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HIGH TIMES IN WYOMING: REFLECTING THE STATE'S VALUES BY ELIMINATING BARRIERS AND CREATING OPPORTUNITIES FOR WOMEN IN THE EQUALITY STATE

*Dona Playton and Stacey L. Obrecht**

*"Never doubt that a small group of thoughtful, committed citizens
can change the world. Indeed, it's the only thing that ever has."¹*

The Women's Rights Movement in the United States began in 1848, almost 160 years ago.² The fight for equal rights and opportunities was fueled by women organizing to change their status privately, socially, and economically. Wyoming is often touted as a pioneer for many of the rights that women now enjoy, including being the first state to grant women the right to vote and hold public office, hence our "Equality State" motto.³ Yet today, many continue to fight deliberately to secure action on a wide variety of issues important to women, not the least of which involves economic security.

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¹ WIKIQUOTE, MARGARET MEAD (stating a conclusion reached after a lifetime of observing very diverse cultures around the world), http://en.wikiquote.org/wiki/Margaret_Mead (last visited Apr. 10, 2007).

² BONNIE EISENBERG & MARY RUTHSDOTTER, NATIONAL WOMEN'S HISTORY PROJECT, HISTORY OF THE MOVEMENT (1998), <http://www.legacy98.org/move-hist.html>.

³ STATE OF WYOMING, WYOMING HISTORICAL DATES, http://wyoming.gov/state/wyoming_news/general/chronology.asp. (last visited April 27, 2007). Wyoming was the first state to give women the right to vote in 1869. In 1870, Esther Hobart Morris was the first woman ever to be appointed justice of the peace. Also in 1870, the first women were empanelled for jury service. Estelle Reel

Historically, women have not been passive recipients of the rights bestowed upon them, nor will they be as they face the changing environment of the future. Even in light of a substantial economic windfall in the state, many women are still burdened with disproportionate wages; high rates of domestic violence and divorce; limited access to quality child care; affordable housing; and legal representation in civil matters; all of which elevate barriers to improving material well-being. This article will explore whether women are benefiting from what many are still calling a “boom” and ways to eliminate the economic barriers facing many women and their children in the state. Through initiatives aimed at reducing the wage disparity, improving employment opportunities and conditions, and campaigns to reduce violence against women and to increase civil legal assistance to the poor, the authors suggest that our state can effect tangible results.

WYOMING’S INDUSTRY WORKFORCE

Wyoming is unique in its avoidance of the financial crises faced by many other states. The energized oil, gas, and mining industry in Wyoming has meant plentiful and well-paying jobs, a bustling economy and an estimated \$1.8 billion surplus.⁴ Industry in Wyoming “has experienced both ‘booms’ and ‘busts’ over the years, illustrating the cyclical relationship between the price of oil and employment. During periods of high oil and gas prices, the industry expands exploration and production and hires more workers. The opposite occurs during periods of low prices.”⁵

No one knows for sure how many workers have come from out of state, but the small Sweetwater County community of Wamsutter has seen its population grow from 247 people to about 1,200 in two years.⁶ The population of Sublette County, another county hit hard by the boom, jumps from around 6,000 to between 50,000 and 80,000 during the summer.⁷ The vast majority of this popu-

Meyer was one of the first women in the United States to be elected to a state office; in 1894, she was elected State Superintendent of Public Instruction. And in 1925, Wyoming elected the first woman governor in the United States, Nellie Tayloe Ross. Ms. Morris was the first judge elected, yet even in 2007, there are only three women district court judges in Wyoming, and only one woman was ever appointed to the Supreme Court of Wyoming, Justice Marilyn Kite. In 1925, Ms. Ross was elected as the first ever woman governor, yet more than eighty years later, we have not had another woman governor. *Id.*

⁴ Bob Moen, *Wyoming Energy Boom Puts Strain on Police, Health Care*, SALT LAKE CITY DESERET NEWS, Mar. 7, 2006, available at http://findarticles.com/p/articles/mi_qn4188/is_20060307/ai_n16170011/print.

⁵ BUREAU OF LABOR STATISTICS, U.S. DEPT. OF LABOR, OIL AND GAS EXTRACTION: NATURE OF THE INDUSTRY (last modified Dec. 22, 2005), <http://www.bls.gov/ocol/cg/cgs005.htm#conditions>.

⁶ Moen, *supra* note 4.

⁷ Blaine Harden, *Gas Boom is Both Boon, Bane for Wyoming County*, WASHINGTONPOST.COM, Mar. 6, 2006, at A02, available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/05/AR2006030500809.html>.

lation increase appears to be out-of-state men.⁸ Combined with other factors, the shortage of housing has forced many of the workers to leave their wives and families behind, finding little option other than to live with other roughnecks in company-built man camps.⁹

Additionally, employment growth accelerated to four percent in the fourth quarter of 2005.¹⁰ Construction and mining (including oil and gas) were the fastest growing sectors and created the largest numbers of new jobs.¹¹ Economic growth can affect women and men differently, particularly when the growth is concentrated in natural resource-based industries, which seem to constitute more favorable economic environments for men.¹² Predominately male industries, such as construction and mining, pay higher wages.¹³ These are also the job sectors with the fewest women employees.¹⁴

In 1997, a study was done on women in Canada's oil and gas sector.¹⁵ The study focused on identifying the current percentage of females participating in the Canadian petroleum sector labor force, barriers to women's entry and promotion, and strategies used by oil and gas companies to encourage the full contributions of their female employees.¹⁶ Positive trends were identified, including "significant growth in the last ten years in female enrollment in petroleum-related university programs (i.e. petroleum and chemical engineering, geology, and geophysics). This trend indicates that female participation in the petroleum industry in Alberta is likely to grow as these women graduate and enter the workforce."¹⁷ Another positive trend identified includes growth in the number of oil and gas companies that are developing policies and organizational initiatives to address inequities in

⁸ Harden, *supra* note 7. The article states that thousands of roughnecks are coming into Wyoming from Texas, Oklahoma, and Louisiana "chasing boomtown money." *Id.*

⁹ Harden, *supra* note 7.

¹⁰ David Bullard, *Total Payroll Up, Job Growth Continued in Fourth Quarter 2005*, 43(7) WYO. LABOR FORCE TRENDS 6, 11 (2006), available at <http://wydoe.state.wy.us/LMI/0706/a2.htm>.

¹¹ *Id.*

¹² HEIDI HARTMANN, OLGA SOROKINA & ERICA WILLIAMS, INST. FOR WOMEN'S POLICY RESEARCH, BRIEFING PAPER R334, THE BEST AND THE WORST STATE ECONOMIES FOR WOMEN 2 (2006), http://www.iwpr.org/pdf/R334_BWStateEconomies2006.pdf.

¹³ Stephanie Boraas & William M. Rodgers, III, *How Does Gender Play a Role in the Earnings Gap? An Update*, 126(3) MONTHLY LABOR REVIEW 9, 10 (Mar. 2003), available at <http://www.bls.gov/opub/mlr/2003/03/art2full.pdf>.

¹⁴ *Id.* at 14.

¹⁵ SUSAN SHERK, AGRA EARTH AND ENVTL. LTD. WOMEN IN CAN.'S OIL AND GAS SECTOR 1 (1997), <http://www.mun.ca/cwse/Sherk,Susan.pdf>.

¹⁶ *Id.*

¹⁷ *Id.*

the workplace.¹⁸ Diversity in the labor market can promote productivity which, in turn, can enhance the competitive edge of an industry.¹⁹

According to the Canadian study, it has become an economic necessity to ensure a corporate culture that values and capitalizes on its total human resources.²⁰ Many oil and gas companies have now established diversity management initiatives that deal with gender-related issues and address barriers to women's participation. Examples of initiatives that have been implemented include: child care and summer-care facilities within company offices subsidized by the company; bridging programs to introduce training opportunities for non-traditional occupations; introduction of harassment prevention policies and training that require managerial accountability and support; gender awareness training, as well as diversity-sensitive hiring and selection processes.²¹ Major barriers obstructing women's equal participation in the oil and gas industry were also identified in the Canadian study, including engrained values, beliefs, and behaviors that made change difficult.²² Furthermore, to advance in the petroleum industry one must have significant experience working in the field—a requirement often more challenging for women with the lack of alternative work schedules (e.g., job-sharing and part-time positions) and child care arrangements.²³ In Canada, women were able to overcome industry barriers by enrolling in petroleum-related university programs and through the organizational changes promoting diversity within companies.²⁴

Though more women in Wyoming have secured positions in the oil and gas industry, statistics alone, if you can find them, may be deceiving. The positions held by women in this area still remain predominately in lower paying occupations.²⁵ Every mining and construction industry in Wyoming is male-dominated with the lowest percentage at 87.3.²⁶ The Wyoming labor statistics from 2005 report approximately nine percent of the workers in the "Natural Resources

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ SUSAN SHERK, AGRA EARTH AND ENVTL. LTD. WOMEN IN CAN.'S OIL AND GAS SECTOR 1 (1997), <http://www.mun.ca/cwse/Sherk,Susan.pdf>.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ BRETT JUDD & GREGG DETWEILER, RESEARCH AND PLANNING, DEPT. OF EMPLOYMENT, STATE OF WYO., THE RELATION OF AGE AND GENDER TO EMPLOYMENT IN WYOMING, PART ONE OF A NEW ANALYSIS UTILIZING WAGE RECORDS, <http://wydoe.state.wy.us/lmi/0596/0596a1.htm> (last visited April 27, 2007). A Canadian study found, of women employed in the petroleum sector, a majority are clustered in support, sales, and service jobs (60%). See SHERK, *supra* note 15.

²⁶ JUDD ET AL., *supra* note 25.

and Mining” industry to be women.²⁷ In contrast, 68.5% of working women are employed in retail trade and services industries, which pay among the lowest average wage of all industries.²⁸ Unlike most service-sector jobs, non-traditional jobs—in construction, mining, and other skilled trades—provide higher salaries and better benefits.²⁹ The average salary in the mining sector, which now employs one in ten of Wyoming’s workers, is \$61,000—double the average in other industries.³⁰ An oil-field worker, or roughneck, can often earn \$90,000 in a year.³¹

Currently, many of the jobs provided in the oil and gas industry, and the policies governing them, are not conducive to high numbers of women employees. One reason is that many oilfield workers are away from home for weeks or months at a time.³² Exploration field personnel and drilling workers frequently move from place to place as work at a particular field is completed.³³ The work is hard, the hours long, and the pressures immense.³⁴ Working conditions in the industry vary significantly by occupation.³⁵ Roustabout jobs and jobs in other construction and extraction occupations may involve rugged, outdoor work in remote areas in all kinds of weather.³⁶ This work involves standing for long periods, lifting moderately heavy objects, and climbing and stooping to work with tools that often are oily and dirty.³⁷ Work in the oil field, with its “[r]elentless work pace and the constant danger of working around heavy machinery, with the risk of accidents including gas-well leaks and fires, takes a toll on people.”³⁸ Opportunities for part-time work in this industry are rare. In fact, a higher percentage of workers in oil and gas extraction work overtime than in all industries combined.³⁹ Drilling

²⁷ DEPT. OF EMPLOYMENT, STATE OF WYO., 2005 NATURAL RESOURCES & MINING, MEAN EARNINGS BY AGE, GENDER, AND INDUSTRY, <http://doe.state.wy.us/lmi/wfdemog/natres05.htm>. “Natural Resource and Mining” includes Mining, Oil and Gas Extraction, Agriculture, Forestry, Fishing and Hunting. *Id.*

²⁸ RICH PETERS, DEPT. OF EMPLOYMENT, STATE OF WYO., THE IMPORTANCE OF MAJOR INDUSTRY TO WYOMING’S GENDER PAY GAP: PART ONE (2000), <http://doe.state.wy.us/lmi/0700/a1.htm>.

²⁹ Lisa Takeuchi Cullen, *Bittersweet Boom*, TIME, Sept. 3, 2006, available at <http://www.time.com/time/insidebiz/article/0,9171,1531311,00.html>.

³⁰ *Id.*

³¹ *Id.*

³² BUREAU OF LABOR STATISTICS, *supra* note 5. In contrast, well operation and maintenance workers and natural gas processing workers usually remain in the same location for extended periods. *Id.*

³³ *Id.*

³⁴ *See id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Ray Ring, *When a Boom is a Bust*, 36 HIGH COUNTRY NEWS.ORG 7 (Sept. 13, 2004), available at http://www.hcn.org/servlets/hcn.PrintableArticle?article_id=14984.

³⁹ BUREAU OF LABOR STATISTICS, *supra* note 5.

rigs operate continuously.⁴⁰ On land, drilling crews usually work six days in a row, eight hours a day, and then have a few days off.⁴¹

To date, it is unclear whether or to what extent comprehensive research has been undertaken on women's participation in Wyoming's oil and gas sector, but doing so could provide important insight into potential avenues for increasing economic self-sufficiency for Wyoming women and families. According to the Women's Policy Institute, "[e]mployers should actively recruit women into male-dominated fields that pay well compared with female-dominated jobs with lower pay but that require similar skills and education. They can also work proactively to prevent harassment of women workers, which is thought to be higher in these nontraditional fields."⁴² The increased number of women in the workforce has changed the work environment and workplaces have been slow to consider the complex lives of today's workforce when making organizational decisions.⁴³

Subsequently, more funding for training women for careers in the oil and gas industry would create greater opportunities for women to enter these occupations. Communities need to assess demand among women for non-traditional training and employers' willingness to hire women in nontraditional fields. This will ensure interest in programs and encourage job training administrators to provide such programs. Local, county, or state welfare performance should be evaluated, in part, on the basis of training for, and placement in, non-traditional jobs or other higher-paying jobs.⁴⁴

Climb Wyoming, a program operated under the auspices of Our Families, Our Future,⁴⁵ is training single mothers for higher-paying, non-traditional careers for women, such as construction trades and truck driving.⁴⁶ This program has been successful in doubling or tripling wages for many women who have completed the training.⁴⁷ The program lasts from four to five months, depending on the job

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² HARTMANN ET AL., *supra* note 12, at 2.

⁴³ Jennifer E. Swanberg et al., *Intimate Partner Violence, Employment, and the Workplace: Consequences and Future Directions*, 6(4) TRAUMA, VIOLENCE, & ABUSE 286, 286 (2005).

⁴⁴ CYNTHIA NEGREY, PH.D. ET AL., INST. FOR WOMEN'S POLICY RESEARCH & NOW LEGAL DEF. AND EDUC. FUND, IWPR # D443, WORKING FIRST, BUT WORKING POOR, EXECUTIVE SUMMARY (2001), available at <http://legalmomentum.org/pub/workingfirstworkingpoor.pdf>.

⁴⁵ Our Families Our Future™ is a Wyoming non-profit organization that trains and places low-income single mothers in careers that successfully support their families.

⁴⁶ Ilene Olson, *Economic Outlook for Wyoming Women Troubles Governor*, WYOMING TRIBUNE-EAGLE, Nov. 27, 2004, available at <http://www.wyomingnews.com/articles/2004/11/27/news/import-103932.txt>.

⁴⁷ *Id.*

training curriculum.⁴⁸ Income-eligible, single mothers receive comprehensive services, including life skills training and job placement services.⁴⁹ Our Families, Our Future works closely with local employers to ensure their training programs meet the workforce needs.⁵⁰ Increasing outreach to women, including single mothers, in order to promote self-sufficiency for themselves and their families is a laudable goal for the state.⁵¹ Additionally, continuing to invest in education, particularly in training in the use of new technologies will improve economic growth for all. To recruit women, employment practices and social policies need to stay in step. "Ensuring equal access to these opportunities is important if disadvantaged populations are to be able to improve their status."⁵²

WYOMING'S WAGE GAP

Although Wyoming boasts of a huge windfall from royalties and severance taxes, Wyoming's 60.7% female-male earnings ratio is the worst in the nation.⁵³ Wyoming has ranked at the bottom of the states for the wage ratio since the 2000 rankings (based on 1996-98 data).⁵⁴ Female wages are lower than average, and male wages are considerably higher than average.⁵⁵ In addition, in Wyoming and nationally, the wage gap is not getting better, it is getting worse. In 2003, the Institute for Women's Policy Research reported a 1.4% decrease in the national wage ratio and "the first decline in women's real earnings since 1995."⁵⁶

⁴⁸ Our Families Our Future, *Climb Wyoming for Young Parents Web page*, available at <https://www.ourfamiliesourfuture.org/> (click "CLIMB phases" on bar at the top of the page) (last visited March 2, 2007).

⁴⁹ *Id.* Services include: extensive job training in well-paid careers and demand occupations, such as construction trades and healthcare fields; life skills training, including parenting, relationships, money management, work readiness and accessing community resources; individual and group counseling addresses barriers to personal growth; an all women support group offers an environment where participants receive support from their peers and highly trained staff; and job placement where participants are matched with employment opportunities. *Id.*

⁵⁰ Olson, *supra* note 46.

⁵¹ See DEPT. OF WORKFORCE SERVICES, STATE OF WYO., EMPLOYMENT AND TRAINING FOR SELF-SUFFICIENCY, http://www.wyomingworkforce.org/how/etss_gwe.aspx (a program that "train[s] and place[s] women in demand occupations and careers that successfully support their families, such as healthcare fields and construction trades") (last visited May 19, 2007).

⁵² HARTMANN ET AL., *supra* note 12, at 19.

⁵³ *Id.* at 9.

⁵⁴ *Id.* at 9-10.

⁵⁵ ANN M. ALEXANDER ET AL., WYO. COUNSEL FOR WOMEN'S ISSUES, STATE OF WYO., A STUDY OF THE DISPARITY IN WAGES AND BENEFITS BETWEEN MEN AND WOMEN IN WYOMING, 5 (2003), http://www.wyomingwomenscouncil.org/_pop-up_content/wage_disparity_intro.pdf.

⁵⁶ Press Release, Inst. For Women's Policy Research, Women's Earnings Fall; U.S. Census Bureau Finds Rising Gender Wage Gap (Aug. 27, 2004), available at http://www.iwpr.org/pdf/WageRatioPress_release8-27-04.pdf.

There are ripple effects of having such a wide wage gap and those effects must be considered as the state devises strategies to encourage workers to bring their families with them to Wyoming. While increasing affordable, quality child care options is critical, more is needed to encourage women to join their male partners in Wyoming. The message sent by the wage gap is a lower value is being placed on women's contributions in the workforce. "If women are undervalued, the youth 'brain drain' will cause both technically skilled and unskilled women to leave the region to seek opportunity elsewhere."⁵⁷ Of course there are several factors that contribute to the wage gap, including occupations or jobs held by women and men, time spent at work and education differences,⁵⁸ but the fact that it exists should be investigated carefully when considering the future of our state.

Wyoming ranks in the bottom third on The Economic Policy Environment Composite Index.⁵⁹ This index "combines four indicators of the women-friendliness of state economic policy: women's educational level (measured by the share of women with at least a four-year college degree), women's business ownership, women's poverty, and women's health insurance coverage."⁶⁰ There are so many benefits that can be reaped by the state, employers, and employees that this issue must be brought to the forefront of discussions involving Wyoming's economy and workforce.

Reduction of the gender wage gap would improve productivity of the existing workforce, as human capital resource utilization would be increased. Labor turnover rates would likely fall. This, in turn, would reduce lost wages, benefits, and training invested in employees and decrease employer search and training costs. . . . Of immediate interest to the state, direct fiscal benefits would also be realized by reduction of the gender wage gap. . . . This could result not only in a larger, better workforce in the state, but in increased private spending. . . . Savings to the state government would also ensue: fewer payouts to women and families in the form of welfare, Medicaid, and other forms of means-tested state support could be reduced as average household incomes rose.⁶¹

Further, reducing the wage gap will improve women's opportunities to obtain self-sufficiency, including the ability to secure affordable housing, a critical component for any working family.

⁵⁷ ALEXANDER ET AL., *supra* note 55, at 15.

⁵⁸ *Id.* at 12.

⁵⁹ *Id.* at 12-13.

⁶⁰ HARTMANN ET AL., *supra* note 12, at 12.

⁶¹ ALEXANDER ET AL., *supra* note 55, at 15-16.

WYOMING'S ECONOMY AND HOUSING

While hundreds of men are rushing to the state to work in the oilfields, housing is extremely scarce. Most of the out-of-state workers coming to Wyoming for high-paying extraction work cannot find stable housing for themselves, let alone for their families. Instead, they end up "staying long term in motel rooms, living in tents in campgrounds and plunking trailers and RVs wherever they can park them."⁶²

Due to the housing shortage, many oil and gas companies have set up man camps or temporary housing units for their employees. In Wamsutter, Wyoming, hundreds of workers are housed in these transient camps.⁶³ The camps are around the community of Wamsutter, in the middle of the desert, and consist of hundreds of trailers, each filled with bunk beds.⁶⁴ Man camps are known for their tendency to bring drugs and crime to a community.⁶⁵ Recently, the town of Farson, Wyoming, fought the development of a man camp in their small rural community.⁶⁶

Currently, there appears to be a housing shortage in every county in the state, leaving low-income people with little to offer in comparison to the workers in the oil and gas fields. In an attempt to ease the worker shortage, the *Field of Dreams* mantra "build it and they will come" seems to echo throughout this mountainous state. So while Wyoming's efforts continue to recruit out-of-state workers and encourage imported workers to bring their families with them, the topic of how the state will deal with the hardships of those families already here is rarely broached. The focus is on the workers, not on the fact that nearly half of all homeless people in Wyoming are women and children, and of those, at least 80% of the homeless women report a history of domestic violence and many attribute their homelessness to the violence in their lives.⁶⁷

Today there are eight community housing authorities in Wyoming administering a combined total of slightly more than 700 public housing units and 2,000 Housing Choice Vouchers.

⁶² DAWN BALLOU, PINEDALE ONLINE!, (Sept. 1, 2005), <http://www.pinedaleonline.com/news/2005/09/OilGasFieldJobs.htm>.

⁶³ Ring, *supra* note 38.

⁶⁴ *Id.*

⁶⁵ Jeff Gearino, *Farson Folks Fight Man Camp*, CASPER STAR-TRIBUNE, Aug. 25, 2006, available at <http://www.casperstartribune.net/articles/2006/08/25/news/wyoming/e9f69f7bf13c0c74872571d400834331.txt>.

⁶⁶ *Id.*

⁶⁷ Jared Miller, *Amid Strong Economy, Homelessness on Rise in Wyo.*, CASPER STAR-TRIBUNE, Nov. 26, 2006, at A1, available at http://www.casperstartribune.net/articles/2006/11/26/news/top_story/1f9a3367e0fa395687257231002689ff.txt.

Yet the combined waiting lists total more than 3,000 applicants likely to wait more than 18 months each. More than 80% of the households applying for and receiving low income housing assistance are single female head of household.⁶⁸

The “lack of affordable housing can dramatically reduce options for women experiencing domestic violence, trapping them in abusive situations or forcing them and their children to become homeless if they leave.”⁶⁹

The governor has proposed increased funding for housing, though how much of it will be “affordable housing” remains in the hands of the Wyoming Business Council.⁷⁰ Seen as a critical infrastructure need, the housing will be primarily designed to help those families with a household income of \$30,000 to \$40,000 per year.⁷¹ Of course, workers in the oil and gas industry will likely be able to afford these prices so long as they budget wisely, but what about Wyoming’s low-income population? Wyoming’s homeless population continues to rise, and much of the reason has been attributed to the booming energy economy and the influx of out-of-state workers.⁷²

The average price of existing housing in Wyoming has risen to over \$130,000. The average monthly rent for a two bedroom dwelling exceeds \$520 per month. Average wages in Wyoming are not keeping pace with the increased cost of housing particularly in high energy development communities, leaving badly needed workers without housing and causing serious problems for low income and disabled persons.⁷³

Just as necessary as “affordable” housing is the development of strategies to encourage Wyoming businesses to recruit, train, and hire qualified women to work in higher-wage positions. So far, many women in Wyoming are stuck with the option of service-industry jobs. Though many of those employers have had to increase their hourly wages in order to stay in operation, the workers are unlikely to be able to compete with oilfield workers for the limited housing options.

⁶⁸ STATE OF WYO., CHILDREN AND FAMILIES INITIATIVE REPORT, RECOMMENDATION SYNOPSIS 16 (Dec. 9, 2005), available at <http://dfsweb.state.wy.us/PDF/SummaryRedesign.pdf>.

⁶⁹ THE FAMILY VIOLENCE PREVENTION FUND, THE FACTS ON HOUSING AND DOMESTIC VIOLENCE, available at <http://endabuse.org/resources/facts/Housing.pdf> (last visited Apr. 10, 2007).

⁷⁰ Joan Barton, *Plan Pushes Affordable Housing*, CASPER STAR-TRIBUNE, Nov. 21, 2006, available at <http://www.casperstartribune.net/articles/2006/11/21/news/wyoming/0a2d10f18b1c70378725722d00078279.txt>.

⁷¹ *Id.*

⁷² Miller, *supra* note 67, at A1. See also WYO. INTERAGENCY COUNCIL ON HOMELESSNESS, STATE OF WYO., HOMELESSNESS IN WYO. (May 2005), available at <http://wdh.state.wy.us/rural/pdf/HomelessnessReportfinal0505.pdf>.

⁷³ STATE OF WYO., *supra* note 68, at 16.

Long-term efforts to address homelessness must include increasing the supply of affordable housing, ensuring adequate and fair wages and income supports, and providing necessary supportive services.⁷⁴

ECONOMIC IMPACTS OF DIVORCE

Another major barrier to women's economic parity is the financial consequences of divorce. Because so few choose to see the impacts of the oil and gas boom through a gender lens, the evidentiary basis for drawing certain correlations is often circumstantial. As stated previously, Wyoming has the largest wage gap in the country between what men and women earn. "This is particularly damaging to families when Wyoming's higher than average divorce rate means one in four households is headed by a single parent, most often a mother."⁷⁵ According to Wyoming's 2001 Vital Statistics, Wyoming's divorce rate is forty-five percent higher than the national average.⁷⁶ Many of these separations involve children. Wyoming is essentially a no-fault divorce state; therefore it is difficult to determine what eventually led to the divorce. The causes of divorce are often complex, as several factors can lead a person or couple to become dissatisfied with the marriage. Commonly-cited causes for divorce include any combination of the following factors: quality of premarital relationship, partner's relationship styles, poor communication, lack of commitment, infidelity, problem behaviors, financial problems, differences in parenting styles, changes in life priorities, and abusive or neglectful behaviors.⁷⁷ Whatever the reasons for the divorce, it is clear that women and children suffer financially afterwards.⁷⁸

"Women going through divorce have a unique set of challenges to contend with including financial insecurity, potentially re-entering the job market, and juggling the responsibilities of children and career."⁷⁹ Men customarily retain more than half of the assets of the marriage and leave with an enhanced earning

⁷⁴ NATIONAL COALITION FOR THE HOMELESS, NCH FACT SHEET #7, DOMESTIC VIOLENCE AND HOMELESSNESS (2006), available at <http://www.nationalhomeless.org/publications/facts/domestic.pdf>.

⁷⁵ STATE OF WYO., *supra* note 68, at 22.

⁷⁶ DEPARTMENT OF HEALTH, STATE OF WYOMING, WYOMING VITAL STATISTICS 2001 (2003), available at http://wdh.state.wy.us/vital_records/01DATA/ANNUAL%20REPT.pdf.

⁷⁷ See ONLINE LAWYER SOURCE, CAUSES OF DIVORCE (2007), <http://www.onlinelawyersource.com/divorce/family-law/children/index.html>.

⁷⁸ FORD FOUNDATION, WOMEN, CHILDREN AND POVERTY IN AMERICA 10 (1985), <http://www.fordfound.org/elibrary/documents/0183/006.cfm>.

⁷⁹ NICOLE R. GERBER, DIVORCE MAGAZINE.COM, WOMEN AND DIVORCE (2007), http://www.divorcemag.com/articles/Women_and_Divorce/women_and_divorce.html.

capacity.⁸⁰ The remaining family members are left with less than half of the marital assets and a severely diminished and declining earning capacity.⁸¹

Post-divorce families headed by women are the fastest growing segment of those living in poverty.⁸² Older women whose marriages end in divorce are most likely to have abandoned their own aspirations or to have devoted their lives to furthering their husbands' careers. They are not adequately compensated by application of the present system of alimony and equitable distribution of marital assets.

Increases in single parent households compel more women to secure employment outside the home. "Studies show that in the first year after divorce, the wife's standard of living may drop almost 27 percent while the husband's may increase by as much as 10 percent."⁸³ While the politicians herald the decline of welfare or TANF recipients in the nation,⁸⁴ they fail to mention the record growth of women and children in poverty. The poverty rate for women continues to increase, especially for single mothers.⁸⁵ In fact, a woman in the United States is 45 percent more likely to be poor than a man.⁸⁶ The statistics also "show a jump in child poverty that was the largest in a decade."⁸⁷ Poverty rates among children living apart from at least one of their parents are more than three times as high as those for children who live with both of their natural parents.⁸⁸

In light of the wage gap and types of jobs available to women, wages are often not enough to make ends meet. Wyoming conducted a study to identify

⁸⁰ See FLA. SUP. CT., GENDER BIAS STUDY COMM'N: EXECUTIVE SUMMARY 5 (1990), http://www.floridasupremecourt.org/pub_info/documents/bias.pdf.

⁸¹ See *id.*

⁸² See *id.*

⁸³ GINITA WALL, PLAN FOR WEALTH, *The Twelve Financial Pitfalls of Divorce* (2006), <http://www.planforwealth.com/dollars/pitfallsofdivorce.htm>.

⁸⁴ Temporary Assistance for Needy Families (TANF) Program was created by the Welfare Reform Law of 1996. TANF became effective July 1, 1997, and replaced what was then commonly known as welfare: Aid to Families with Dependent Children (AFDC) and the Job Opportunities and Basic Skills Training (JOBS) programs. TANF was reauthorized in February 2006 under the Deficit Reduction Act of 2005.

⁸⁵ MARIANNE SULLIVAN, WOMEN'S ENEWS, WOMEN'S POVERTY DEEPENS AMID SLOW 2003 RECOVERY 2 (Aug. 30, 2004), available at <http://ncdsv.org/images/WomenPovertyDeepensAmidSlow2003Recovery.pdf>.

⁸⁶ LEGAL MOMENTUM, READING BETWEEN THE LINES: WOMEN'S POVERTY IN THE UNITED STATES, 2005, 1 (2006), available at <http://legalmomentum.org/legalmomentum/files/povertyreport2005.doc>.

⁸⁷ SULLIVAN, *supra* note 85, at 2.

⁸⁸ ELAINE SORENSEN & CHAVA ZIBMAN, URBAN INST., TO WHAT EXTENT DO CHILDREN BENEFIT FROM SUPPORT? 1 (2000), <http://www.urban.org/publications/309299.html>.

“self-sufficiency standards” for all the counties in Wyoming.⁸⁹ This standard calculates how much money working adults require to meet their basic needs without any subsidies of any kind.⁹⁰ Necessities or basic living costs compiled for this study include: housing, child care, food, transportation, health care, and taxes.⁹¹ For example, in Laramie County, for a single adult and an infant and a preschooler, the adult would need to make at least \$13.46 per hour to pay for just the basic living costs. This does not include school field trips, outings, eating out, and other miscellaneous costs.⁹² Wyoming’s minimum wage is \$5.15 per hour.⁹³ “The Wyoming Self Sufficiency Standard reveals that more than 11,000 families struggle to exist on wages below the poverty level.”⁹⁴

A woman needs to earn almost three times the minimum wage just to provide the basic necessities for herself and her children. In 2002, the most recent year for which this data are available, child care expenditures alone for employed mothers with child care costs averaged \$412 a month.⁹⁵

As recently as 2001, American sociologists decried that “gender inequality remains alive and well in both the workplace and the couple.” In order for women ever to achieve true equality to men, they must be able to achieve financial independence. In order to achieve financial independence, women must work. Because most women do not have “housewives” to care for their children while they are at work and because men usually will not forego their careers to accept the full-time responsibility of child care, women need affordable and reliable daycare in order to attain true equality to men.⁹⁶

⁸⁹ See UNIV. OF WASH. & WIDER OPPORTUNITIES FOR WOMEN, THE WYOMING SELF-SUFFICIENCY STANDARD: WHAT IS IT AND WHY IT MATTERS (2005), http://wyoming.gov/governor/policies/documents/FESSQ_A.pdf, full report available at http://wyoming.gov/governor/policies/documents/WyomingSelf-SufficiencyStandard2005_000.pdf.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ INFOPLEASE, STATE MINIMUM WAGE RATES AS OF JANUARY 1, 2007, <http://www.infoplease.com/ipa/A0930886.html>.

⁹⁴ STATE OF WYO., *supra* note 68.

⁹⁵ See U.S. CENSUS BUREAU, WHO’S MINDING THE KIDS? CHILD CARE ARRANGEMENTS: WINTER 2000 Table 6 (2005), available at <http://www.census.gov/population/www/socdemo/child/pp1-177.html>. This figure is based on a mother who is between the ages of 25 and 34 and has a child who is 15 years of age or younger. *Id.*

⁹⁶ Heath S. Dixon, *National Daycare: A Necessary Precursor to Gender Equality with Newfound Promise for Success*, 36 COLUM. HUM. RTS. L. REV. 561, 564 (2005).

Women in the United States, in general, have fewer economic resources than their male counterparts.⁹⁷ This is particularly true of women with children. The passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996 renewed interest in child support enforcement because regular child support payments were viewed as a key to helping single-parent families become self-sufficient.⁹⁸ “Women and children experience life after divorce far differently than men. While all family members suffer the trauma of divorce, only the women and children’s pain is compounded by being deprived of their economic well-being.”⁹⁹

Importance of Child Support to Wyoming Children

It has been noted that the problem of child support enforcement has been the single most studied, debated, and legislated issue in family law over the past fifteen years.¹⁰⁰ A key motivational factor for the national effort and expense devoted to the child support revolution was the promise that better support enforcement would help keep single-parent families off the welfare rolls.¹⁰¹ Yet neither the poverty rate of children in single-parent households nor the disparity in post-divorce living standards of children has declined.¹⁰²

A primary objective governing child support is that parents share income with a child “in order that the child enjoy a minimum decent standard of living when the combined incomes of the parents is insufficient to achieve such result without impoverishing either parent, and a standard of living not grossly inferior to that of either parent.”¹⁰³ Equally important goals include treating both parents fairly, ensuring that the rules do not discourage participation in the labor force of either parent, and that children be afforded important life opportunities that

⁹⁷ See CARMEN DENAVAS-WALT, ET AL., U. S. CENSUS BUREAU, INCOME, POVERTY, AND HEALTH INSURANCE COVERAGE IN THE UNITED STATES: 2003 2 (2004), available at <http://www.census.gov/prod/2004pubs/p60-226.pdf>. According to the United States Census Bureau, the median income for women is \$30,724, while the median income for men is \$40,668. *Id.*

⁹⁸ KAREN N. GARDINER ET AL., U.S. DEPT. OF HEALTH & HUMAN SERVICES OFFICE OF CHILD SUPPORT ENFORCEMENT, ADMINISTRATIVE AND JUDICIAL PROCESSES FOR ESTABLISHING CHILD SUPPORT ORDERS, FINAL REPORT 9, (June 2002) [hereinafter Final Report], available at <http://www.acf.hhs.gov/programs/cse/pol/DCL/2003/dcl-03-15a.doc>.

⁹⁹ FLA. SUP. CT., *supra* note 80, at 4.

¹⁰⁰ Ann Laquer Estin, *Moving Beyond the Child Support Revolution*, 26 LAW & SOC. INQUIRY 505, 505 (2001).

¹⁰¹ *Id.*

¹⁰² *Id.* (summarizing recent research on the impact of child support reforms and finding “there is considerable evidence that reforms have failed to accomplish one of the most important objectives of child support, that of reducing child poverty”).

¹⁰³ ALI, PRINCIPLES OF THE LAW OF FAMILY DISSOLUTION: ANALYSIS AND RECOMMENDATIONS § 3.04 (1) (2002).

parents are able to afford “without undue hardship to themselves or their other dependents.”¹⁰⁴

Child support is highly relevant to children who receive it, especially poor children not on cash assistance. The problem, however, is that most poor children eligible for child support do not receive it.¹⁰⁵ “Nine of every ten (89.8 percent) custodial parents due child support were mothers.”¹⁰⁶

Society has an interest in not being called upon to support children whose parents have adequate resources to shoulder the burden themselves. Yet even when children are not in danger of becoming public charges, society has a strong interest in assuring that adequate resources are devoted to the care, nutrition, education, and general well-being of the next generation of citizens. From a societal perspective, widespread economic inadequacy in one-parent families is not only a grievous harm to children; it is also an unwise underinvestment in a vital social resource.¹⁰⁷

While the hardships faced by low-income non-custodial parents do not elude the authors, parents able to afford their support obligations certainly owe it to their children to do so. When non-custodial parents are financially able to support their children but choose not to or evade enforcement, custodial parents disproportionately bear the costs of child-rearing. There is much more to raising a child than what is accounted for in a standard child support calculation. Too often figures are rounded or arbitrarily “imputed” for the sake of alleviating overwhelming caseloads and judicial dockets, without giving proper consideration to the short- and long-term impacts on the custodial parent and child’s economic predicament. “In terms of child support, the residential parent’s interest is not to bear disproportionately the financial costs of child rearing. The residential parent has an interest in having the other parent share the out-of-pocket costs of child rearing.”¹⁰⁸

The average amount of child support received by the 5.5 million custodial parents who received at least some of the support they were due (\$4,600) represented 16.0 percent of their average income in 2003 (\$28,600). Child support represented 9.2 per-

¹⁰⁴ *Id.* § 3.04 (2).

¹⁰⁵ See SORENSEN & ZIBMAN, *supra* note 88, at 10.

¹⁰⁶ TIMOTHY S. GRALL, U.S. CENSUS BUREAU, CURRENT POPULATION REPORTS, CUSTODIAL MOTHERS AND FATHERS AND THEIR CHILD SUPPORT 7 (July 2006), available at <http://www.census.gov/prod/2006pubs/p60-230.pdf>.

¹⁰⁷ ALI, *supra* note 103 § 3.04 cmt. [b].

¹⁰⁸ *Id.* § 3.04 cmt. [e].

cent of income for the 2.3 million parents who received less than full support due and 19.3 percent for the 3.3 million custodial parents who received all child support due.¹⁰⁹

Often the responsibilities that go along with being the custodial parent prevent custodial parents from taking advantage of financial opportunities, thus lowering their earning capacity. Courts and lawyers assisting with child support need to be more cognizant of the additional financial impediments that ongoing caretaking responsibilities present for custodial parents. As the adage goes, “Every mother is a working mother.”

In light of the workforce and industry issues previously addressed, it is important to consider the economic impacts for children when one parent relocates. Children who have a parent living elsewhere are at tremendous risk of being poor.¹¹⁰ “In the United States, more than half of children in one-parent families live in poverty.”¹¹¹ “As a result of their low incomes, a relatively high percentage of children with a parent living elsewhere rely on public assistance.”¹¹² Child support reduces child poverty and income inequality among children with a parent living elsewhere and is, therefore, a very important source of income for single women raising their children.¹¹³

“The universal problem is that single mothers frequently have low earnings and that low-earning mothers have difficulty maintaining full labor-force participation, increasing their earnings, and supporting their households.”¹¹⁴ Consistent receipt of adequate child support actually improves a single mother’s ability to participate actively in the workforce.¹¹⁵

Residential parents¹¹⁶ who receive child support work longer hours and earn higher wages than those who do not. Some residential parents are able to avoid public-welfare dependency only by combining child support and gainful earnings. In such

¹⁰⁹ GRALL, *supra* note 106, at 9 n.21 (“The average child support received by custodial parents who received at least some support due (\$4,600) was not statistically different from the average support received by custodial mothers below poverty who received any payments (\$3,700).”).

¹¹⁰ See SORENSEN & ZIBMAN, *supra* note 88, at 6.

¹¹¹ ALI, *supra* note 103 § 3.04 cmt. [h].

¹¹² SORENSEN & ZIBMAN, *supra* note 88, at 2.

¹¹³ *Id.* at 12.

¹¹⁴ ALI, *supra* note 103 § 3.04 cmt. [h].

¹¹⁵ GRALL, *supra* note 106.

¹¹⁶ ALI, *supra* note 103 § 3.02 (4) (defining “residential parent” as “a parent who has primary residential responsibility for the child and who is not a dual residential parent”). By virtue of providing the child’s primary residence, the residential parent incurs most child expenditure and is therefore the support obligee. *Id.*

case, the savings to the public purse is not merely the amount of child support paid by the nonresidential parent; it is instead the entire cost that would be incurred in supporting the residential household on public assistance.¹¹⁷

When a custodial parent contemplates increasing her income potential, “she faces constraints that are not usually experienced by the nonresidential parent.”¹¹⁸ The custodial parent is often charged with weighing the benefits of increased employment opportunities with the costs of child care.¹¹⁹ This work disincentive for custodial parents also needs to be taken into consideration when calculating child support. Obviously, this work disincentive should be limited to its unavoidable minimum.¹²⁰ But again, too often, many involved in the legal system see the custodial parent as voluntarily choosing not to work to her full capacity. Subsequently, she is then, perhaps inadvertently, punished by courts unfairly imputing wages which, in reality, are not achievable—at least not without accounting for the increased child care expenses that will flow as a natural consequence of the custodial parent’s unavailability while at work. In short, courts often fail to consider the totality of the economic realities facing custodial parents.

Courts should consider a child’s need for care, both parentally and by a child care worker to enable a custodial parent to pursue gainful employment.¹²¹ Both parents benefit from the availability of child care; however, all too often the custodial parent and the state are left to pick up the tab when capable, non-custodial parents do not. The costs of child-rearing should be fairly apportioned between the parties.¹²² Attorneys should consider requesting an upward deviation from the support guidelines when assisting families where child care is an issue.¹²³ Further awareness about the potential economic consequences a single parent may face needs to be created throughout the state and the nation. Even today, some judges in Wyoming are not willing to order a back child support obligation for a parent while the divorce action is pending—which in some counties can be in excess of a year—adding up to thousands of dollars of back support being waived.

¹¹⁷ *Id.* § 3.04 cmt. [l] (ii).

¹¹⁸ *Id.* § 3.04 cmt. [l] (iii).

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.* § 3.04 cmt. [n].

¹²² *See Id.* § 3.04 cmt. [e]. Too often attorney and judges are quick to split costs equally between the parties even in cases where one party’s income is substantially higher than the other’s.

¹²³ WYO. STAT. ANN. § 20-2-307 allows a court to deviate from the presumptive child support established by the guidelines upon a specific finding that the application of the presumptive child support would be unjust or inappropriate in that particular case. WYO. STAT. ANN. § 20-2-307(b) (2005). Costs of necessary child day care is a factor, though how often it is calculated in or even requested to be by a party or her attorney is uncertain. *Id.*

As set forth more fully below, custodial parents benefit from having legal counsel and judges familiar with the realities of the labor force, availability of housing and child care and economic impacts of social occurrences, including domestic violence and divorce.

LACK OF LEGAL ASSISTANCE AS A BARRIER FOR WOMEN IN WYOMING

Low-income people living in rural areas are often overlooked in the delivery of legal services, despite the prevalence and persistence of poverty in these areas.

According to the 2000 Census, rural counties with poverty rates above the national average outnumber urban counties in that category at nearly a 5 to 1 ratio. Of the 500 poorest counties in the country, 459 are rural, and, of the 500 lowest per capita income counties, 481 are rural.¹²⁴

Despite the need for pro bono or reduced-fee legal services, there are several barriers facing lawyers in rural areas, including travel demands, minimal support staff, and conflicts of interest.

Currently, Wyoming's Legal Services Committee is exploring funding opportunities to identify the unmet legal needs in the state. In addition to those easily identifiable unmet legal needs, Wyoming's legal community ought to survey the increased legal needs that may be occurring as a result of the changes currently taking place in the state. Furthermore, the legal needs of women, as a diverse and distinct constituency, must be taken into account.¹²⁵ For example, the lack of affordable housing and child care presents a unique challenge for women. "By comprehensively identifying actual, emerging, and traditionally unrecognized legal needs, a program enhances its ability to make rational decisions regarding its operations and facilitates planning for its future."¹²⁶ A legal needs assessment in Wyoming must focus not only on issues related to economic development but issues pervasive to the low income population, including domestic violence, child abuse, substance abuse, and housing.

Contemporary assessments of legal aid services for women confirm that women do not find legal aid services easy to access. Women with disabilities, immigrant and refugee women, abused

¹²⁴ STANDING COM. ON PRO BONO & PUB. SERV., AM. BAR ASS'N, RURAL DELIVERY (May 8, 2006), http://www.abanet.org/legalservices/probono/rural_delivery.html.

¹²⁵ LISA ADDARIO, NATIONAL ASSOCIATION OF WOMEN AND THE LAW, GETTING A FOOT IN THE DOOR: WOMEN CIVIL LEGAL AID AND ACCESS TO JUSTICE i (1998), <http://dsp-psd.communication.gc.ca/Collection/SW21-34-1998E.pdf>.

¹²⁶ STANDING COM. ON PRO BONO & PUB. SERV., AM. BAR ASS'N, STANDARDS FOR PROGRAMS PROVIDING CIVIL PRO BONO LEGAL SERVICES TO PERSONS OF LIMITED MEANS (1996), <http://www.abanet.org/legalservices/probono/standards.html>.

women and Aboriginal women encounter additional difficulties trying to access legal aid. Women, in their diversity, also have experienced difficulty getting legal aid coverage for their legal problems.¹²⁷

For many low-income citizens, appropriate and well-executed legal services mean the difference between poverty and self-sufficiency. In August, 2006, the American Bar Association adopted the Principles of a State System for the Delivery of Civil Legal Aid.¹²⁸ The principles encourage states to develop access to justice commissions in order to develop and oversee funding for civil legal assistance for low-income and vulnerable populations. Many state governments provide much of the funding for legal aid services.¹²⁹ Currently, Wyoming is one of only six states that do not appropriate funds to support general civil legal aid for low-income individuals.¹³⁰ Further, in October 2005, the Legal Services Corporation released the results of its year-long study, "Documenting the Justice Gap in America."¹³¹ The study documents that one in every two individuals who qualify for and actually seek assistance from LSC-funded programs are turned away because of a lack of resources.¹³² This 50% denial of service figure does not include the number of individuals who are eligible but do not seek assistance for whatever reason. The study also verifies that

at least 80 percent of the legal needs of the poor are not addressed. . . . Since the ABA completed its study in the early 90s, the unmet need has remained the same and even increased. Although private and state funding has increased, federal funding has declined, and the number of individuals eligible for assistance has increased as poverty has increased.¹³³

¹²⁷ ADDARIO, *supra* note 125.

¹²⁸ AM. BAR ASS'N, REPORT TO HOUSE OF DELEGATES, ABA PRINCIPLES OF A STATE SYSTEM FOR DELIVERY OF CIVIL LEGAL AID 7 (approved Aug. 7, 2006), *available at* <http://www.abanet.org/legal-services/sclaid/downloads/06A112B.pdf>.

¹²⁹ *Id.* at 6 (noting that according to data gathered by the Project to Expand Resources for Legal Services, a project of the ABA Standing Committee on Legal Aid and Indigent Defendants, in 2005 LSC funds provided less than a majority of funding in 38 states and less than 30% of funding in 15 states).

¹³⁰ AM. BAR ASS'N, UPDATE FROM ABA PROJECT TO EXPAND RESOURCES FOR LEGAL SERVICES (PERLS), ANOTHER SUCCESSFUL LEGISLATIVE SESSION FOR LEGAL SERVICES PROGRAMS (2006), <http://www.nlada.org/DMS/Documents/1161369586.16/PERLS%20Update%209-20-06.pdf>.

¹³¹ HYDI MILLER, LEGAL SERVICES CORP., LSC RELEASES REPORT ON JUSTICE GAP IN AMERICA (2005), <http://www.lsc.gov/press/pr10170501.php>.

¹³² *Id.*

¹³³ LEGISLATIVE AND GOVERNMENTAL ADVOCACY GOVERNMENTAL AFFAIRS OFFICE, AM. BAR ASS'N, ACCESS TO LEGAL SERVICES: LEGAL SERVICES CORP., *Other Developments*, http://www.abanet.org/poladv/priorities/legal_services/ (last visited Apr. 10, 2007).

When considering funding projects or programs in the state, the legislature must look beyond basic infrastructure and toward promotion of self-sufficiency for Wyoming's ever-present low-income population.

Women's experiences of economic inequality and dependency make them less able to pay for civil legal aid services at a time when they have a heightened need of such representation. Failure of the substantive law to take account of women's experiences has further entrenched their disadvantage in the provision of civil legal aid services.¹³⁴

By funding civil legal assistance for low-income and vulnerable populations, many Wyoming residents will be given opportunities to overcome several of the barriers which have kept them from achieving some level of economic independence. For instance, the division of assets and the determination of child support upon divorce usually result in disparity in the standard of living of the custodial households.¹³⁵ A study found that for children whose fathers leave, family income can drop by about twenty-three percent.¹³⁶ Additionally, research shows that child support reduces child poverty.¹³⁷ Thus, receiving competent legal representation in a child support or divorce case may reduce income inequality by redistributing assets and income from non-custodial parents to custodial parents. Clear initiatives are required to address the legal needs of low-income people.

Despite some recent improvements in programs providing civil legal assistance to low-income people in Wyoming, there are still far too many who are forced to interpret and resolve complex legal matters with little or no competent legal assistance. For people suffering from abuse or attempting the journey from victim to survivor, legal services are essential.

¹³⁴ ADDARIO, *supra* note 125, at ii. The author stated,

The purpose of this report is to articulate principles that can be used to design and deliver civil legal aid services. We have started with the premise that legal aid is an essential element in the administration of justice and have based this report on the knowledge that the clientele for legal aid services in civil matters is overwhelmingly female: approximately two thirds of civil legal aid certificates are given to women, primarily for family law matters.

Id. at 1.

¹³⁵ Vicky Barham, Rose Anne Devlin, & Jie Yang, *Public Policies and Private Decisions: The Effect of Child Support Measures on Marriage and Divorce*, 35 J. LEGAL STUD. 441,467 (2006).

¹³⁶ Jay D. Teachman & Kathleen M. Paasch, *Financial Impact of Divorce on Children and Their Families*, 4(1) FUTURE OF CHILDREN; CHILDREN & DIVORCE 63, 67 (1994) (citing R. Burkhauser, G. Dunca & R. Hauser, *Wife or Frau, Women do Worse: A Comparison of Men and Women in the United States and Germany Following Marital Dissolution*, 28(3) DEMOGRAPHY 353 (1991)).

¹³⁷ SORENSEN & ZIBMAN, *supra* note 88, at 10 (citing Daniel Meyer & Mei-Chen Hu, *A Note on the Antipoverty Effectiveness of Child Support Among Mother-Only Families*, 34(1) J. OF HUMAN RESOURCES 225 (1999) and ANN NICHOLS-CASEBOLT, URBAN INST., *THE ECONOMIC IMPACT OF CHILD SUPPORT REFORM ON THE POVERTY STATUS OF CUSTODIAL AND NONCUSTODIAL FAMILIES* (1992)).

Legal services are the most expensive support service, the service to which the fewest women have access, and, according to our research, the only service that decreases the likelihood women will be battered. Since legal services help women achieve economic power and self-sufficiency, they are a good place to spend public money.¹³⁸

Lack of civil legal assistance to low-income people, especially women, remains an obstacle to economic equality.¹³⁹ A study on Canada's civil legal assistance for low-income women found that "[w]omen wishing to receive subsidized legal services for family law matters have encountered significant difficulties accessing lawyers willing to act on their behalf, even in urgent cases."¹⁴⁰ Women in Wyoming also frequently experience difficulty locating lawyers who are prepared to advocate on their behalf. "Lawyers who can provide effective and sensitive representation to abused women are few in number, especially in rural regions. Individuals with disabilities are sometimes labeled 'difficult to work with' and, as a result, have similar difficulties finding lawyers sensitive to their experiences and prepared to represent them."¹⁴¹ Now is the time for the state to invest in civil legal representation for the poor and vulnerable. The state should advocate on behalf of a law reform agenda that seeks to influence the political and legislative attitudes responsible for poverty.¹⁴²

The solution to the inadequate resources allocated to civil legal aid services lies in educating politicians and legal aid programmers about the significant role the law plays in resolving family law matters. The availability of competent legal services for those who could not otherwise afford it promotes income equality and encourages self-sufficiency, making funding for such services a wise investment in Wyoming's future.

OTHER IMPACTS ON SOCIAL WELL-BEING

While the oil and gas companies' financial prosperity continues to grow, so too do certain social ills. Wyoming's economy and workforce issues cannot be

¹³⁸ Press Release, Prairie State Legal Services, Economists at Colgate University and the University of Arkansas Find Access to Legal Services, Rather Than Shelters, Hot Lines, or Counseling, Contributes to Dealing in Domestic Violence (Dec. 6, 2002), available at <http://www.pslegal.org/Articles/DomViolenceDecline.htm>.

¹³⁹ BERNADETTE PROCTOR & JOSEPH DALAKER, U.S. CENSUS BUREAU (2002), POVERTY IN THE UNITED STATES: 2001, available at <http://www.census.gov/prod/2002pubs/p60-219.pdf>. Sixty percent of adults (i.e., age 18 or above) who were poor in 2001 were women. Women were over 40% more likely to be poor than men. The Census Bureau reports key poverty statistics for the prior year in an annual report which is issued in the fall. *Id.*

¹⁴⁰ ADDARIO, *supra* note 125, at 12.

¹⁴¹ *Id.*

¹⁴² *Id.* at 5.

properly analyzed without consideration of the social and economic well-being of its citizens. A recent article in *The New Yorker* magazine refers to a report stating that the crime rate in Sublette County rose by 30% from 2004 to 2005, a period when drilling activity increased by 15%.¹⁴³ Aside from barroom brawls, substance abuse and domestic violence remain steadfast occurrences across the state, including in towns impacted by the oil and gas industry.

Wyoming's rates of domestic violence remain high.

In 2004, 6,600 Wyoming women and children sought support and refuge from violence in their homes, and more than 65% of Wyoming women have identified domestic violence as the most serious issue affecting their community.¹⁴⁴

By all accounts, domestic violence is an extremely underreported crime;¹⁴⁵ therefore, it is difficult to gauge an accurate rate of occurrence in the state. In 2005, there were 3,129 reported incidents of domestic violence in Wyoming.¹⁴⁶ Of that figure, 2,296 of the victims were women.¹⁴⁷ In 2003, Wyoming ranked thirteenth in the nation for the rate of females murdered by males in single victim/single offender homicides.¹⁴⁸ By 2004, the most recent year for which statistics are available, Wyoming ranked second (tied with New Mexico) for the number of women killed by men.¹⁴⁹

Law enforcement and social service professionals report substantial increases in the number of cases involving substance abuse and domestic violence in com-

¹⁴³ Alexandra Fuller, *Letter from Wyoming, Boomtown Blues, How Natural Gas Changed the Way of Life in Sublette County*, THE NEW YORKER, Feb. 5, 2007, at 40 ("Reported crimes and arrests have been increasing at an exponential rate since the year 2000 and have been shown to be highly statistically correlated with gas and oil-field activity within Sublette County.").

¹⁴⁴ STATE OF WYO., *supra* note 68, at 22.

¹⁴⁵ CTRS. FOR DISEASE CONTROL AND PREVENTION, U.S. DEPT. OF HEALTH & HUMAN SERVS., INTIMATE PARTNERS VIOLENCE: OVERVIEW (last modified Oct. 2, 2006), <http://www.cdc.gov/ncipc/factsheets/ipvfacts.htm>. The National Center for Injury Prevention and Control states,

Most IPV [intimate partner violence] incidents are not reported to the police. About 20% of IPV rapes or sexual assaults, 25% of physical assaults, and 50% of stalkings directed toward women are reported. Even fewer IPV incidents against men are reported. . . . Thus, it is believed that available data greatly underestimate the true magnitude of the problem.

Id.

¹⁴⁶ STATE OF WYO., 2005 ANNUAL REPORT—CRIME IN WYOMING 58 (2005), available at <http://attorneygeneral.state.wy.us/dci/pdf/2005%20Annual%20Published.pdf>.

¹⁴⁷ *Id.*

¹⁴⁸ VIOLENCE POLICY CENTER, WHEN MEN MURDER WOMEN: AN ANALYSIS OF 2003 HOMICIDE DATA App. 16 (2005), <http://www.vpc.org/studies/wmmw2005.pdf>.

¹⁴⁹ *Id.* Wyoming ranked fifth in the nation for the rate of women killed by men in 2002. *Id.*

munities central to the Wyoming energy boom.¹⁵⁰ Police report marked increases in the number of violent and drug-related crimes.¹⁵¹ According to some reports coming out of Sublette County, “there have been substantial increases in assault, domestic violence, methamphetamine addiction, theft, and traffic accidents—none of which the sheriff’s department has the manpower to deal with. A county report found a 94 percent increase in arrests since 2000.”¹⁵²

Domestic violence not only has criminal, but economic impacts as well.¹⁵³ Studies indicate that economic independence is one of the best predictors of whether a victim will be able to leave and stay away from her abuser. “However, domestic violence, dating violence, sexual assault, and stalking often negatively impacts victims’ ability to maintain employment.”¹⁵⁴ It is not at all uncommon for abusers “to exert financial control over their partners by actively interfering with their ability to work, including preventing their partners from going to work, harassing their partners at work, limiting the access of their partners to cash or transportation, and sabotaging the child care arrangements of their partners.”¹⁵⁵ “Domestic violence also affects perpetrators’ ability to work. A recent study found that 48% of abusers reported having difficulty concentrating at work and 42% reported being late to work. 78% reported using their own company’s resources in connection with the abusive relationship.”¹⁵⁶

From medical expenses, homelessness, and costs to employers, domestic violence carries a hefty price tag. As shown, domestic violence is a worsening epidemic in our society.¹⁵⁷ The economic consequences of domestic violence for battered

¹⁵⁰ Moen, *supra* note 4 (quoting Rodger McDaniel the director of the Wyoming Department of Family Services: “Anytime you have quick growth in the economy, it brings with it a variety of social problems—drug use, alcohol abuse, child abuse”).

¹⁵¹ See Moen, *supra* note 4. The article states that “the number of people using the [Rock Springs, Wyoming] YWCA’s safehouse for domestic violence and sexual assault victims has risen 59% over a year’s time.” *Id.*

¹⁵² Harden, *supra* note 7.

¹⁵³ TENN. ECONOMIC COUNCIL ON WOMEN, THE IMPACT OF DOMESTIC VIOLENCE ON THE TENNESSEE ECONOMY, A REPORT TO THE TENNESSEE GENERAL ASSEMBLY 2 (2006), available at http://www.state.tn.us/sos/ecw/domestic_violence_report.pdf. Tennessee seems to be the only state that has done a study of this kind within a particular state.

¹⁵⁴ STOPFAMILYVIOLENCE.ORG, DOMESTIC VIOLENCE AND ECONOMIC INSECURITY (2005), <http://www.stopfamilyviolence.org/ocean/host.php?folder=52>.

¹⁵⁵ *Id.* (citing JODY RAPHAEL & RICHARD M. TOLMAN, TAYLOR INST. & UNIV. OF MICH. RESEARCH DEVELOPMENT CENTER ON POVERTY, RISK AND MENTAL HEALTH, TRAPPED IN POVERTY, TRAPPED BY ABUSE: NEW EVIDENCE DOCUMENTING THE RELATIONSHIP BETWEEN DOMESTIC VIOLENCE AND WELFARE (1997)).

¹⁵⁶ *Id.*

¹⁵⁷ Erin Meehan Richmond, *The Interface of Poverty and Violence Against Women: How Federal and State Welfare Reform Can Best Respond*, 35 NEW ENG. L. REV. 569, 569 (2001).

women, their children, and for society at large are staggering.¹⁵⁸ Conservative estimates show 15 to 30% of women on welfare are currently living with domestic violence, and at least “50-60% have experienced domestic violence previously in their adult lives.”¹⁵⁹ Women who cannot support themselves and their children have far fewer options for dealing with domestic violence and overcoming other obstacles to their well-being than women with sufficient job skills and financial resources.¹⁶⁰ “Women who experience severe aggression by men (e.g., not being allowed to go to work or school, or having their lives or their children’s lives threatened) are more likely to have been unemployed in the past, have health problems, and be receiving public assistance.”¹⁶¹

Promoting resources for victims of domestic violence to secure and maintain employment is vital to establishing economic independence from their abusers. Women who have adequate financial resources will likely find it easier to live independently from their abusive partners, at least economically, socially, and legally.¹⁶²

Advocates and others concerned with violence against all women and with the well-being of all women and their families must become vocal advocates for education, training, and jobs that pay living wages and provide reasonable benefits. Reducing the number of women trapped in poverty will reduce the number of women who experience domestic violence and sexual assault.¹⁶³

Resources such as child support enforcement, case plans in juvenile court cases, and welfare benefits must address the impacts of domestic violence faced by so many of those seeking assistance, yet silenced by those oblivious to the realities

¹⁵⁸ See NOW LEGAL DEFENSE & EDUCATION FUND, SURVIVING VIOLENCE AND POVERTY: A FOCUS ON THE LINK BETWEEN DOMESTIC AND SEXUAL VIOLENCE, WOMEN’S POVERTY, AND WELFARE 1-6 (2002), available at <http://www.legalmomentum.org/issues/wel/Surviving.pdf>.

¹⁵⁹ Erin Meehan Richmond, *The Interface of Poverty and Violence Against Women: How Federal and State Welfare Reform Can Best Respond*, 35 NEW ENG. L. REV. 569, 572 (2001).

¹⁶⁰ PATRICIA R. COLE, PH.D., TEX. DEPT. OF HUMAN SERVS., REACHING AND ASSISTING TANF RECIPIENTS WHO ARE IN VIOLENT RELATIONSHIPS (Jan. 2000). Dr. Patricia Cole a part of a grant with the Texas Department of Human Services wrote this article. It was originally distributed at the Challenges and Opportunities for Domestic Violence Victims in Welfare and Related Programs—How Can Advocates Help? A Conference for Texas Advocates for Victims of Domestic Violence, January 24-25, 2000. The conference was sponsored by the National Training Center on Domestic and Sexual Violence, 2300 Pasadena Drive, Austin, Texas, 78757, 512/407-9020, 512/407-9022 (fax), <http://www.ncdsv.org>.

¹⁶¹ CTNS. FOR DISEASE CONTROL AND PREVENTION, *supra* note 145 (citing Susan Lloyd & Nina Taluc, *The Effects of Male Violence on Female Employment*, 5(4) VIOLENCE AGAINST WOMEN 370 (1999)).

¹⁶² Angela M. Moe & Myrtle P. Bell, *Abject Economics: The Effect of Battering and Violence on Women’s Work and Employability*, 10(1) VIOLENCE AGAINST WOMEN 29, 29 (2004).

¹⁶³ COLE, *supra* note 160.

faced by the help-seekers. Furthermore, private and state employers should adopt policies that eliminate and educate about discrimination against domestic and sexual violence victims, including discrimination motivated by sex and stereotypic notions about women.

Mineral wealth has associated costs which cannot be overlooked for the sake of development. Among these costs are “an increase in crime, drug use, violence, and the costs of living, and a decrease in just about everything good, except money.”¹⁶⁴ It is not uncommon to hear people talk of the “lifestyle” of the oil and gas workers. Many say they work hard and they play hard. There have been connections drawn between the high rate of methamphetamine use in the state and the influx of workers in the oil and gas and mineral industries.¹⁶⁵ “[M]ethamphetamine-related arrests [in Wyoming] soared sevenfold from 1992 to 2004. Critics blame the rise in part on the influx of oil-industry workers, one in five of whom come from out of state.”¹⁶⁶

According to some energy industry insiders, meth use has recently become epidemic on the oil and gas rigs.¹⁶⁷ According to one former roughneck, methamphetamine use seems to be especially widespread in the oil and gas fields, “where the long, hard hours mean a lot of money, and a little extra pick-me-up can get a working stiff through his shift.”¹⁶⁸ It has been said that three in ten Gillette-area workers screened for drug use by one private testing company came back with positive results.¹⁶⁹ And in Sublette County, the problem is no better. “There is no doubt that methamphetamine had made it into the community before the current boom, but the injection of a large testosterone-heavy workforce, assigned to tough and repetitive work, and the lack of anything else to do in the area have made a small-town problem a big deal.”¹⁷⁰ While these problems are challenges that exist in many communities, the increases are measurable in those with a great deal of industry development.¹⁷¹

¹⁶⁴ Fuller, *supra* note 143, at 40 (citing Eldean V. Kohrs, Ph.D., Social Consequences of Boom Growth in Wyoming (paper presented at a meeting of the Rocky Mountain American Association of the Advancement of Science, April 24-26, 1974, Laramie, Wyo., available at http://www.sublette-se.org/files/Social_Consequences_of_Boom_Growth_In_Wyoming_-_Kohrs.pdf)).

¹⁶⁵ Lisa Takeuchi Cullen, *Bittersweet Boom*, TIME, Sept. 3, 2006, available at <http://www.time.com/time/insidebiz/article/0,9171,1531311,00.html>.

¹⁶⁶ *Id.*

¹⁶⁷ Patrick Farrell, *Methamphetamine Fuels the West's Oil and Gas Boom*, HIGH COUNTRY NEWS, Oct. 3, 2005, available at http://www.hcn.org/servlets/hcn.Article?article_id=15811.

¹⁶⁸ *Id.*

¹⁶⁹ FREE AND TRUE WYO., STATE OF WYO., WAKE UP CALL: METHAMPHETAMINE (“METH”) IS READILY AVAILABLE IN WYOMING—IN OUR SCHOOLS, OUR STREETS AND OUR NEIGHBORHOODS (2003), available at <http://www.freeandtrue.com/drugs/?nsectionid=1> (“Officials are both shocked and worried about the emergence of this drug into nearly every fiber of the state’s fabric.”).

¹⁷⁰ Fuller, *supra* note 143, at 41.

¹⁷¹ See Moen, *supra* note 4.

CONCLUSION

As policy discussions continue in our state, policy makers are urged to consider the impact of the economy on women and children. No longer can the wage disparity and economic status of women in our state be excused as a side effect of the nature of the industry in Wyoming. We must do more to ensure secure and decent training opportunities for stable employment, quality child care, housing and access to affordable legal services for women and children. Government can, of course, play a role by exploring policies and practices to reduce the wage gap, enforcing equal employment opportunity laws, and increasing resources for quality child care and access to legal assistance. "In most cases, local, state, and national policies lag behind the changing realities of women's lives. Such policy lags retard economic growth. States with long-standing commitments to public investment in important factors that influence economic growth, education for example, have strong economies generally favorable to women."¹⁷²

When considering issues that have a substantial impact on women as compared to men, any viable solution will, necessarily, focus on women. The World Bank has noted that if you feed a woman, you feed a family; if you educate a woman, you educate a family; if a woman is economically secure, a family is economically secure.¹⁷³ The economic success of women is critical to the success and growth of Wyoming. "When women are able to contribute as full and equal participants in work, politics, and community life, they unleash the potential of cities, states, and the nation as a whole."¹⁷⁴

¹⁷² HARTMANN ET AL., *supra* note 12, at 19.

¹⁷³ YOU THINK!, THE WORLD BANK, HELPING WOMEN HELPS EVERYONE (2007), <http://youthink.worldbank.org/4kids/gender/genderstory2.php>.

¹⁷⁴ HARTMANN ET AL., *supra* note 12, at 3.