead of you signing them up for the activities, you sign them up for nothing. But you buy you new stuff. And now, I'm contributing to your rent. But you told the court you could take care of them better that I could.

The quotation above highlights that Jay preferred in-kind gifts, primarily focused on directly supporting his children and less on their day-to-day material needs. Rather, he viewed child support as money being utilized by Brittany for “new stuff” and *her* rent. It also echoes his and

other low-income Black fathers' sentiments that the courts were biased against fathers (i.e., the court appointed Brittany primary caregiver).

Primarily high-income mothers reported the relational work they had to perform to informally secure additional funds from fathers, as well as the emotional and time cost of this labor. Madeline was a White high-income mother who shared a son, Liam (age 6), with her ex-husband, Nate. Madeline reported that the child support order specified a percentage each parent was responsible for school, childcare, and extracurricular activities—expenses which are normally not factored into the child support formula. The parents' income privilege enabled them to both contribute, but the reimbursement responsibility primarily had fallen on Madeline:

The main issue that I have is that I feel like I'm not paid on time. ...I think he kind of picks and chooses what he wants to pay first. What's higher and it's like, just pay it, just get it done. ...And then he doesn't wanna do it via the bank, to use the bank system where we can pay immediately from one account to the other which is great, in my opinion, but he doesn't wanna do that so he wants to actually hand me a check which is really annoying..... I feel like that giving a payment, at least on his part, he's just like, "I'm not, I don't wanna give you money," you know. [chuckle] I feel like there's that emotional thing behind it.

Madeline's experiences as an invested mother reveal the tactics that high-income fathers engaged in to assert control and shift the financial burden onto mothers. The interpersonal reimbursement system—which absolved the court from any labor to facilitate this part of the financial relationship—afforded Nate discretion over when, what, and how to financially contribute towards Liam's enriching activities. Nate's evasive behaviors exemplified attempts to make the reimbursement process more challenging and highlighted the emotions it invoked for him. The quotation demonstrates that Nate had an emotional reaction because he interpreted the money was for



Madeline rather than accounting that it was a repayment for his children's expenses. Although White high-income mothers had more financial resources, they were required to perform relational labor to guarantee fathers' economic support for items outside of the child support order that contributed to children's enrichment.

Overall, the relational work performed by mothers across social class and race/ethnicity highlights how the state structure and fathers colluded to forge mothers into both primary caregivers and breadwinners. As demonstrated above, the collapse of burdens came at cost for women: time, energy, and emotional management. To further contend with the court-father complicity, mothers also engaged in strategies of paid and invisible work.

#### *Paid Work*

Mothers across social class and race/ethnicity primarily engaged in paid work as a strategy to fulfill their role as financial provider, which fathers made challenging by limiting and omitting their childcare. Low-income mothers described working extensively, often stretching themselves thin to make ends meet. High-income mothers' economic status afforded them the ability to cover their children's basic expenses and more, such as extracurricular activities, that they funded with their paid work income.

Martina was a low-income White mother who shared two daughters, Faith (age 13) and Arielle (age 12), with her ex-boyfriend, Carter. Carter had been placed on child support payments after Martina applied for public benefits. Martina reported that she had asked the state to pardon \$30,000 of child support debt due to Carter's incomppliance. To financial support the girls, Martina worked extensively:

Well, I'm down to two jobs now. But for a while, I was at three. So some days I would work at the hospital, then go to the restaurant, then got to the bar, literally in one day's time.

So I'm home a little bit in between just enough to change....And now that I don't have the bar anymore, I should begin to start having Sundays off. But that's just changed as of last week. Before that, it was a lot of I'm at the hospital all day, I'm at the restaurant all night and then it's come home and change and go to the bar.

Martina divulged that when they were in relationship, the financial burden had fallen on her—Carter had gone as far as to steal her credit cards; after their breakup, Martina continued to find herself as the girls' primary caregiver and breadwinner, as Carter had been incarcerated. Her statement above illustrates the work weight she continued carrying being employed at three different locations: hospital, restaurant, and bar. Such extensive paid work punctuates mothers' conflict attempting to independently fulfill the roles of caretaker and financial provider, as working requires childcare and reduces mothers' ability to spend time with their children.

Low-income Black mothers experienced having little financial support from their children's fathers. Riley was a low-income Black mother who shared a son, Andre (age 1), with her ex-boyfriend, Devon. Riley narrated how, as the sole breadwinner for Andre, she had to work sometimes 20 hours a day while facing childcare barriers to her paid work:

I have to do everything by myself...my mom, she works at the hospital, she does 12 hours at [the hospital] so it's hard for her to help me. My sister goes to school, and she works. So it's hard when you don't have a lot of help, and I have to go to work because I have to take care of him. Well, see, my child support is only 60 bucks... Only got child support three times, my baby will be two next month. Yeah, so I really don't rely on child support, because it's not enough money, even when I do get \$60, that's just a box of diapers, so it's really not a help for me....He feels he shouldn't have to pay the 60 bucks of child support, and he'll just take care of his son. But I've never saw that, so I don't wanna try it.

Riley's account elucidates how she became the breadwinner because Devon's low child support amount only covered a box of diapers, and he was incompilant with payment. Further, she disclosed not having childcare support from Devon, although he claimed he would have rather exercised parenting time than pay child support. Her language of "I have to take care of him" encompasses how her caregiving and breadwinning roles were collapsed into one. Although Riley leaned on family support for childcare, as Black women have historically done, her mother and sister also had their own economic and educational demands. Therefore, Riley's experiences as primary caregiver-breadwinner highlight the difficulties mothers faced to fulfill their obligations with few structural resources and little interpersonal support (e.g., childcare) from fathers.

Some high-income mothers described a different dynamic—they were able to afford children's expenses and had some sort of financial collaboration from fathers. Yet it required the relational labor detailed above. Kelsey was a high-income White mother who shared a daughter, Jane (age 14), with her ex-husband, Paul. When I asked Kelsey if anything fell through the cracks, she detailed:

Well, in general, her dad handles school-related expenses, and I handle clothing. And that's just how we have informally divided that up so that we don't have to total up all those things and split them. But this past weekend she was working on an art project, and she said, "My dad was supposed to get me pens, and I don't have the pens I need to do my art project." So I went and got them, which I'll then total up and add to what he owes me at the end of the month....So we both total the expenses and then typically he pays me, so...

Typically, he owes me for expenses at the end of the month in addition to child support. Kelsey's recount demonstrates that Paul played a significant role financially by paying child support and handling school expenses. Still, Kelsey took on the primary financial role by

accounting for any financial expenses that fell through the cracks, which she was able to fill in with her income from paid work.

However, high-income Black mothers primarily found that they unilaterally had to cover children's financial expenditures. For example, LaToya was a high-income Black mother who shared two children, Avery (age 3) and Angelo (age 1), with her ex-husband, Bryan. LaToya was employed full-time and leaned on her income to fulfill the role of primary breadwinner:

Everything that they need, I pay for...anything we do that's outside of clothing, food, utilities, I pay everything. I pay everything...Because he thinks he doesn't have to pay. So when the kids are at his house, he's supposed to have their clothes, their food, ...the one-year-old's diapers and everything. And so he for some reason thinks I'm supposed to pay for stuff in my household and pay for stuff in his household. It's a constant battle because he feels like...he shouldn't have to pay.

During the interview, LaToya reported that Bryan had an accumulating child support debt, and her account above demonstrates that Bryan also believed that she should subsidize the children's expenses (e.g., food, clothing, diapers) at his household, as well. Part of Bryan's attempts to exert financial control was that he resented LaToya for his legal financial obligation—or as she stated, “The system is my fault, everything is my fault.” Thus, although Bryan was the child support payer, ideologically the “breadwinner,” the onus fell squarely on LaToya to secure her children's material well-being. Other mothers in the sample also explained that they provided children's material needs during fathers' parenting time: e.g., allergy friendly food and opening their homes with access to food to fathers. Without mothers' high-income paid work, children would miss out on basic material needs *across* households, as well as opportunities for enriching experiences.

### *Invisible Work*

Regardless of whether child support enforcement and fathers cooperated, mothers still had to financially provide—for low-income mothers, the lack of systematic paternal support and their low-pay or lack of money required them to perform invisible work. Mothers' invisible invested work included applying to public benefits, drawing on community resources (e.g., food pantries and church donations), being innovative about funding sources (e.g., participating in research studies, withdrawing from retirement accounts, amassing credit card or student debt), and tapping into scholarships and subsidies. Low-income mothers described strategies—often invisible to the state and fathers—that they deployed to guarantee children's basic material necessities.

Cheryl was a low-income multiracial (Latina-White) mother who shared two children, Milo (age 9) and Luna (age 7), with her ex-husband, Wyatt. Cheryl described that prior to their divorce, she and Milo had embodied the caregiver-breadwinner dichotomy; after their divorce, Wyatt had gone through bipolar manic episodes hurtling her into being the financial provider. When I asked Cheryl how she was now financially managing, she exclaimed:

Not well. [laughter] Massive credit card debt, massive. Massive credit card debt. I did cash out of [retirement].... you pay an enormous tax penalty. [chuckle] It's so much, borrowing from my future....it's also hard to go from not worrying about money to, "You dummy. You can't eat at the Roadhouse [restaurant] every Monday." [laughter]... I'm trying to learn, "No, you're a single mom, you should probably apply for cheap, these kinds of things and shop at Aldi [supermarket]. Yeah. So but yeah, I would say not doing well financially, but luckily I know that the kids will always be provided for... Someone in our village, they're the only grandkids really other than the new baby. So we have a lot of grandparent support locally.

As demonstrated in her report above, Cheryl engaged in several invisible work actions to fulfill her role as financial provider, which was a shift from her marriage: borrowing from her future (i.e., amassing credit card debt and cashing out of retirement with tax penalties), altering her parenting practices (i.e., eating out less and shopping at low-price grocery stores), and leaning on her kin-network. Thus, the role of caregiver and financial provider put mothers at a disadvantage, as they depleted their future resources while simultaneously decreasing their current quality of life.

While there were several overlaps in low-income mothers' experiences across race and ethnicity, low-income Black mothers' narratives highlighted how the additional labor they faced was shaped by the historic underpinnings of sexism, systemic racism, and economic inequality. Low-income Black mothers reported in greater proportion than low-income White mothers that fathers were at a distance (i.e., lived abroad, lived out-of-state, or were incarcerated), which posed a substantial barrier to payment compliance. For example, Jalisa was a low-income Black mother who shared a son, Dylan (age 7), with her ex-husband, Fabian. Jalisa became Dylan's sole caregiver and provider because Fabian resided abroad, which enabled him to avoid paying child support with an accumulating debt. When I interviewed Jalisa, she was multitasking (i.e., engaging in her paid work, eating lunch, and participating in this *paid* research study) which further illustrated the resourcefulness she discussed:

Last time I was navigating the [welfare] system as a homeless teenager. Now I'm navigating it as a parent who has to think about somebody else. So I just had to get better at that, and found different programs where I can just get help, specifically with childcare. I made friends with people in the community, like his pre-school teachers and stuff like that, so I could have childcare outside of school, so it just took a lot of hustling, pretty much. Just thinking about all that effort and work I went into just to be able to stay afloat, it still

frustrates me, and I don't like talking to him about it, 'cause I'm like, you over here taking pictures, literally backpacking through Europe, at wine vineyards, and doing all this leisurely lovely things while I'm busting my butt over here.

Jalisa's experiences are supportive of the multiple invisible work strategies and "hustling" that low-income mothers deployed when faced with sole financial burden, which included applying to public benefits, drawing on community resources, and creating connections. Still Black mothers in greater proportions than White mothers had ex-partners who resided geographically distant. In addition, throughout the interview, Jalisa disclosed the stereotypes of poor African American single mothers she attempted to negate, while invoking a self-reliant narrative by expressing not needing any financial (or physical) support from Fabian. Thus, while Jalisa navigated the role of invested mothering, becoming further entrenched in poverty, Fabian asserted control by maintaining distance to avoid providing financial assistance and engaging in "leisurely lovely things."

Black mothers also performed invisible labor as a result of the systemic inequalities that low-income Black fathers faced, which created financial gaps. For instance, Charlene was a low-income Black mother who shared two children, Josiah (age 8) and Isla (age 7), with her ex-boyfriend, Theo. Charlene was launched into being the sole caregiver and breadwinner during Theo's five-year incarceration period, which had ended a month prior to our interview. Charlene shared the ways that Theo attempted to be financially supportive: "About around this time of the year, Christmas, he would always sign them up with the Angels, made sure they had Christmas presents. Made sure they had coats and boots. He would always sign them up for things." Still, to facilitate Theo's provision through a Christmas gifting program for incarcerated parents (i.e., Angels), Charlene had to absorb the invisible and visible financial and emotional costs of

transporting the children to Theo's place of incarceration, a four hour round trip. Now Charlene was also coping with the long-term financial ramifications of Theo's incarceration by waiting for him to become economically established, find employment, and secure his own place of residence—all life course events complicated by having a criminal record. Charlene's coping required invisible invested mothering strategies, such as drawing on resources (e.g., food pantry) at the children's school, highlighting how low-income Black mothers' financial provision was made heavier by systemic inequality that low-income Black fathers grappled with.

## **Conclusion**

The findings above elucidate the experiences of divorced and never married parents financially providing for minor children under a child custody agreement differed by the intersection of gender, social class, and race. Mothers in this study were more likely to report unilaterally or primarily providing for children through strategies of relational, paid, and invisible work; fathers described feeling they were overpaying child support and often did not want to cover expenses beyond the court order (e.g., extracurricular activities) or made the collaboration process more challenging. High-income parents reported more shared financial expenditures due to the ability to absorb expenses and a facility to focus on enrichment activities, whereas low-income parents struggled to cover basic expenditures with many mothers describing stressors and differences in quality of life compared to fathers. Further, by leaning on foundational and contemporary frameworks of intersectionality, Black mothers', particularly low-income, narratives reveal that they were the most disadvantaged by grappling with interlocking systems of sexism, racism, and economic inequality and contending with fathers' precarious financial standing and misdirected resentment. Together, these findings demonstrate a collision between the public and private sphere through an interplay between finances and family.



Social gender expectations continue to posit men as breadwinners and women as primary caregivers based on the romanticized heteropatriarchal, nuclear family configuration, despite women's increased labor force participation. While men have become more involved fathers, the amount and type of caregiving they provide has not extended to the same rate as mothers' employment (Wall & Arnold, 2007); further, certain tasks (particularly invisible work and cognitive labor) continue to be feminized and unequally carried out (Damingler, 2019). The family has been constructed as a privatized location of care, responsible for the (economic) well-being of its individuals with women as caregivers being regulated by the state, particularly the most disadvantaged—low-income women of color (Abramovitz, 2018; Cooper, 2017). Consistent with radical feminist legacies (Butler, 2002; Lewis, 2022), fissures in the hegemonic nuclear family ideology—including divorce and shared parenting—provide a juncture for relationships of care to be reinvented and reconceptualized beyond the patriarchal, privatization of care. Yet despite contemporary family formations representing diverse constellations, the state hinges parent-child relationships on biological ties (*vis-à-vis* essentialist law) and implicitly emulates the breadwinner-caregiver dynamic without fully investigating the follow through of responsibilities. I argue that mothers' caregiving tasks have expanded to include financially providing. Women's financial contributions to children in shared parenting arrangements via carrying out what I term *invested mothering*—in short, visible, formal paid work in the public sphere and invisible, relational labor in both the private and public (i.e., court) sphere—are ignored and obfuscated because they do not fit masculine norms of paid work. Neither courts nor fathers support women's financial burden through recognition of this labor or providing childcare support.

Without women's paid and unpaid work, children would not have access to basic material needs (sometimes at both households), public benefits, and, potentially, enriching activities that

contribute to the reproduction of social class. Children's financial outcomes as adults are burdened onto mothers during these precarious economic times, which often involves a concerted cultivation parenting approach that requires extensive monetary and time investments towards educational and extracurricular activities (Cooper, 2014). Still, mothers' paid work and caregiver demands conflict with each other, especially in the U.S. which lacks universal childcare, health care, parental leave, family accommodations, and an adequate public safety net (Collins, 2019). Thus, mothers are faced with colliding ideological expectations of intensive motherhood and practical considerations of shouldering the lion's share of financial responsibilities for their children—in short, *invested mothering*—further entrenching them in a social terrain riddled with gender inequality.

The theoretical expansive concept of *invested mothering*—mother's relational, visible, and invisible labor to financial provide for their children under state regulation—captures how feminized caregiving responsibilities have been reconstituted to also integrate breadwinning without interactional and formal, structural recognition, which perpetuates gender inequality in parenting relationships and upholds patriarchal privileges. This research extends understandings of intensive mothering (Hays, 1996) and its offshoots—including extensive (Christopher, 2012), integrative (Dow, 2019a), defensive (Elliot & Bowen, 2018), and inventive (Randles, 2021) mothering—which explore mothers' physical, emotional, psychological, and cognitive labor. Men continue to purport breadwinner status, asserting patriarchal control over women without fulfilling their financial obligations. Yet women invisibly, de facto account for financial work resulting in further inequality when women already face a precarious place in the public sphere. As scholars, we can imagine that the unequal distribution of financial provision was probably exacerbated

during the pandemic when women found themselves having to reduce their work while also having to facilitate virtual learning (Brittingham, 2022).

Unless requested and agreed upon by parents, the structure of child support normally does not consider expenses beyond basic needs—including extra-curricular activities, recreation (such as school dances), orthodontic treatments, cell phone bills, and other unexpected expenses that arise with raising children—leaving it up to parents to figure out these financial considerations. High-income parents are more likely to have the financial resources to navigate these types of negotiations and afford extra expenses (Waller, 2020). Because children are primarily in mothers' care, basic and extra expenses inevitably fall onto mothers who must request fathers' collaboration and contributions. Custody arrangements have been documented by researchers to be unequal locations of power in and out of the courtroom (Elizabeth, Gavey, & Tolmie, 2012); thus, women are seeking cooperation from fathers in an already unequal playing field. Therefore, although child support may give the illusion of a heteropatriarchal, nuclear family dynamic, a deeper analysis distills women's sustained contributions undergirding U.S. families.

## Tables and Figures

**Table 4-1 Child Support Demographic Characteristics (N=46)**

Characteristic	<i>n</i>	%
<b>Gender</b>		
Mother	32	70
Father	14	30
<b>Race/Ethnicity</b>		
White	22	48
Black	15	32
Latinx	4	9
Multiracial	5	11
<b>Marital Status</b>		
Divorced	24	52
Remarried/married	7	15
Never married	15	33
<b>Education</b>		
Bachelor's degree or higher	26	57
Associate degree or some college	16	35
GED/high school diploma or less	2	4
No response	2	4
<b>Income</b>		
Low-income	30	65
High-Income	16	35
<b>Physical Custody</b>		
Sole (mother)	28	61
Sole (father)	2	4
Joint (mother and father)	16	35

**Figure 4-1 Child Support Arrangements versus Experiences**

Characteristic	Reported by	<i>n</i>	%
Reported Child Support Arrangements			
Payee	Mothers (n=32)	29	91
Payor	Fathers (n=14)	13	93
Narrated Financial Experiences			
Primarily Financially Responsible	Mothers (n=32)	22	66
Utilized Public Benefits	Low-income Mothers (n=20)	11	55
Received Erratic Payments	Black Mothers (n=10)	8	80
Father Residing Afar	Black Mothers (n=10)	4	40
Experienced Courtroom Bias	Low-income Black Fathers (n=5)	4	80

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## **Chapter 5 Conclusion**

This dissertation examined how parents experienced dividing parenting work in child custody arrangements. By drawing on in-depth interviews that I conducted with 50 parents, I investigated the following overarching research questions: 1) How do child custody agreements translate into daily life? 2) What happens to the gendered division of parenting work in separated family forms? To extend feminist theory work, the findings presented in the three freestanding dissertations chapters (Chapters 2, 3, and 4) conceptualized the gendered division of invisible work (the custody load), power (power moves), and money (invested mothering) in shared parenting arrangements. Below, I provide an integrative synthesis of the dissertation findings, as well as comprehensive implications and directions for future research.

### **Summary of Findings**

In this dissertation, I introduced three concepts for understanding the experiences of parents in shared parenting arrangements with a child custody court order: the custody load, power moves, and invested mothering. Overall, the three concepts highlighted gender inequality that is in conversation with and extends feminist sociological theory, as well as family science. More specifically, I demonstrated that mothers shoulder unequal caregiving obligations to ensure children's well-being while garnering father involvement in the context of separate households. For one, mothers enact court-ordered shared parenting by engaging in distinctive, invisible mechanisms, such as coordinating care and compensating for fathers' lack of caregiving labor; for another, mothers protect children by deflecting fathers' uninformed, interactional influence

regarding parenting time and decision-making; finally, mothers financially provide for children by employing strategies to subsidize for fathers' missed payments and low payment amounts. Yet these burdens exist in a backdrop that is buttressed by a matrix of domination that disadvantages low-income Black women the most due to interlocking systems of sexism, racism, and economic inequality. Altogether, the three individual studies culminate together to demonstrate that institutional processes that purport to be gender-neutral ignore the patriarchal, androcentric social fabric individuals are entwined in—in short, misogyny in the public and private sphere is reconstituted vis-à-vis care work.

### **Implications of Findings**

The findings of this dissertation research have implications for feminist theory, empirical research, and family policies. Foundational and contemporary feminist theories pertaining to the division of household labor have primarily focused on the heteropatriarchal, nuclear family (Daminger 2019, 2020; Daniels 1987; Hays 1996; Hochschild 1989), which neglects most parents' reality. This dissertation extends conceptualizations of gender inequality in the household by contending with contemporary parents' experiences congruent with a disciplinary shift toward studying diverse family forms (for examples see Pfeffer 2010; Randles 2018, 2021).

I bolster the legacies of Black feminists (Collins 1990; Crenshaw 1989) and direction of family scientists (Cross et al. 2022; Few-Demo 2014) to engage in a critical intersectional analysis approach to investigate how interlocking systems sexism, systemic racism, historical economic inequality, and shape mothers' everyday experiences. I find that Black mothers “hustle” for their children, consider state racism in their interactions, bear the brunt of fathers' misdirected frustrations, and grapple with low-income Black fathers' inequality in the public sphere—all in the context of stigma and little structural support for Black families. Together, feminist theories

and an intersectional framework assert that gender inequality in shared parenting arrangements is reconstituted rather than dismantled. More specifically, the legal and cultural promotion of fatherhood and fathers' rights in child custody arrangements afford men with discretion, power, and control in their informal interactions with mothers, which reinforces patriarchal power in the private sphere.

Empirically, the dissertation findings illustrate that entrenched, social gender expectations that undergird parents' interactions in and out of the courtroom, influencing how they divide parenting responsibilities. While it is true that fathers are more involved in their children's lives than their predecessors and demonstrate emotional closeness to children (LaRossa 2016; Schoppe-Sullivan and Fagan 2020; Randles 2018), the study findings underscore that the institutional shifts towards gender-neutral parenting arrangements ignore that parents are embedded in an androcentric, patriarchal social landscape of gender inequality which encompasses intensive mothering ideologies and structures of paid work that reward fathers. Law and culture alone are not enough to destabilize gender inequities in the home—and now, there are two households for mothers to manage with ex-partners they have often reached an adversarial point. Analogous to color blindness (albeit an ableist term), the courts (and fathers) refuse to acknowledge the gender inequality that mothers are embedded in the public and private sphere. Therefore, without this dissertation work, researchers are ignoring women's sustained contributions to children, families, men, and society.

Policy-wise, the dissertation findings emanate various suggestions for family law and court staff regarding parental educational programming, custody evaluations, and practices. The state of Michigan, where this study was conducted, mandates parents who are going through state-enforced child custody negotiations to complete the "Start Making It Livable for Everyone" (SMILE)

program, which is “an educational program for separating and divorced parents with minor children” (SMILE Handbook n.d.). The handbook discusses divorce and separation (i.e. five stages of grief), children’s feelings by age stages, parenting time (previously known as visitation) (e.g., be consistent, engage in interesting activities, communicate effectively with children about the separation, communicate with the other parent), and individual actions parents can take (e.g., seek support groups, develop hobbies, ask friends and family for babysitting support, use a cleaning service at home, make a budget, etc.). Overall, the program intends to encourage parents to “successfully co-parent” and promote children’s “healthy” adjustment and relationships with both parents.

Yet there is an elided expectation from the state that one parent will bear the burden for the parenting relationship to guarantee paternal participation. The dissertation findings demonstrate that, for the most part, fathers do not enact labor to bridge households, exercise consistent parenting time, or pay sufficient regular child support. Thus, the court program’s suggestions to parents remove accountability from fathers because the state is providing individual solutions to intersecting structural issues of gender, economic, and racial inequality. For instance, the handbook assumes that primary custodial parents—who are mothers 79.9% of the time (Grall 2020)—have the resources to bring in external paid and unpaid support for housework and childcare. I propose that formal parenting education programs should acknowledge in their curriculum and operate from the standpoint that men and women have unequal power and resources. For instance, the handbook needs to incorporate empirical findings that acknowledge women’s economic inequality, both at home and in the paid sphere, and differentiate between physical labor and cognitive labor, popularly known as the “mental load.”

Custody evaluations also provide courts with an avenue to eradicate gender. Custody evaluations have preference for equally shared time that is couched as “the best interest of the child” (DiFonzo 2014; Dowd 2000). The dissertation findings unearthed that shared time does not mean shared care nor results in the best interest of children. Rather than prioritizing biological fathers’ desire for custody (Elizabeth, Gavey, and Tomie, 2012; Tolmie et al. 2010), court staff have an obligation to look at parents' history of actual behaviors—potentially, encouraging fathers to perform more invisible work and cognitive labor while in marriage or relationship. Courts also have a responsibility to invest in court staff with cultural humility who have training on gendered violence and gender inequality in the home.

The empirical case of child custody arrangements demonstrates that what is “on the books” does not translate into practices, which is supported by parents’ experiences day in and day out. For instance, mothers narrated instances of child neglect that the courts overlooked, such as fathers not seeking medical attention for children facing medical emergencies (e.g., a broken wrist, anaphylaxis shock, feeding after a colonoscopy). Rather than utilize discourse that labels mothers as gatekeepers if they express concerns over fathers’ abilities and behaviors (Nixon and Hadfield 2018), the court necessitates respect for women’s historical contributions to children and families. Women have shouldered private family care work for centuries in a patriarchal terrain that maintains men’s privilege in and out of the home(s).

### **Directions for Future Research**

The findings from this dissertation came from in-depth interviews with 50 heterosexual parents (34 mothers and 16 fathers). The parents I interviewed were not previously coupled or intimate with each other. At the end of the interview, I discussed with participants the option to recruit their child’s other parent into the study, but none did nor did not make this a requirement

due to concerns over violence, power differences, and contentious relationships (Elizabeth, Gavey, and Tolmie 2012; Waller, Dwyer Emory and Paul 2018). Future researchers may consider interviewing parent dyads who share a minor child under a current child custody agreement. I would expect that participants may oversell themselves and undersell the other parent; therefore, having both perspectives would provide comparison on the same events and issues. It also would be informative to compare the experiences of the parents I interviewed with those who have an informal child custody arrangement outside of the court. Parents outside of the court's boundaries are not circumscribed into arrangements that purport to be gender-neutral—therefore, potentially relieving mothers from performing labor to bridge fathers' relationship with children and leaving this responsibility up to fathers. The directions for future research stated here punctuate the role of the state while bolstering research on intersectional gender inequality consistent with the essence of this dissertation.

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## **Appendix: Additional Methodological Discussion and Documents**

The intellectual interest in this project stemmed from feminist literature on gender inequality in the family—more specifically, Arlie Hochschild’s (1989) book, *The Second Shift*, planted the seeds for identifying the systemic factors contributing to gender inequality at home. Extant literature on married and cohabiting households made way for sociological research on contemporary family forms. Child custody arrangements provide the field with a macro and micro view on parenting in separate households. With the Fathers’ Rights Movement burgeoning and courts moving towards joint custody as the default (see MCL 722.26A Joint Custody), why did I continue to hear persisting anecdotes of uninvolved fathers who exerted control over mothers?

To investigate the dissonance in custodial experiences by gender, I utilized qualitative methodology to explore first-hand experiences. I chose in-depth interviews because they reveal “how we make sense of our experiences, how we communicate with others, and through which we understand the world around us” (Merriam 2009: 32). Thus, I was intentional about my attempts to reach a diverse sample of parents to bolster a variety of voices. To reach participants of color and low-income participants, I posted flyers at laundromats, public libraries, churches, public benefits offices, as well as mailed flyers to Head Start programs around the state.

About halfway through, I had all the study documents (i.e., flyer, prescreening survey, short survey, and interview schedule) professionally translated into Spanish and re-approved by the institutional review board so that I could target a historically low-income Latinx community. My first language is Spanish, so I felt confident in my ability to conduct interviews. However, my

networking attempts with neighborhood school principals, community engagement programs, employment services, and restaurants were unsuccessful as I only recruited one participant. Although I am not a mandated reporter, I imagine that discussing sensitive topics such as interpersonal violence, child neglect, and family separation can be intimidating to do with a stranger associated with a predominantly White university.

Between 2018 to 2020, I recruited 50 parents who had a current child custody court order for at least one minor child held by the state of Michigan. Unsurprisingly, most of my participants were women (n=34)<sup>2</sup>. To make the process as seamless for participants, I offered to meet at a mutually convenient time and location; often, this meant that I would drive out to participants' homes, workplaces, or public locations near them (e.g., public libraries, restaurants, cafes). Prior to meeting, I also informed participants that they had the option to fill out the consent form and short survey either on a computer or on paper copies that I would provide—the reason being that not everyone has reliable access to computer. With equity in mind, I intentionally offered a cash incentive instead of a check or gift card. Cash does not require a bank account and can be used as warranted without a trace or the feeling of surveillance. I also increased the participant incentive to recognize that parents sustain busy lives, and they were gifting me time they could have utilized to spend with their children or to rest. Some parents, as I detailed in chapter 4, lean on research studies to supplement their income.

As I interviewed parents, I found that participants who expressed, either casually in conversation or during the interview, familiarity with the research process were more verbose and

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<sup>2</sup> In a previous research study that I conducted on children, I found that the parent responding to my research announcement was primarily mothers; these mothers also took on the labor of filling out the short survey and facilitating my conversation with children. Although I have not systematically studied gender differences in research participation, my hypothesis is that women's proportion of participation in studies on families and gender is an extension of the unequal division of household labor.

willing to share intimate details. As one mother who held a doctorate degree and worked for a digital library told me, “I assume there's no TMI [too much information] here.” With these parents, I was more likely to let the conversation flow to prevent prematurely cutting off responses with nuggets of analysis gold. Yet I noticed that some marginalized participants were more reserved with their responses and sometimes provided me with general answers—sometimes it felt like “pulling teeth” to draw out details. Given previous breaches of trust by scientists (e.g., the Milgram experiments and Tuskegee Syphilis Study) (see Christians 2011), distance and distrust are understandable.

My goal as a feminist scholar is to utilize critical inquiry to both explain *and* transform social injustice (Ackerly and True 2020)—this dissertation study paves the path for both. Presenting theoretically expansive concepts and policy suggestions, I hope to impact women and children’s lived experiences vis-à-vis the methodology discussed above.

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## Recruitment Flyer

University of Michigan. Approved by IRB on 05/04/2018 (HUM00145249).

**Do you have a child?  
Are you no longer with the other parent?**

### **Divorced? Never married? Re-married?**

Be part of a sociology research study at the University of Michigan.  
Have a *confidential* conversation about how you share parenting work with your child's other parent.

...  
The study takes 1-2 hours at a place convenient to you! Take a survey and do an interview.



**Complete study to earn \$40!**



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Adriana Ponce (researcher): [aponce@umich.edu](mailto:aponce@umich.edu) or (734) 430-9410 (call/text)

## Interview Schedule

The following is meant to be used as a guide. I tend to allow the conversation to flow organically and probe as necessary. I'll often refer to the guide at the end of the interview to make sure I didn't miss anything important. This interview schedule may reasonably change based on how interviews go and the data I am collecting.

*I'm going to start recording. I'll point the recorder towards you to make transcribing easier. Thank you so much for doing this interview with me! I'm here to listen to your story in a non-judgmental manner. It is recommended that you say, "my daughter/son," "their mother/father" instead of using actual names for your own privacy.*

### Child Custody

Tell me a little about what your household currently looks like? For example, who lives with you?

***Let's go back in time a little.*** When and how did you meet your child's other parent? What was your relationship like during the early stages?

When did you decide to have your child? What was your relationship like then?

Pregnancy: How involved were you/they during the pregnancy?  
How did the two of you parent when your child was young?

Why did the two of you break up or divorce? Who filed for divorced?

At what point did you all decide to go to court for child custody?  
How did you two negotiate custody? (For instance, did you use lawyers?)

What does your court order say about the legal and the physical custody?

How would you describe your current relationship with your child's other parent?  
What has changed since you two decided to divorce/separate/not be together?

How would you currently describe yourself as a parent? How about the other parent?

Are you currently in a relationship? → *If yes*: How does your ex feel about your new partner?  
Is your ex-partner in a relationship? Has that had any impact on your parenting relationship?

### Parenting Work

***Let's talk about the present.*** How closely do you follow your court order(s)?

How happy are you with your child custody court order?

Has anyone ever been denied parenting time?

Have you gone back to court regarding your custody order?

*For instance, passport, name-change, personal protection orders, removing child from state of residence, and parenting time denial.*

Would there be a reason that you would take your child's other parent back to court?

What's the best thing about having this court order? What about the worst?

From 0 to 100, what percent of the parenting work do you think you do? How about your child's other parent?

How do you communicate? Do you usually consider it open or constructive communication?

How do the two of you make big decisions regarding your child's education, health care, and religion—as well, as any other large choices?

What do the two of you usually agree on? Disagree?

Do things ever fall through the cracks between the two of you sharing responsibilities?

If we lived in the perfect world and you could have things your way, what would your perfect or ideal child custody order look like?

How do you cover expenses not covered by child support, such as extra-curricular activities? Do you two of you every fight over money?

How do the two of you handle discipline?

Do you think this custody order allows you or prevents you from having free time for yourself?

### **Emotional Labor**

How has the child custody court case and order affected you emotionally? What about the process of going through court?

How does your child feel about your custody arrangements? How do you know?

When your child has a problem, who do they go to for emotional support? How do you two emotionally support your child?

How do you imagine your relationship with your child's other parent in the future? How about your child's relationship with them?

### **Conclusion**

**To wrap this interview up, think back to yesterday, which was \_\_\_\_\_.** What work related to your child did you do? Is this typical?



Is there anything that I didn't ask you that you think is important to share with me?  
Why did you decide to participate in this study?  
Do you have any questions or comments for me?

**Useful Prompts**

- This is useful information. It would also help me to understand (next question)!
- Let's switch gears a bit, here, so I can get a full understanding of your custody case.
- How about (next question)? Can you tell me about that, too, please?

## Coding Scheme

Code/Sub-Code	Description	Example
Caregiving Mothers		
Administrative Work	<i>Administrative work that mothers executed on behalf of or related to their children.</i>	I have also kept track on a spreadsheet of how much he owes me for all those times that I've paid like \$50 here, \$50 there for these different activities, and he supposedly owes me it. (Macy)
Everyday Work	<i>How parents (primarily mothers) performed the daily parenting work involved in raising a child.</i>	I get off at work at 5:00 and she's in aftercare at school, so I have to pick her up by 6:00. So, I picked her up at around 5:50, then we went to Popeyes chicken, that's her favorite, she likes the biscuits, and she got her chicken wing dinner. Then we had to go to Kumon's. (Janice)
Medical	<i>Labor, including communication, associated with children's medical care.</i>	Okay, our youngest wears glasses, she's seven. She's been wearing glasses for a year. I was like, "This is what came down the pipeline. She's gonna need glasses, I took her to the doctor. She has an astigmatism. This is what's going on." (Leslie)
Decision-Making	<i>The process that parents (primarily mothers) go through to make decisions for their children.</i>	So it's definitely not a co-dynamic where we're sitting down or talking on the phone, discussing, "This is how such and so and so is doing, this is what we think is the best action." It's kind of like, "Here's what I think is happening, here you go," and he's usually like, "Okay," or I don't hear back, or that's that. (Hilary)

Altruism & Guilt	<i>Mothers vocalizing prioritizing their children's needs and feeling guilty when they were not able to.</i>	The less time he has with them, the more attentive he is. If he had them more often, he wouldn't. He'd push them aside. So I get the shit end of the deal, for sure, but it works out better for them. (Melody)
Tired	<i>Mothers' narrations around the toll that carrying the majority of the parenting work has on them.</i>	Frazzled, frustrated. As a parent, it's been very difficult because she's had all these medical needs, so all of my life went on hold. Yet, he went through, finished Med school, did whatever he's wanted to do, has had two marriages, can move around really wherever he wants to, he's got total freedom. (Lucy)
<hr/> <b>Fun Fathers</b> <hr/>		
Bonding Activities	<i>Bonding activities that fathers primarily engaged in with children.</i>	That's a pretty typical day. We try and, again, sit down, engage, play. I'll play Fortnite with them sometimes 'cause they like to see me lose, I guess, or video game over there, or play basketball with them, go out and do things. That's probably an average, typical day. (Lucas)
Discipline	<i>How parents participated in disciplining their children.</i>	But his dad was telling him, "No, you don't have to [write an apology paragraph]." And I'm like, "Oh, yes, you do. Is your dad gonna come here and do your suspension for you when you're gonna get suspended 'cause you didn't do it?" (Jessica)
Emotional Supporters	<i>How fathers centralized their role as emotional supporters.</i>	I think that she would probably acknowledge that there are emotional things and... That I do better with the kids at in terms of supporting or working with them on whereas there are more logistical things. And I think I was saying my son feels more comfortable over there, physically. (Julius)

Santa Claus & Gift Giving	<i>Mothers' descriptions of fathers as the "fun uncle," "Disney dad," or "Santa Claus" due to excessive entertainment and gift giving.</i>	I'm the parent that gets stuff done, makes sure, like you said, the school stuff is done, the clothes are clean, the dinner is cooked. We do fun stuff, but they probably do a whole lot more fun stuff with him 'cause he's like the Disney dad. (LaToya)
<hr/>		
Extra Work		
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Scheduling	<i>The process and enactment of parenting time scheduling.</i>	He's 15, 20 to 30 minutes late for every single drop-off. So, just last year alone, he owes me over 30 hours than the years before. So, he's up to 80-90 hours that he owes me, or something crazy like that. (Molly)
Emotional Adjustment	<i>Emotion work parents provided to their children (or themselves) due to the separation or custody arrangements.</i>	My son was just like, "The divorce is all your fault. Daddy says it's all your fault cause you're the only one of the four of us that doesn't wanna be a family anymore." (Tiffany)
Other	<i>An open code for any way that a parent attempted to make the other parent's life more difficult.</i>	My boyfriend's black, so I guess he just... I forget what the girls said but he does not think highly of him and I'm like, "Well it's not your opinion." [chuckle] (Gracie)
<hr/>		
Financially Providing		
<hr/>		
Before Custody	<i>Parents' financial arrangements or status prior to the child custody court order.</i>	I stayed at home the last part of our relationship, and she worked. (Ronald)
After Custody	<i>Parents financial provisions for children after the child custody court order.</i>	I really don't rely on child support, because it's not enough money, even when I do get \$60, that's just a box of diapers, so it's really not a help for me. So if I didn't get the 60 bucks, it wouldn't really matter. 'Cause it's not really nothing. (Riley)