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Expert **evidence** in favour of **shared parenting**

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## Majority View of Psychiatrists, Paediatricians and Psychologists

The majority view of the psychiatric and paediatric profession is that mothers and fathers are equals as parents, and that a close relationship with both parents is necessary to maximise the child's chances for a healthy and productive life.

J. Atkinson, *Criteria for Deciding Child Custody in the Trial and Appellate Courts*, Family Law Quarterly, Vol. XVIII, No. 1, American Bar Association (Spring 1984).

In a report that “summarizes and evaluates the major research concerning joint custody and its impact on children's welfare”, the American Psychological Association (APA) concluded that:

“The research reviewed supports the conclusion that joint custody is associated with certain favourable outcomes for children including father involvement, best interest of the child for adjustment outcomes, child support, reduced relitigation costs, and sometimes reduced parental conflict.”

The APA also noted that:

“The need for improved policy to reduce the present adversarial approach that has resulted in primarily sole maternal custody, limited father involvement and maladjustment of both children and parents is critical. Increased mediation, joint custody, and parent education are supported for this policy.”

*Report to the US Commission on Child and Family Welfare*, American Psychological Association (June 14, 1995)

The same American Psychological Association adopted the following resolution at its 1977 meeting:

“Be it resolved that the Council of Representatives recognizes officially and makes suitable promulgation of the fact that it is scientifically and psychologically baseless, as well as a violation of human rights, to discriminate against men because of their sex in assignment of children's custody, in adoption, in the staffing of child-care services, and personnel practices providing for parental leave in relation to childbirth and emergencies involving children and in similar laws and procedures have been repudiated. In their place is a broad political and scientific consensus that children need two parents.”

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## Next Best to an Intact Family

A study evaluated children aged 6 to 15 in the areas of locus of control, self-concept, and family relationships. The children were divided into three groups: shared custody, maternal custody, and intact families.

Intact family children had averaged higher than divorced family children on self-concept and father relationships, and shared custody children averaged higher than sole custody children in these areas. Intact family children had fewer least-positive responses in all areas than divorced family children, and shared custody children had fewer least-positive responses than sole custody children in all areas except mother relationship.

The study indicates that, on average, a two-parent, intact family is the best arrangement for children, and a shared parenting arrangement is better than a sole custody arrangement, that is, a two-parent family is better even if parents are divorced.

R Glover and C Steele, *Comparing the Effects on the Child of Post-divorce Parenting Arrangements*, Journal of Divorce, Vol. 12, No. 2-3, (1989).

Long-term effects were studied in joint custody, sole maternal custody and intact families. Children in joint custody families were found to be more active than in sole custody families or intact families. In low conflict situations children did better (demonstrated less withdrawal) than in either sole custody or intact families.

L.P. Noonan, *Effects of long-term conflict on personality functioning of children of divorce*, The Wright Institute Graduate School of Psychology, Berkeley. Doctoral Thesis. (UMI No. 1984-17931)

## Misbehaviour Less Common

A study compared 21 joint custody and 21 maternal custody families, with children between the ages of 4 and 15. Results showed that misbehaviour and 'acting out' were more common among sole custody children.

"A multiple regression analysis of these data found children in joint custody families had fewer behavioural adjustment problems with externalizing behaviour than children in mother custody families."

Rockwell-Evans and Kim Evonne, *Parental and Children's Experiences and Adjustment in Maternal Versus Joint Custody Families*, Doctoral Dissertation, North Texas State University (1991).

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### Children and Adolescents Adjust Better

517 families with children ranging in age from 10.5 years to 18 years were studies across a four and a half-year period. Measures were: assessed depression, deviance, school effort, and school grades.

Children in shared parenting arrangements were found to have better adjustment on these measures than those in sole custody.

Buchanan, Maccoby, and Dornbusch, *Adolescents After Divorce*, Harvard University Press (1996)

A study evaluated 273 families, controlling for 28 variables that influence a predisposition to agree on joint legal custody. Controlling for these factors, children in joint legal custody families had more time with their fathers and fewer adjustment and behaviour problems.

M.L. Gunnoe and S.L. Braver, *The Effects of Joint Legal Custody on Family Functioning, Controlling for Factors that Predispose a joint award*, Child Development.

A study compared 20 joint custody and 20 sole maternal custody families. Children in joint physical custody were rated as better adjusted by their mothers compared with children of sole custody mothers. The children's perceptions in sole custody situations correlated with the amount of time spent with their father.

The more time children from sole maternal custody spent with their fathers, the more accepting both parents were perceived to be, and the more well-adjusted were the children.

D.B. Cowan, *Mother Custody versus Joint Custody: Childrens' Parental Relationship and Adjustment*, University of Washington. Doctoral Thesis (UMI No. 1982-18213).

Children in joint custody situations were found to be better adjusted than children in sole custody situations.

J.A. Livingston, *Children after Divorce: A Psychosocial analysis of the effects of custody on self esteem*, Doctoral Thesis. State University of New York at Buffalo (UMI No. 1983-26981).

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A report quotes several researchers in stressing the “(the) importance of a continued relationship with both parents.” Moreover:

“Children whose relationship with their fathers were disrupted were more vulnerable to a wide range of problems.

“... children had a better self concepts;

“... lack of dire consequences (of shared parenting) for the children as predicted by judges and some psychologists.

“Judges are more readily acknowledging that their area of legal expertise does not equip them to make such decisions based solely upon points of law.”

Betty Spillers Beeson, *Yours, Mine, or Ours? Child Custody Decisions*, Childhood Education (September/October 1984).

“In a study of 378 families, some with unmatched partners, in various custody arrangements, Sharlene Wolchik, Iwrin Sandler and I found in 1985 that children in joint custody had higher feelings of self-worth than children in sole maternal custody.

“Our results showed considerable benefits for joint custody, even when equating predisposing factors. After this adjustment, children in joint custody were found to be significantly better adjusted, and to exhibit less antisocial and impulsive behaviour than sole custody families. Fathers also visited more, and were more involved in childcare, as well as more satisfied with the divorce settlement. Mothers, however, were significantly less satisfied with the custody arrangements in joint custody families.

“When the couple disagrees initially, which is better for the family, for the father to get his preference (joint [custody]) or for the mother to get her preference (sole [custody])?

“We found that the groups differed significantly in terms of how much financial child support was paid: when sole custody was that arrangement despite the fathers' wishes, 80% was paid (according to what the father reported; the figure was 64% by mothers' report), while when joint custody was awarded despite the mothers' preference, it zoomed to almost perfect compliance (97% by fathers' report; 94% by mothers' report).

“A similar relationship was found for fathers' contact with the child. It was significantly highest for the group in which joint custody was awarded despite the mothers' preference. Joint custody, even when awarded despite the contrary preference of the mother, leads to more involved fathers, and almost perfect of financial child support; controlling for predisposing factors, it leads to better adjusted children.

“We believe these findings call for policy makers, in the best interest of the children, to adopt a presumption that is rebuttable for joint legal custody, that is, a judicial preference that both parents retain their right and responsibilities toward their children post divorce.”

*Determining the Impact of Joint Custody on Divorcing Families,*  
Sanford Brave, PhD, Professor, Psychology Arizona State University.

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## Girls Do Better With Shared Parenting

In a study of children in the age range 5 to 12 years, in the early period of separation or divorce, boys and girls in sole custody situation had more negative involvement with their parents than in joint custody situation.

There was an increase reported in sibling rivalry reported for sole custody children when visiting their (non-custodial) father. Girls in joint custody reported to have significantly higher self-esteem than girls in sole custody.

E. B. Karp, *Childrens' adjustment in joint and single custody: An Empirical Study*, Doctoral Thesis. California School of Professional Psychology, Berkeley (UMI No. 1983-6977).

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## Boys Do Better With Shared Parenting

A study compared children in the aged 5 to 13 years. Boys in joint custody were significantly better adjusted than boys in sole maternal custody. Comparing boys in all groups, boys in joint custody compared very similarly to boys from happy families.

E. G. Pojman, *Emotional Adjustment of Boys in Sole and Joint Custody compared with Adjustment of Boys in Happy and Unhappy Marriages*, Doctoral Thesis. California Graduate Institute (1982).

A study of boys aged 6-11, conducted 1-6 years after divorce, among 20 joint physical custody families and 20 maternal custody families revealed:

“According to rating made by parents and teachers, boys in joint custody had fewer behavioural difficulties than their maternal custody counterparts.

“... fewer emotional and behavioural problems...  
“... classroom adjustment... superior... “

Virginia M. Shiller, Joint versus maternal custody for families with latency age boys: Parent characteristics with child adjustment, *Journal of Orthopsychiatry* (July 1986).

## Children More Satisfied

Joint custody children were found to be satisfied than sole custody children.

S. Handley, *The experience of the child in sole and joint custody*, Doctoral Thesis. California Graduate School of Marriage and Family Therapy (1985.)

Children whose parents have joint custody appeared to have retained two psychological parents in their lives. Whereas half of the children in single parent custody never see the other parent at all, all of the joint custody children have regular contact with both parents.

Moreover, the interviews with them elicited descriptions of their lives in both houses which revealed that 'business as usual' went on with both parents. In single custody families, in contrast, a visit with the non-custodian was more likely a holiday or a 'date'.

Furthermore, contrary to the warnings about children having to 'serve two masters', the vast majority of children in joint custody are pleased and comfortable with the arrangements.

Other advantages noted were more reliance by the parents on each other for childcare and prevention of parent 'burnout' via more time off from the duties of parenting.

D.A. Luepnitz, A comparison of maternal, paternal, and joint custody: Understanding the varieties of post-divorce family life, *Journal of Divorce*, 9 (1986).

20 joint custody children (ages 7-11) were compared with 20 age-matched children in sole maternal custody. All families were at least two years after separation or divorce. Joint custody children were found to have higher ego strengths, superego strengths and self-esteem than the single custody children. The joint custody children were also found to be less excitable and less impatient than their sole custody counterparts.

S.A. Nunan, *Joint custody versus single custody effects on child development*, Doctoral Thesis. California School of Professional Psychology, Berkeley. UMI No. 81-10142 (1980).

Children (ages 4-10) in intact families were compared with children in joint custody and single custody families. Children from joint custody were found to be more satisfied with the time spent with both parents. Parents in joint custody were found to be more involved with their children. Joint custody parents found to be less overburdened by parenting responsibilities than sole custody parents.

B. Welsh-Osga, *The effects of custody arrangements on children of divorce*, Doctoral Thesis, University of South Dakota. UMI No. 82-6914 (1981).

Self-esteem was found to be higher in children of joint custody. Children in joint custody report significantly more positive experiences than children of sole maternal custody.

S. A. Wolchik, S. L. Braver and I. N. Sandler, *Journal of Clinical Child Psychology*, 14, (1985): 5-10.

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### Children's Needs Come First

“In a traditional custody fight – where one parent wins while the other loses – it is too often overlooked that regardless of whether the Father wins or the Mother wins, the children are guaranteed to lose.

“This usual approach of awarding only one parent custody is stacked against the children as they can never win; as the custody battle rages on they witness increasing hostility between the two people they love the most and when it is over they have lost the care and companionship of one parent.

“To protect the child from such a devastating loss should be a high priority in any custody determination. Joint custody has been shown to provide just such protection.

“There is no doubt that joint custody yields two psychological parents, and that the children do not suffer the profound sense of loss characteristic of so many children of divorce. The children maintained strong attachments to both parents. Perhaps the security of an ongoing relationship with two psychological parents helps to provide the means to cope successfully with the uprooting effects of switching households.”

Alice Abarbanel, *Shared parenting after separation and divorce: A study of joint custody*, *American Journal of Orthopsychiatry*, Vol. 49, No. 2 (April 1979): 328.

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"It is difficult to take issue with the importance, for children and parents alike, of maximizing the involvement and participation of the Mother and the Father in the child's life."

Elissa P. Bendek, *Joint custody: Solution or illusion?*, American Journal of Psychiatry, Vol. 136, No. 12 (December, 1979): 1540-1544.

"(C)hildren need from their fathers and mothers together a balanced, complementary, and stable relationship, and this is no less the case for partners who are separated from each other."

Cynthia Milligan and Alan Dowie, *What do children need from their fathers?*, Centre for Theology and Public Issues, The University of Edinburgh (1998).

Fathers with joint custody are more likely to involve themselves in all aspects of their child's growth and development. The maintenance of such ties can be critical for both Father and Mother.

Judith Brown Grief, *Fathers, children, and joint custody*, American Journal of Orthopsychiatry, Vol. 49, No. 2 (April 1979).

"Joint custody benefits children in three principle areas:

"First, they received the clear message that they were loved and wanted by both parents.

"Second, they add a sense of importance in their family and the knowledge that their parents made great efforts to jointly care for them, both factors of which were important to their self-esteem.

"Third, they had physical access to both parents, and the psychological permission to love and be with both parents. This protected them from the crippling loyalty conflicts often seen in children who are caught in the crossfire of their parents, ongoing battles.

"Also, there were significant benefits for the Mothers and Fathers who were involved in a joint custody arrangement and that diminished hostilities between the parents was another fringe benefit.

"The overriding benefit for these parents was the sharing of the burdens and pleasures of child rearing. Most of the working Mothers valued time off to pursue their careers and their adult social life. Their sense of identity and self-esteem gained from their paid employment allowed them more easily to relinquish the role of full-time parent.

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"For Fathers, the preservation of a close relationship with their children and an important adult role as a parent was paramount. For these parents, shared parenting helped temper the sense of loss, personal failure, and disruption of the adult role and identity that often accompanies divorce. It functioned as an antidote to the diminished self-esteem and guilt over breaking up a family. It allowed them to preserve a sense of family and to avoid the profound sense of loss for themselves and their children. The marital relationship had failed, but joint custody represented a personal and mutual success as parents.

Susan Steinman, Director of the Joint Custody Project and Director of the Centre for the Family in Transition for the Jewish Family and Children's Services, *Joint Custody: What We Know, What We Have Yet To Learn, and the Judicial and Legislative Implications*, University of California. Rev. 739, 747 (1983).

### **Children Continue To Have Two Parents**

A study compared children from five groups: joint physical custody, joint-legal maternal-physical, joint-legal paternal-physical, sole maternal and sole paternal custody.

On their measurement of how children perceive the importance of family members, sole custody children were three times more likely to omit one parent than joint custody situations.

M.B. Isaacs, G.H. Leon and M. Kline, *When is a parent out of the picture? Different custody, different perceptions*, Family Process, 26 (1987): 101-110.

"Consistent with other studies of joint and sole custody (citations), our joint legal and residential noncustodians were decidedly more involved with their children following divorce than were noncustodians in sole custody arrangements..."

"Lastly, respondents in joint custody arrangements were more apt to perceive their ex-spouse as having a good relationship with the children and to report satisfaction with that person's performance as a parent..."

"(C)onflict between divorcing parents in our sample did not appear to worsen as a result of the increased demand for interparental cooperation and communication in joint legal or joint residential custody arrangements. To the contrary, parents with sole maternal custody reported the greatest deterioration in the relationships over time."

J. Pearson and N. Thoennes, *Custody After Divorce: Demographic and Attitudinal Patterns*, American Journal of Orthopsychiatry, 60 (1990).

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A study evaluated children's perceptions of their fathers at least four years post-divorce, comparing joint custody, sole custody and intact families. The subjects were 43 latency-age children: 11 from maternal custody families, 14 from joint custody families and 18 controls from intact homes.

Results: "There was a significant difference in the perceptions of children in sole and joint custody. Joint custody children reported spending more time with their fathers in child-centred activities, activities which were considered pleasurable and important to children."

Holly Zingale Ilfeld, *Children's perceptions of their relationship with their fathers in three family constellations: mother sole custody, joint custody and intact families*, PhD Dissertation. University of California, Davis (1989).

A study investigated children (aged 9-12) in 15 joint custodial, 15 sole maternal and 15 sole paternal homes. Parents in sole custodial homes (both maternal and paternal) were perceived as using psychological pressure techniques to control children, for example, inducing guilt. In joint custody homes, however, the perception of the children was that such techniques were seldom used.

B.H. Granite, *An investigation of the relationships among self-concept, parental behaviours, and the adjustment of children in different living arrangements following a marital separation and/or divorce*, Doctoral Thesis, University of Pennsylvania. Philadelphia. UMI No. 85-23424 (1985).

Ninety fathers were questioned regarding how unequal recognition of parental rights might encourage conflict. Joint legal custody was found to encourage parental co-operation and discourage self-interest. Sole custody encouraged punishment-oriented persuasion strategies. Unequal custody power was perceived as inhibiting parental co-operation by both parents.

M.R. Patrician, *The effects of legal child-custody status on persuasion strategy choices and communication goals of fathers*, Doctoral Thesis, University of San Francisco. UMI No. 85-14995 (1984).

A study used data from the National Survey of Families and Households: a survey of over 13,000 families that collected data in two waves, 1987-88 and 1992-94. Because the study included data on the quality of family relationships, it was possible to study the effects of joint legal custody while controlling from pre-separation family relationships by analysing data on families that had separated between the survey waves. The study concluded:

"Controlling for the quality of family relationships before separation and socio-economic status, fathers with joint legal custody see their children more frequently, have more overnight visits, and pay more child support than fathers in families in which mothers have sole legal custody."

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It also suggests that joint legal custody helps reduce visitation denial:

"By clarifying that divorced fathers are 'by law' still fathers, parents' negotiations about fathers' participation in child rearing after divorce may shift from trying to resolve *whether* fathers will be involved in child rearing to the matter of *how* fathers will be involved." (emphases in original).

J. Seltzer, *Father by Law: Effects of Joint Legal Custody on Non-residential Fathers Involvement with Children*, University of Wisconsin-Madison. NSFH Paper No. 75 (February 1997).