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**SHARED PARENTING: A REVIEW OF THE SUPPORTING RESEARCH**

## Abstract

One of the most important and controversial issues confronting divorced parents and the family court system is what type of living arrangement is most beneficial for the children: shared physical custody or sole physical custody? This paper reviews the research on the benefits of shared time parenting where children live a minimum of one third of the time with each parent. Research from more than one hundred recent studies is presented to address the objections that are most commonly raised against shared parenting.

Keywords: shared parenting, dual residence, joint physical custody, shared time parenting

## Shared Parenting after Divorce: Review of Supportive Research

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Family members, policy makers, and professionals working in family court share a common goal: to create the best possible outcomes for children after their parents' divorce. One of the most significant and controversial questions is what type of living arrangement is best for these children. Traditionally 85 to 90 percent of these children have lived almost exclusively with their mothers, with only 5-7 percent living at least one fourth of the time with their dads in a shared parenting family (Kelly, 2007). Yet there is growing interest in shared parenting (also referred to as dual residence, shared time or shared care families ) where children live with each parent for at least one third and as much as one half of the time (Elrod & Spector, 2004).

Understandably shared parenting is more problematic for divorced parents whose conflicts are extreme, violent or physically abusive. Researchers and family court professionals have been extremely focused on what type of parenting arrangements are best for these high conflict or violent couples who consume the most time in family court and whose behavior poses the greatest risks for children (McIntosh & Chisholm, 2009; Johnston, Roseby, & Kuehnle, 2009). This is not to say that these parents can never succeed at shared parenting. For example, 17 percent of 69 Australian couples who were in this very high conflict group were still sharing the parenting one year after their divorce (McIntosh, 2008) . Moreover, a number of programs have succeeded in helping these high conflict or abusive parents reduce their conflicts (Blaisure & Geasler, 2006; Garber, 2004; Lebow & Rekart, 2007; Stone, 2006). Still, many of these parents have ongoing problems related to drug or alcohol abuse, mental

illness, violence, poverty, or personality disorders which make shared parenting a far less likely option (Johnston, Robseby, Keuhnle, 2009).

Fortunately, however, only 10 to 15 percent of divorcing parents are in this high conflict or abusive group (Grych, 2005; Kelly, 2007). This paper, therefore, focuses on the research that supports shared parenting for 85 to 90 percent of divorced parents. In the process of making their decisions, these parents generally receive input from lawyers, counselors, mediators, and friends. Roughly 5 to 10 percent of divorcing couples receive advice from a custody evaluator and 75 percent receive advice from at least one lawyer (Fabricius, Braver, Diaz, & Schenck, 2010). Unfortunately many of these well meaning professionals, like many parents themselves, may not be familiar with the research on the benefits of shared parenting. In fact there is considerable concern about the lack of expertise among custody evaluators (Ackerman & Dolezal, 2006; Emery, Otto, & O'Donohue, 2005; Kelly & Johnston, 2005). Likewise, the Family Law Education Reform project has recommended that law schools provide more training in child development and family dynamics because most lawyers and judges are so poorly equipped to deal with these issues (O'Connell & DiFonzo, 2006). By familiarizing parents and family court professionals with the research that supports shared parenting, the present paper will address many of the issues raised against having children live at least 30 percent of the time with each parent.

### **Shortcomings of the research**

Opponents of shared parenting can find studies showing that nonresidential fathers' "contact" with their children is not strongly related to their academic, social, or psychological well being. But because this research can be misconstrued to mean that fathering time has no impact on children, it is important to be aware of the shortcomings in this research (Amato & Dorius, 2010; Argys, 2006).

First, researchers have rarely distinguished between parenting time and frequency of contact between father and child. Most researchers merely asked how frequently the father spent time with the

children – how many times a week, or a month, or a year. The problem is that frequency of contact is not the same as the amount of “parenting” time – and parenting time is the factor that has the most significant impact on those aspects of children’s lives that are being measured (academic achievement, delinquency, depression, teen pregnancy, etc). Counting frequency of contacts also fails to take account of whether children are spending weekday and overnight time with their fathers – which are the times that fathers are most able to do the *kind* of parenting that has the greatest impact on children. Other studies have omitted fathers who have no contact at all with their children, thus under-estimating the impact of the father’s time. Then too, most researchers gather their data only from the mothers, even though mothers tend to underestimate the amount of contact fathers have with their children.

More important still, researchers have rarely studied how the father was spending his time with the children. Spending time “having fun with dad” does not benefit children as much as spending time in less recreational ways. Then too many studies lump divorced and never married fathers together as nonresidential parents. But data from these two groups of fathers should be analyzed separately because there are considerable differences between the two groups in regard to factors such as age, income, education, incarceration, drug and alcohol abuse – all of which have an impact on children independent of the amount of time they spend with their fathers. Given these shortcomings, it is not particularly surprising that some studies find little or no correlation between the frequency of “nonresidential fathers’ contacts” and their children’s well being. But as will be seen, recent research is providing us with a more accurate lens through which to view divorced fathers’ relationships with their children.

A final shortcoming is that there are still very few studies on shared parenting families. Until recently, only 5 to 7 percent of children have grown up in families where they spend at least 30 percent of the time living with their fathers (Kelly, 2007). Future researchers will inevitably address many of the questions that still remain unanswered. In the meantime, fear and unsubstantiated assumptions must not

be allowed to bias our views or to narrow our thinking. Conjuring up fearful expectations of what “might” happen to children in shared time families and acting upon those fears without research to substantiate them is unlikely to be the best interest of children. As this paper will demonstrate, the disadvantages of living in sole mother residence have been well documented in the research. Given this, the intense scrutiny and fearful assumptions in regard to shared parenting are curious and perplexing.

### **Impact of our present system: Fathering time**

A primary goal of shared parenting is to maintain and to strengthen father-child relationships by increasing the amount of time fathers and children live together in more extended periods of time. To begin then, there are two essential questions: How much time are most spending together under the current system where children live almost exclusively with their mother? How satisfied are most of these fathers and children with their time together? In other words, is there really a need to try a new approach with shared parenting?

Unfortunately the prevailing arrangement of sole mother residence has had a profoundly negative impact on most children’s relationships with their fathers. The vast majority of children are not spending extensive or consistent time with their fathers - especially not time living together in a way that resembles their life before the parents’ divorce. Roughly 85 to 90 percent of children live almost exclusively with their mothers, 65 percent of whom have full legal custody. Up until the past few years, only 5 to 7 percent of the children have lived at least 30 percent of the time with their father (Child Trends, 2002; Kelly, 2007). The number of children who see their father weekly rose from 18 percent in 1976 to 31 percent in 2002. But most of these weekly contacts are brief and 30 percent of the children have not seen their father in the past year (Amato, Meyers, & Emery, 2009). Although fathers are probably spending somewhat more time than this with their children because mothers tend to under

report the amount of contact (Argys, 2006), most fathers and children are nonetheless spending very little time together.

Opponents of shared parenting might argue that most fathers should not be allotted more time because they are spending so little time with their children already. The underlying accusation is that most fathers are not committed enough to their children. While this is no doubt true for some divorced fathers, this overlooks the obstacles that have commonly been identified in the research as the reasons why most divorced dads reduce contact with or disengage entirely from their children. First, because most fathers are awarded so little parenting time and because the children live almost exclusively with their mother, fathers are seldom able to maintain an authoritative, engaged, intense relationship with their children. Moreover, 35 percent of these fathers have no legal say in how their children are raised. Being legally disenfranchised and physically marginalized, the father often feels demoted to a “Disneyland Dad”, an adult “playmate” or an “uncle” who can do little or no real fathering. Then too, the mother’s behavior and attitudes often make the father feel unwelcomed and excluded (DeCuzzi & Lamb, 2004; Trinder, 2008). Indeed, too many mothers move the children such a distance away from the father that his contact is drastically reduced or ends altogether. Feeling discouraged and disheartened, unwanted and unnecessary, many dads realize from the outset that they have little or no chance to be the fathers they once were. It is beyond the scope of this paper to present details from the research on divorced fathers’ experiences and feelings. Suffice it to say that the research is remarkably consistent in identifying these factors as the reasons why most divorced fathers are not more engaged with their children (Bailey & Zvonkovic, 2006; Baum, 2006; Frieman, 2007; Hallman & Deinhart, 2007; Hawthorne & Lennings, 2008; Leite & McHenry, 2006; Nielsen, 1999; Stone & Dudley, 2006). Granting fathers more shared parenting time and shared legal custody would remove many of these

obstacles and should, therefore, clear the path for more fathers to continue parenting their children more like they did before the divorce.

### **Impact of present system: Father-child relationships**

Given that most fathers and children are spending very little time together under the current system, many of their relationships erode or end altogether. Even children and young adults who are successful in other areas of their lives often suffer from the loss of their relationship with their father. The question thus becomes: Even if the research were to show that shared parenting contributes absolutely nothing to children's financial, social, educational or psychological well being at any point in their lives (which is not the case), what if shared parenting does contribute to children's having an ongoing, meaningful relationship with their fathers for the rest of their lives? Is their relationship *in and of itself* not worth as much as the other measures of "success" for children of divorce? Believing the answer is a resounding yes, it is distressing that so many children, even as adults, are left wondering if they matter to or are loved by their father, feeling an ongoing pain and longing for a closer relationship, and realizing that it is too late to create the kind of relationship they long for. Instead of focusing first on the impact that shared parenting has on other aspects of a child's well being, we focus first on the question: What impact does spending time with and living with dad more than a few days a month have on the quality of the father-child relationship from there on?

Beginning with the earliest longitudinal studies from the 1980s, researchers have found that children who spend the most time with their fathers have the closest, most meaningful relationships with him from there on. In the twenty year Binuclear Family study with 173 white children from 78 families in Wisconsin who divorced in 1980, those with the best relationships with their father had spent the most time with him in the first five years after their parents' divorce. As young adults, almost half of these sons and daughters said their relationships with their dads had improved after the divorce and another 20



percent felt it had stayed the same, largely depending on how much time they had spent with him (Ahrns, 2007; Ahrns, 2004). Likewise in the four year Stanford Custody study involving 522 teenagers from 365 California families, those who felt closest to their dad, trusted him the most and identified most with him four years after their parents' divorce were those who had spent the most time with him – especially the 8 percent who had lived at least 30 percent of the time with their dad (Buchanan & Maccoby, 1996). Similarly in the Virginia Custody Study with 1400 families, even twenty years after their parents' divorce, two thirds of the young adults felt they had a close relationship with their dads, which was closely related to having spent plenty of time with him. Unfortunately the other third had little or no relationship because they had seen so little of their fathers after the divorce (Hetherington & Kelly, 2002). Confirming the results from these longitudinal studies, an analysis of 63 studies from the 1980s found that the amount of time fathers spent with their children was strongly related to how close they felt to one another (Amato & Gilreth, 1999).

More recent studies confirm this strong relationship between how much time dads spend with their children in the years immediately following the divorce and the kind of bond they have thereafter. For example, in a nationally representative survey of 300 young adults, the amount of time their divorced dads had spent with them as teenagers was the strongest predictor of how close they felt to him as young adults. But because 40 percent of these sons and daughters had not seen their father even once a month after the divorce, as adults 65 percent of them did not feel close enough to talk to him if they felt unhappy or depressed and 52 percent would not seek his advice if they had a major decision to make (Aquilino, 2010). Other young adults who had seen their father at least once a week as teenagers felt closer to him than those who had seen him only once a month (Laumann & Emery, 2000). It's worth noting too that having a meaningful relationship with their fathers as young adults was related to

having spent plenty of time together after the parents' divorce, but not related to the father's socio-economic status (Peters & Ehrenberg, 2008).

In sum, there is a strong connection between the amount of time that fathers and children spend together and the ongoing quality of their relationship. Clearly too, the current system where fathers and children are only allowed to live together a few days a month is weakening or destroying these relationships. Indeed, a group of eighteen experts from psychology, sociology, social welfare and law concurred more than fifteen years ago that divorced fathers need more extensive, more regular time with their children in order maintain a high quality relationship (Lamb, Sternberg, & Thompson, 1997).

### **Young adults from shared parenting families**

In trying to decide if shared parenting is in the best interest of most children, the most compelling research comes from the first generation of children who have grown up in divorced homes. These young adults are no longer living with either parent and can, therefore, provide researchers with candid feedback about their experience. Because these studies are so rare, it is especially important to heed what these young adults have to say. Keep in mind that all of the following studies share two things in common. First, these young adults were successful enough academically and socially to have gotten into college. Thus, opponents of shared parenting could interpret this to mean that most young adults are successful despite not having spent much time with their fathers. But in reality they are *not successful* in one of the most important aspects of their lives: having a good relationship – or having any relationship - with their fathers. Second, these young adults are agreeing on one thing: they wanted to spend more time living with their fathers after their parents' divorce. Rarely did they believe that living exclusively with their mother had been in their best interest.

One of the largest studies at Arizona State university gathered data from 1996-1999 from more than 900 students with divorced parents. Eighty of these students were from shared parenting families

and 93 percent of them believed this had been the best arrangement after their parents' divorce. Moreover, these young adults had closer relationships with *both* parents than the students who had lived with their mothers. Only 30 percent of those who had lived almost exclusively with their mothers felt this living arrangement had been in their best interests. That is, 70 percent wished they had lived more time with their fathers. It is important to note that even those who regularly spent four days a month with their father said this was not nearly enough time together. Note too that 70 percent said both they and their fathers wanted more time together but their mothers had opposed it. And 55 percent said their fathers had wanted equal residential time. The students from shared time families also had fewer stress related illnesses and were less likely to wonder if their fathers loved them than those who had lived with their mothers. This held true regardless of how much or how little conflict had gone on between their parents (Fabricius, 2003; Fabricius & Leuken, 2007).

Two other large studies at a Miami university compared 80 students who had lived in shared time families with 410 students who had lived with their mothers after the divorce. Sixty five percent of these students were Hispanic Americans. Those who had lived part time with their fathers felt he was more nurturing, more involved, and more active as a mentor than those who had lived exclusively with their mothers. Understandably, those who had spent the least time with their fathers because the parents divorced when the children were very young had the worst relationships (Schwartz & Finley, 2005). In an even larger survey involving nearly 1200 undergraduates at this university, 80 percent of the males and 90 percent of the females wished their fathers had spent more time with them after the divorce and nearly 75 percent still longed for a closer relationship. Again, these young people had lived with their mothers after their parents' divorce (Finley & Schwartz, 2007).

Other smaller studies confirm these results: the greatest price most young adults feel they have paid for their parents' divorce is a weakened or a severed relationship with their father. Nearly 30

percent of the students with divorced parents wondered if their father loved them, compared to only 10 percent of the students with married parents. Not surprisingly, most of these students had spent very little or no time with their fathers after the divorce (Emery, 2004). A recurring theme in many of the 900 divorce stories written by other university students was longing for a better relationship with their fathers (Harvey & Fine, 2004). In 15 years of surveys from 1990-2004, involving almost 200 college women with divorced parents, only 5percent of the daughters had the kind of relationship they wanted with their father (Nielsen, 2006). Extensive interviews with adults between the ages of 18 and 35 also revealed that 60 percent of those with divorced parents still missed and wanted a relationship with their father, compared to only 35 percent of those with married parents (Marquardt, 2005). These recent findings are not particularly surprising given that a meta-analysis of research from the 1990s showed that most children's relationships with their fathers worsened or ended altogether after their parents' divorce (Reifman, 2001) .

Despite the failure of sole maternal residence in regard to father-child relationships, some people may believe that shared parenting is not necessary because divorced dads can make up for lost time once their children become young adults. Unfortunately this is rarely possible. College students who say they want a closer relationship with their father, also say they have spent too little time with him in the past to feel comfortable talking to him now about personal things. Their relationships are awkward and superficial because they know so little about one another's day to day lives (Braithwaite & Baxter, 2006). Likewise, in stories written by more than 900 college students with divorced parents, many said that even though their fathers now wanted to spend time with them, it was "too late" (Harvey & Fine, 2004). This seems to be especially true for daughters because their relationships with their fathers are generally more damaged after a divorce than sons' relationships (Nielsen, 2010). Even the

experts who work with young adults and fathers trying to rebuild their broken relationships concede that reconciliation is difficult, and too often impossible (Baker, 2007; Warshak, 2010).

### **Younger children from shared parenting families**

In regard to younger children, similar benefits are associated with shared parenting. In a review of 33 studies published between 1982 and 1999, the children whose parents had shared legal custody and who, in turn, had more shared physical custody, were better off than the children living only with their mothers. Even after controlling for the amount of conflict between the parents, the shared time children were doing better academically, emotionally, psychologically and socially (Bauserman, 2002). In more recent research comparing 200 shared time children with 272 children living with their mother, the shared time children were the least depressed and least aggressive (Campana, Henley, & Stolberg, 2008). Moreover, shared parenting may turn out to be especially beneficial for children whose mothers are emotionally troubled or preoccupied with other aspects of their lives. For example, in a large Canadian study involving 1100 children from 800 families, shared parenting was more common when the mother was depressed, had not graduated from high school, or had a live-in boyfriend (Juby, Burdais, & Gratton, 2005). In these families the children may be receiving more attentive parenting from their fathers than from their mothers. As a five year retrospect of shared parenting research in Australia concludes, children benefit from living with their fathers because they have enough time and the *kind of time* to participate in one another's lives across a wide range of situations and activities (Smyth, 2009). These newer studies confirm what the Stanford researchers discovered a quarter of a century ago: Four years after their parents divorce, those teenagers who were living in dual residence were better off than the sole residence children on measures of depression, deviance, school grades and closeness to both parents. This held true even though the shared time parents were not always getting along well (Buchanan & Maccoby, 1996).

## Shared parenting families

Three large scale studies provide more extensive, detailed comparisons of families who choose shared parenting and those who do not. The first is an American study based on data collected three years after divorce from a random sample of 598 shared time families and 595 mother residence families who separated between 1996 and 1998 in Wisconsin (Melli & Brown, 2008). The shared time fathers had a medium income of \$40,234 and the mothers \$23,468, compared to \$31,890 and \$21,594 respectively for parents with sole physical custody. Both groups were also similar in terms of the children's ages, with 40 percent of the children under the age of four when the parents divorced. Shared care was somewhat more common when the children were in elementary school (33 percent) than in high school (20 percent).

There were a number of benefits that accrued to the children in shared time families. First, the shared care children were far more likely to still have their fathers actively engaged in their lives three years after divorce. Only 19 percent of the shared parenting fathers were spending any less time with their children in contrast to 40 percent of the other fathers. Needless to say, the most dissatisfied children were those whose fathers were spending far less time with them than they had been after the divorce. Second, the shared time children were 30 percent less likely to be left with babysitters or in daycare mainly because their parents relied on each other for help. Third, their fathers were more actively involved in the children's lives. Nearly 90 percent of the shared time fathers attended school and family events and took the children shopping "often" compared to only 60 percent of the other dads. Almost 60 percent of the mothers said the shared time fathers were very involved in making everyday decisions about their children's lives. In fact 13 percent of the mothers wished the fathers were *less* involved. Understandably the shared time children were the most satisfied with the amount of time they were spending with their parents.

Parents were also doing well in shared parenting. First, these mothers were just as satisfied as the sole residence mothers with the money they were receiving from the father. This indicates that they did not feel their ex-husbands had used shared time as a way to decrease their child support payments. Contrary to the belief that these mothers would be unhappier because they may have been coerced into shared time parenting, these mothers did not view shared time parenting as detrimental to them or to their children. Nearly 85 percent of these parents said their relationship was either friendly or neutral and businesslike. Even though the shared time parents had more disagreements about child raising issues than the other parents, they were both more involved with the children and with one another in co-parenting. Moreover, their disagreements were not preventing them from shared time parenting even after three years. Almost 15 percent of the parents in both groups said their relationship was still hostile, meaning that shared time parenting was still working despite their hostility.

The second study is based on data from 10,002 Australian parents who divorced after 2006 when new legislation made shared parenting easier to obtain (Kaspiew, 2009). Approximately one third of these fathers and children are living together for a minimum of one third time (Parkinson, 2010). Fifteen months after separating, 65 percent of all divorced parents said their relationship was cooperative, 20 percent said it was distant, and roughly 15 percent said it was still highly conflicted. Fortunately though, 80 percent of the shared time parents said the arrangement was working well even though nearly one third of them had children under the age of four. Most mothers said the children were no better or no worse off regardless of how much or how little time they were living with their fathers. In contrast, half of the shared time fathers said the children were doing better in terms of their peer relationships, performance at school, physical and emotional health.

The third study is much older, but is still often cited in discussions about shared parenting. The Stanford Custody Study is based on data collected in California in 1984-1985 from 1100 divorced

families with 1386 children, 20 percent of whom had opted for shared parenting. These shared parenting families are similar to their counterparts in more recent studies in five ways. First, four years after the divorce, the dual residence children were better off academically, emotionally, and psychologically than the sole residence children - even though their parents were no more cooperative and were having just as much conflict as the sole residence parents. It is also important to note that in one third of these dual residence families, the father was granted dual residence against the mother's wishes. Second, most of the shared parenting couples had a disengaged relationship with increasingly less communication over the course of the three years, not a cooperative coparenting relationship. Third, the shared time parents only differed from sole residence parents in two significant ways: how committed both parents were to having the father remain actively and equally involved with the children and whether the father's job made it possible for him to have the children live with him more than 30 percent of the time. Fourth, the majority of those children who moved from dual residence to their mother's home during the three years had fathers who were earning the lowest incomes. Fifth, the transitions between the parents' homes decreased over the three years although the amount of time with each parent remained the same. That is, the parents figured out ways to reduce the number of times the children changed homes (Maccoby & Mnookin, 1991; Buchannan & Maccoby, 1996).

In sum, the research is remarkably consistent on two points. First, many children's bonds with their fathers are weakened, damaged or even completely severed when they live almost exclusively with their mothers. Second, those children living in shared time families have stronger bonds with their fathers and fare better in other aspects of their lives as well. Nevertheless, there are still people who raise objections to shared parenting – objections which we will now explore from the perspective of the supportive research.

### **Quality relationship versus quantity of time**



Some people contend that fathers do not need more parenting time because it is the quality of the relationship that matters most, not the quantity of time with the children. Part of this assumption is true: the quality of the parent-child relationship has a greater impact on children's well being than the sheer number of hours they spend together – for mothers and for fathers, married or divorced. It is also true that children benefit most from fathers (and from mothers) who are authoritative, responsive, attentive, emotionally available, supportive, involved, and focused on what is going on in their children's day to day lives – regardless of whether they are married or divorced (Flouri, 2005; Luthar, 2006; Lamb, 2010; Tarnis & Cabrera, 2002). For example, teenagers who feel that they “really matter” to their fathers have fewer internalizing and externalizing problems than teenagers who do not feel they are very important to their fathers (Marshall, 2004). Likewise, children benefit most when they feel their father's presence – not merely his physical presence, but his emotional and psychological presence in their lives (Krampe & Newton, 2006). As is true with married fathers, it is the quality of divorced fathers' relationships with their children that has the most significant impact on their social, psychological, academic, and physical well being (Amato & Dorius, 2010; Aquilino, 2010; Smyth, 2009).

But the assumption that divorced fathers do not need more than 15 to 20 percent of the time to maintain this quality relationship is flawed. To sustain a meaningful, high quality relationship, parents need enough time and the *kind* of time that allows them to be fully engaged in their children's lives. This means having time during the school week and having extended time where authoritative parenting can take place – not time that is sliced and diced into small parcels. Unfortunately most divorced fathers are mainly limited to weekend time which is largely focused on recreational activities (as is the case with most married families). But recreational activities and limited time together have the least impact on children's academic, psychological or social development largely because the father has little or no chance to engage in authoritative parenting (Amato & Booth, 2010; Campana, 2008; Stewart, 2003).

Children with divorced parents need the same *kind* of time with their parents as children with married parents - time that allows both parents to participate in a broad spectrum of activities, including the ordinary routines and rituals like cooking together, running errands, doing homework, shopping, doing chores, and just hanging out in spontaneous, unstructured ways. Although having a large quantity of time does not automatically guarantee a high quality bond, *quantity is necessary for quality*.

Needless to say, the quality of a parent's relationship with a child cannot be negotiated or mandated by the legal system. But what can be negotiated and mandated is a more equal distribution of time so that each parent has ample and equal opportunities to create the best possible relationship with their children. As in married couples, in divorced couples – even if one of them happens to be doing a “better job” at parenting – each parent deserves and needs equivalent time to create the best relationship he or she is capable of creating with the children. And like married parents, without time during the school week, without overnight time, and without more than 15 or 20 percent slivers of time, divorced parents have very little chance of creating the kind of relationship that helps their children thrive.

### **Parents' Cooperation**

Even conceding that both parents need ample time with their children, many opponents of shared parenting insist that it will only work for a small group of exceptional parents – those who are friendly and cooperative enough to work closely together as coparents without any conflict. Fortunately more than three decades of research reassures us that parents do not have to be cooperatively and actively co-parenting together for their children to benefit from spending plenty of time with their father – or from living with him more than a few days a month. In fact, while there are divorced couples who can cooperatively and actively co-parent together, the vast majority have a more disengaged, business-like relationship referred to as “parallel parenting” which requires very low levels of interaction.

Beginning with the older studies, of the 1400 families in the thirty year Virginia study, only 25 percent of the parents were cooperatively co-parenting, while 50 percent were parallel parenting. Only 20 percent were still in conflict more than six years after their divorce (Hetherington & Kelly, 2002). Likewise in the Binuclear Family Project that followed 120 divorced couples for twenty years, 50 percent described themselves as “cooperative but not friends” (parallel parenting), 10 percent as “perfect pals”, 20 percent as “dissolved duos” who had no contact and 20 percent as “angry foes” (Ahrons, 2007). The Stanford project with 1100 families also found that most parents were parallel parenting, with only 25 percent having a conflicted relationship four years after their divorce. Indeed, over the course of four years, most parents communicated less and less, leaving the researchers to conclude that “most parents can maintain children’s contacts with the other parent without having to talk to each other” and that “parents can share the residential time even though they are not talking to each other or trying to coordinate the child rearing environments of their two households” (Maccoby & Mnookin, 1991, p. 248 and 292) .

More recent research confirms these older studies. Most parents’ conflicts are at their highest levels in the first year or two after their divorce and then usually diminish (Adamsons & Pasley, 2006; Emery, 2004). Remember that 85 to 90 percent of divorced parents are not in high conflict, meaning that only a minority have unrelenting animosity (Johnston, Roseby, Kuehnle, 2009). In a study with nearly 1200 divorced couples, 85 percent of the parents in shared time families said their relationship was either business-like or friendly, as did roughly 80 percent of the parents in the mother custody families (Melli & Browne, 2008). In another study with 453 teenagers, even though most of their parents were not cooperatively co-parenting, most were managing the parenting in ways that allowed the children and fathers to maintain their relationship. High conflict was extremely rare (King & Soboleski, 2006). In a much larger Australian survey of 10,002 parents who separated after 2006, 65 percent of the

relationships were friendly or cooperative, 20 percent were distant and 20 percent were highly conflicted fifteen months after their separation (Kaspiew, 2009) . In sum, the majority of parents succeed at parallel parenting where they maintain a businesslike relationship with minimal interaction, while a sizeable group are cooperatively, actively co-parenting.

Even so, some people argue that shared parenting will only work for well educated people whose high incomes enable them to provide two homes for their children. It is true that most shared time parents are more well educated and have higher incomes than parents whose children live exclusively with their mother (Kelly, 2007). But this does not mean that *only* the better educated, higher income parents want or can succeed at shared parenting. To begin with, more educated, higher income parents can afford to hire lawyers who help them negotiate for shared parenting (Kelly, Redenbach, & Rinaman, 2005). In contrast, less educated, lower income fathers who may want shared parenting, have less money and less flexible work schedules to wage a lengthy, costly custody battle. Moreover, more educated, higher income people tend to be in the vanguard of transforming families in ways that eventually become acceptable and traditional among less educated, less wealthy families (Coontz, 2007).

Indeed this does seem to be happening in shared parenting. In a random sample of 1180 couples who divorced in 1996 and in 2001 in Wisconsin, half of whose children were living in shared parenting and half living with their mothers, there was no significant difference in the mothers' educations or incomes. In both groups only about 25 percent of the moms had a college degree, with median incomes of \$23,468 for shared care moms and \$21,594 for sole care moms. Likewise, only 31 percent of the shared parenting fathers had college educations (median income \$40,234) compared to 22 percent of the other fathers (median income \$31,890). In fact, in a recent Canadian study with 758 families, the mothers who had not finished high school were more likely than the better educated mothers to opt for shared parenting – perhaps because they wanted more child-free time to go back and finish school

(Juby, Brudair, & Gratton, 2005). Even 25 years ago in the Stanford Custody study, parents who chose shared time were not significantly different in education or income from those who chose sole mother residence (Maccoby & Mnooking, 1991).

### **Parents' Conflicts**

Even if parents can succeed at shared parenting without having to be well educated, wealthy, or particularly cooperative, what about conflict? People who oppose shared parenting often claim that if there is frequent conflict between the parents, children will suffer even more by spending a lot of time with their father – especially by living with him more than a few days a month. This claim is predicated on several questionable assumptions. First, shared parenting cannot benefit children unless there is no conflict between the parents. Second, conflict is going to increase when children spend more time with their fathers - especially more time living with him. Third, frequent conflict is inevitably damaging to children. Fourth, little or nothing can be done to reduce most parents' conflicts. Although the research on conflict is often inconsistent and contradictory, it does not allow us to conclude that these beliefs are generally valid for the 85 to 90 percent of parents who are not in the extreme, high conflict group.

First, many children do benefit from spending additional time with their father or living with him more than a few days a month even when their parents are still having conflicts. With 240 college students- regardless of how much conflict their divorced parents had - those who had spent the most time with their fathers or had lived with him part time felt closer to him, had better relationships with *both* parents, and had fewer stress related health problems than students who had lived exclusively with their mother (Fabricius & Leuken, 2007). Likewise, the 522 teenagers in the Stanford Study who spent the most time with their fathers and those in the shared parenting families generally had the best relationships with their dads and were the least depressed and most successful in school, even when there was conflict between their parents (Buchanan & Maccoby, 1996). In a more recent study with 453

teenagers, those with the best relationships with their fathers from spending plenty of time with him had the fewest externalizing and internalizing problems, even though a number of their parents had ongoing conflicts ten years after their divorce (King & Soboleski, 2006). Younger children (ages nine to twelve) also had fewer externalizing and internalizing problems when they had warm relationships with their fathers from spending ample time with him, even when their parents were in high conflict (Sandler, Miles, Cookston, & Braver, 2008). After taking parent conflict into consideration, a meta-analysis of 33 studies found that children who had the most contact with their fathers were still better off in regard to depression, anxiety, academic work, self esteem and general adjustment (Bauserman, 2002).

Second, parents' conflicts do not necessarily increase because the children are spending a lot of time with their dad – or living with him more than a few days a month. In the Stanford study, spending more time with dad or living in a shared parenting family was not associated with increased conflict between the parents (Buchanan & Maccoby, 1996). Even when the mother moves away with the children so that they have little or no contact with their father, the parents' conflicts often remain unchanged (Fabricius & Braver, 2006). Moreover, the conflict is sometimes lowest when the dad is either spending very little time or a great deal of time with the children – and highest at the mid level of time (King & Heard, 1999). In other words, there is not a linear or consistent relationship between fathering time and the parents' conflicts.

Third, not all conflict is equally damaging – or always damaging - to children. What matters most is not the presence of conflict, but how the conflicts are handled and to what extent the parents involve the children. In fact the frequency of conflict seems to have a less negative impact than the type of conflict. Moreover, covert conflict (denigrating, undermining, triangulating) can be almost as damaging as overt conflict (Grych, 2005). Then too, even within the same family, some children are more negatively affected by conflict than others. For example, daughters tend to be more negatively affected than sons

(Nielsen, 2010), as are children who blame themselves for their parents' arguments (Fosco, 2008).

Conflict generally does the most damage when the parents drag the children into the fray, fail to resolve their differences, or engage in hidden warfare by demeaning one another and undermining one another's relationship with the children (Adamsons & Pasley, 2006; Emery, 2004; King & Soboleski, 2006). In sum, too many factors play a part in how conflict affects children to conclude that shared parenting is a mistake for parents who are having conflicts.

As for frequency of conflict, children whose parents have little or no conflict are not necessarily benefitting more than children whose parents are having higher levels of conflict. That is, a higher level of conflict sometimes means that both parents are actively involved in the parenting. Conversely, low conflict can mean that the father has disengaged and abandoned his responsibilities as a parent. Married or divorced, parents who are both actively engaged in the parenting will inevitably have conflicts over how to raise their children. Not surprisingly then, in a study with 1200 divorced couples, 43 percent of the parents with shared parenting said they had disagreements over the rules for their young children (increasing to 55 percent during adolescence) versus only 30 percent of those who lived exclusively with their mother. But the children in the lower conflict group were not better off because they were spending little or no time with their fathers and because their parents were not communicating at all (Melli & Brown, 2008). Other research also confirms that conflict can often be a sign that both parents are being responsible and attentive and that the father is actively engaged in his children's lives (Adamsons & Pasley, 2006; Emery, 2004; King & Soboleski, 2007).

Fourth, we should not assume that there is nothing that can be done to reduce most parents' conflicts. Even simple changes can make an appreciable impact on reducing conflict. For example, conflicts often occur at the "switching hour" - the time when the parents come face to face picking up or dropping off the children. Often these conflicts can be reduced by having the children stay a longer

period of time with each parent so that there are fewer transitions or by making the exchange in a more public place where arguments are less likely to occur (Fabricius, Braver, Diaz & Schenck, 2010).

Moreover, after attending parenting classes or mediation, many parents have learned to manage their conflicts better and to keep the children out of the middle (Blaisure, 2006; Brandon, 2006; Cookston, Braver, & Griffin, 2008; Criddle & Scott, 2005; Fine & Pei, 2005; Sbarra & Emery, 2008; Stone, 2006).

This is not to say that conflict never has a negative impact on their children. To the contrary, intense, ongoing, poorly managed conflict that drags the children into the fray is damaging. But the question being addressed here is not whether these kinds of conflicts have a negative impact on children. The question is: Do most children still benefit from living with their father and from spending plenty of time with him even though their parents have conflicts? And the answer is yes, as documented by the research just discussed.

Finally, there is an ethical question that must be kept in mind in regard to conflict and fathering time. Remember that the research has not demonstrated that limiting the father's time with the children significantly reduces the kinds of conflict that are most damaging to children. Nor has it demonstrated that these divorce-related conflicts have a significant, ongoing impact on children's well being for the rest of their lives. (Again, this research is not referring to the violent or physically abusive conflict found in no more than 10 percent of divorced parents.) Given this, even though certain kinds of conflict are damaging to children, how can we justify damaging children's lifelong relationships with their fathers by limiting their time together? Why risk damaging the one factor that has *consistently* been documented as having a significant and lifelong impact on children: the quality of the relationship with their father?

### **Stability and security**

Another objection to shared parenting is that children need the "stability" of living in only one parent's home. That is, living with their other parent for more than a few nights a month will undermine



the child's security and stability. Moving back and forth between two homes will be terribly unsettling and stressful. Indeed opponents of shared parenting use derogatory terms like "bounced", "shuffled", "hustled", "dragged" or "yanked" back and forth when referring to these "suitcase" or "duffle bag kids". Conjuring up images of unwilling children being repeatedly and randomly "bounced" from home to home in a helter skelter, haphazard way can indeed dissuade anyone from believing that shared time parenting is in children's best interests.

There are several flaws, however, in these assumptions. There is little doubt that children – especially young children - adapt best to living in two homes when they have stable, dependable, consistent routines and schedules. But parents can create this kind of stability, especially with the help of professionals to guide them in designing a stable parenting plan. Many books are also now available to help parents create this security and stability for children living in two homes (for example Ricci, 2006). More important still, stability means more than stable routines and stable schedules. Children need the *emotional stability* that comes from having a continuous, engaged relationship with both parents. This emotional stability and security are more difficult to maintain when children rarely get to live with a parent after the divorce.

Some people also assume that almost all children who start out living in two homes will eventually end up living full time with their mother. Furthermore, this "maternal drift" is supposedly a very destabilizing or upsetting event for children. So why subject children to the hassle of living in two homes since maternal drift is inevitable anyway? Those studies that have found maternal drift are based on data that is several decades old and that come from small, non-representative samples of very high conflict parents (Cloutier & Jacques, 1997; Pearson & Thoennes, 1990). Even though the twenty five year old Stanford Study is often cited as proof that dual residence families are "unstable", the researchers made a point of explaining that most of the children who stopped living with both parents

over the course of three years had fathers with the lowest incomes. Most of the children from middle and upper income families were still living in dual residence families almost four years after their parents' divorce. Moreover children did not move because they became teenagers or because they were unhappy living with both parents. Most who moved to sole residence did so because one of their parents relocated more than an hour away which made dual residence too difficult strategically. More surprising still, there was more "paternal drift" than maternal drift as the children aged. That is, as children got older they were more likely to move from sole to dual residence (Maccoby & Mnookin, 1991).

Fortunately there is a recent, large scale study with random samples that presents a more up to date view of stability in dual residence families. This random survey of 1192 couples who divorced between 1996 and 2001 included parents from twenty one counties in Wisconsin – a state where nearly one third of the parents have shared time agreements after their divorce. Nearly six hundred families started out with shared time parenting. After three years, 90 percent of these children were still living in dual residence. In fact more children moved from sole mother residence to shared residence than from shared residence to their mother's home (Berger, 2008). Because no study has yet investigated this question, we also need to ask ourselves: Why jump to the conclusion that an eventual move from dual to sole residence will be a destabilizing or traumatic event for most children? It may indeed reflect a flexible, open minded arrangement that allows some children to make a move at some point that better suits their needs. Finally, why not assume that children will benefit from seeing that both parents loved them enough to have tried shared time parenting, even if the original plan changes?

### **Unfounded assumptions about fathers**

Another argument against shared parenting is that most fathers do not do much of the parenting while they are married, so why "allow" them to share it after the marriage ends? There are several flaws in this line of reasoning. First, this attitude assumes that married fathers want to spend less time than

mothers do with their children because men care less about the children or because men are not as good at childrearing as women. In reality, however, almost all married couples *mutually choose* to have the dad earn most of the family's income while the mom devotes more of the time to the children until they reach school age. Both parents are making compromises. Because their choices are largely driven by what is best for the family financially, most parents change the "preschool years" plan once the children start school. Then most mothers increase their work hours (Bianchi, Robinson, & Milkie, 2006). Given the couple's mutual choice, most dads spend 25 to 30 percent less time with the children and most moms spend 25 to 30 percent less time at work than their spouse. In terms of what most fathers want, if they could have their way, most would spend more time with their children and less time at work (Amato & Booth, 2006; Bianchi & Milke, 2006; Milke, 2004). Indeed, when both parents are employed, 60 percent of the dads but only 45 percent of the moms say they feel a "great deal" of stress trying to balance work and family. Moreover, fathers under the age of 30 are now spending an average of 4.3 hours with their children on workdays – only 45 *minutes* less than their wives (Galinsky, Aumann, & Bond, 2009). Based on how most couples share the parenting during their marriage, after a divorce most children would live a minimum of 30 percent of the time with their fathers (Bianchi & Milke, 2006).

Finally there are troubling ethical issues underlying the argument that a father should not be "rewarded" by being "allowed" to do more parenting after his divorce than he did during his marriage. How is it in children's best interests to deny them additional fathering as a way of punishing the father for not having been a more involved parent while he was married? If a divorced man is motivated to be more involved with his children, why should his commitment be debated or denied? How do children benefit when their father is denied ample parenting time to give them what he may not have been able to give during his marriage? If the divorce is a wakeup call to be a better dad, then why not see this as an opportunity for redemption rather than for reprimand?

### **Children's financial well-being**

It is sometimes argued that many children will be worse off financially if they spend considerably more time living with their father. First, these fathers will not be required to pay as much child support. Indeed, some people believe that fathers who seek shared time custody are merely trying to reduce their child support payments. Second, the father will renege on having the children live with him. As a consequence, the mother will end up with greater expenses since the children will be living with her, but without a commensurate increase in child support. Hence, the children will be worse off financially than if they had lived with their mother from the outset.

In regard to the first concern, most states do not reduce the father's child support payments unless the children are living with him more than 25 to 30 percent of the time. Even above that threshold, the child support reductions are relatively small (Comanor, 2004). For example, in Wisconsin the threshold for reducing child support in 2008 was 30 percent time. Fathers whose children were living with them more than one third time only received a 3.33 percent reduction in child support payments to the mother – certainly not enough to motivate most fathers to seek shared time custody for financial gain (Melli & Brown, 2008). Moreover, as previously discussed, most children who start out living in shared care continue living in shared care. That is, most fathers are not sending the children back to live with their mother, leaving them with far less child support money than they would have had otherwise.

Moreover, divorced fathers who spend the most time with their children tend to spend more, not less, money on them. In addition to their child support payments, these dads often voluntarily spend more on “kid stuff” - camps, computers, toys, clothes, sports equipment, enrichment activities. And as the father's income increases, he generally spends more on his children even when his time with them is not increased (Fabricius & Braver, 2003). Fathers who spend time with their children are the most likely to pay all of their child support (Amato & Booth, 2009; Nepomnyaschy, 2007; Peters, 2004). These

fathers also tend to help their children out more financially past the age of eighteen (Aquilino, 2005). For example, fathers who lived more than 50 percent of the time with their children paid more than their half of the college expenses and those who shared legal custody paid more for college than those without shared custody (Fabricius, 2003). As to the father's "motives", those researchers who have specifically addressed the issue have found no evidence that fathers who want their children to live with them more than a few days a month are trying to reduce their child support payments (Braver & O'Connell, 1998; Maccoby & Mnookin, 1991).

### **Infants and young children**

One of the most controversial and still unresolved issues is whether shared parenting is suitable for parents with infants or preschool children. Since these families are so rare, very little research has been generated so far. Still, based on experts' summaries of the existing research, we can draw at least four conclusions (Association of Family and Conciliation Courts, 2006; Lamb, 2007; McIntosh, Burns, Dowd, & Gridley, 2010; Riggs, 2005; Stroufe, Egeland, Carlson, & Collins, 2005; Warshak, 2007)).

First, infants and preschoolers should not be separated from either parent for more than a few days because this interferes with their forming secure attachments to both parents. Young children need to become securely attached to both parents, not just to one "primary" caregiver. Both parents should be involved in the routine care-giving activities such as bathing and feeding their infants and toddlers. Second, two and three year old children can be anxious or hesitant to leave one parent in order to be with their other parent. Clingy, anxious behavior is typical of children this age and is not necessarily a reason to curtail their time with their other parent. Third, preschool children are capable of and benefit from spending overnight time in both parents' homes. In this regard, the Collaborative Divorce Project is especially instructive (Pruett, Insabellla, & Gustafson, 2005). In this longitudinal study with 161 children under the age of six, those four to six year olds who over-nighted at their dad's house had fewer

emotional and behavioral problems than those who had never spent a night away from their mothers. Fourth, young children benefit adapt best and benefit most when their parents create stable, consistent routines and schedules in both homes.

Some people may believe that the father does not need shared parenting time while the children are young because he can always “catch up later”. That is, waiting until the children are in school or waiting until they are teenagers to begin shared parenting will not make any significant difference in the long run. Unfortunately making up for lost time is not very likely when it comes to children’s early attachments to their parents. Both the strength and the quality of these early bonds are extremely difficult to change later in childhood. The kind of bond a parent creates with his or her young child is remarkably stable throughout the remainder of their lives. In divorced or in married families, the parent and child who have not established a secure, loving bond in early childhood both pay a price for years to come (Krampe & Newton, 2006; Silverstein, 2002; Stroufe, 2005; Whitbeck, Hoyt, & Hutchinson, 1994). In short, shared parenting is especially important in the pre-school years.

Along these same lines, some people may worry that shared parenting will weaken the children’s bond with their mother. Fortunately this does not seem to be the case. The amount of time the children spend with their father – even when they live with him more than 30 percent of the time – does not weaken their bond with their mother (Buchanan & Maccoby, 1996; Fabricius, 2003).

### **Imposing shared parenting on unwilling parents**

Finally it can be argued that shared parenting should not be legally forced onto a parent who does not want the children to live with their other parent more than a few days a month. Framing the question differently: When the father wants shared time, but the mother wants the children to live almost exclusively with her, will children be damaged if the law requires her to share the children more equally? Again, we are not referring to the minority of parents who are violent or physically abusive.

Obviously this question cannot be answered with a research study that randomly assigns parents to sole or dual residence custody. There are, however, some analogous situations to guide us. First, our laws have often “forced” parents to do things against their will for the benefit of their children – from seat belt laws, to child labor laws, to mandatory education. Second, a similar argument was once made against joint legal custody – that granting the father shared legal custody against the mother’s wishes would have devastating effects on their children. In fact, the opposite turned out to be true. Joint legal custody is generally associated with better outcomes for children, even when the mother is initially opposed to it (Aquilino, 2010; Bauserman, 2002). Third, as already documented, children benefit by having a high quality relationship with their father – something very few divorced fathers have been able to maintain under the present system. It may well be then, that initially reluctant mothers will become enthusiastic as they see the benefits accruing to the children from shared parenting. Fourth, most children and their fathers say that they want more time living together. So by not requiring shared parenting when the mother is opposed to it, the legal system is thereby “forcing” two other groups of people – the fathers and the children - into a lifestyle that neither wants.

Still, the fact remains that mothers are generally more opposed to shared parenting than fathers. During their divorce negotiations, the majority of mothers want sole legal and sole physical custody even though the father is a fit and loving parent who wants to share the legal and the physical parenting. For example, in a study with 135 divorced couples, the mothers were more satisfied than the fathers that the children were living almost exclusively with her (Bonach, Sales, & Koeske, 2005). Moreover, men who feel they are exceptionally good fathers are especially dissatisfied that their ex-wives have not allowed them to share more of the parenting after their divorce (Madden & Leonard, 2002). Recognizing how mothers may feel, one of the most successful programs for helping divorced parents to co-parent is aimed at encouraging mothers to let the fathers be more involved (Fabricius et al., 2010). It is also worth

noting that in a group of 160 mothers who had been divorced for almost four years, those who were allowing the father to be more actively involved were the women whose friends and family believed this was the “right thing to do”(Markham, Ganong, & Coleman, 2007). Unfortunately recent reviews of the research reveal that more than 50 percent of mothers are satisfied with the fact that their children are only allowed to spend 15 percent of the time in their father’s home, while 75 percent of the fathers are not at all satisfied with this arrangement (Fabricius et al., 2010; Kelly, 2007). In too many divorced sole residence families, the mother is the “gate keeper” closing the parenting gate on the father who is trying to be actively engaged with the children (Adamsons & Pasley, 2006; McBride , 2005).

Despite a mother’s initial reluctance or opposition, the children can still benefit when their father is given joint physical or legal custody. In an analysis of 33 studies, children were better off psychologically, academically and socially when their parents had shared legal custody or shared physical custody, even though the shared custody was sometimes ordered against the mother’s wishes (Bauserman, 2002). Likewise in the Stanford study with 1100 parents, nearly one third of the mothers whose children were living in dual residence wanted sole physical custody (Maccoby & Mnookin, 1991). Despite this, their children were better off on all measures of depression, deviance, and school performance (Buchanan & Maccoby, 1996). Likewise, in a study where one fourth of the mothers objected to the fathers’ being granted joint legal custody, their children still benefitted. Their fathers spent more time with them and paid more child support than those fathers who were denied joint legal custody because their wives opposed it (Braver & O’Connell, 1998).

### **Bias in the legal system**

In regard to forcing shared parenting on unwilling parents, it must also be recognized that many fathers believe the legal system forces them and forces their children to accept an arrangement that neither of them wants. That is, by not allowing the father to have shared physical and shared legal



custody, the legal system is discriminating against men as parents. People might assume that fathers are being overly sensitive in this regard. But there is considerable research to support their claim.

Even though the custody laws appear to be gender neutral, if the father or his lawyer believe that most custody evaluators and most judges will rule in the mother's favor, then the system is, in reality, biased against fathers. Believing the mother's preference will prevail, fathers are unlikely to stand up for what they believe is in their children's best interests in terms of spending more time with their father. It is unfortunate, therefore, that gender bias has indeed been found to exist in the family court system. In a survey with 72 family lawyers, 60 percent said that the law is biased against fathers and that they advise their clients that the mother will have the greater chance of winning (Braver, Cookston & Cohen, 2002). Likewise in surveys of 4,579 judges and lawyers from Maryland, Missouri, Texas and Washington, nearly two thirds of the judges said that maternal preference was still common and two thirds of the lawyers said that dads were treated unfairly in custody cases (Dotterweich, 2000). In yet another survey with 150 judges from Alabama, Louisiana, Mississippi, and Tennessee, 40 percent believed that mothers were better parents than fathers and 60 percent believed that children under the age of six should live full time with their mother (Stamps, 2002).

A similar concern about bias has been raised in regard to custody evaluators. A number of experts have pointed out that too many custody evaluators are poorly trained, are biased against fathers, and are misusing psychological tests that were not designed for custody evaluations (Emery, Otto, O'Donohue, 2005; Kelly, 2005). For example, in one survey of 81 custody evaluators, 70 percent were opposed to children under the age of two ever spending the night in their father's home and 96 percent were opposed to older children's living alternate weeks with each parent (Ackerman, 2006). Given the gender bias in the legal system, fathers often feel they have no choice but to agree to let their children live almost exclusively with their mother. So even though 90 percent of divorcing parents reach a legal

agreement without going before a judge, this does not mean they freely chose or are equally satisfied with the plan they agree to.

It may well be that the bias against fathers in the legal system is a reflection of our society's lingering sexist views about men and women as parents. That is, a number of Americans believe that a father's main role is to provide most of the family's income and that a mother's main role is to provide most of the childcare (Coltrane, 2006). Our society urges fathers, regardless of their marital status, to be more involved in their children's lives, while simultaneously sending the contradictory message that, compared to mothers, fathers are less necessary, less talented, and less significant (Palkovitz, 2002; Townsend, 2003). As long as the legal system reflects these beliefs, then children will be deprived of the kind of high quality fathering that many of their fathers want to provide. Put differently, the legal system must move beyond seeing fatherhood so exclusively in economic terms and must put far more emphasis on fathering time. As Maldonado cleverly explains in his recycling trash analogy: we feel guilty about not recycling because we want the neighbors to think well of us and because we have internalized the idea that recycling is the right thing to do, not because there is a legal system imposing a penalty. In the same way, the legal system must create a climate in which lawyers, judges, custody evaluators, and mothers treat fathers as having an obligation and responsibility to spend time with *and to live with* their children. Failing to meet his fathering obligation should be just as embarrassing to the father and just as disturbing to the legal system and to the mother as his failing to meet his financial obligations – and at least as guilt invoking as not recycling the trash (Maldonado, 2005) .

## **Conclusion**

Public opinion about shared parenting appear to be changing, despite the slow progress many feel has been made in the legal system. For example, in a nonbinding ballot in Massachusetts, 90 percent of the voters said that children should live with each parent equally after divorce (Fathers and Families,

2004). Likewise, in surveys with college students and the general public 80 to 90 percent said that children should live as equally as possible with both parents (Braver, Fabricius, & Ellman, 2008). Then too, an increasing number of divorced parents are apparently recognizing the benefits of shared parenting. For example, in Arizona and in Washington state 30 to 50 percent of recently divorcing parents agreed to have their children live with each of them for at least one third of each year (George, 2008; Venohr & Kaunelis, 2008). Likewise, in Wisconsin nearly one third of parents who divorced in 1996 and in 2001 agreed to have their children live at least 30 percent of the time with their father (Melli & Browne, 2008).

In shared parenting there are trade-offs to grapple with: the benefits of living with both parents versus the inconvenience of living in two homes, the challenges of coparenting versus the “winner take all” single parenting. There are also die-hard beliefs that need to be set to rest: the belief that children will not benefit from living with both parents after divorce, the belief that fathers are generally inferior to mothers as parents, the belief that children only benefit from living with both parents when there is no conflict between them. Despite these tradeoffs and challenges, the research is abundantly clear on this: only allowing fathers and children to live together 15 or 20 percent of the time is not in most children’s best interests. This view is widely held by experts who do research, mediation or therapy with divorced parents as evidenced by the research presented in abundance throughout this paper. Our society and our legal system can – and must – do better than this.

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