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## Research on Shared Parenting and Joint Custody

*Joint custody and shared parenting (i.e., joint physical and legal custody) have been studied for more than a quarter-century, with the **majority of studies indicating significant benefits for children**. About a third of existing studies show no difference between joint and sole custody for children's adjustment to divorce. **The critical factor appears to be conflict between parents. When parents cooperate and minimize conflict, children do better with shared parenting/joint physical custody. If there is significant conflict between parents, however, shared parenting provides no benefits and children do no better (and no worse) than they do in sole custody.** This section summarizes some of the research published in the past decade.*

### Joint Physical Custody

**Adolescents After Divorce, Buchanan, C., Maccoby, and Dornbusch, Harvard University Press, 1996.**

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

**Children in joint physical custody arrangements were found to have better adjustment on these measures than those in sole custody.**

**American Psychological Association, Report to the U.S. Commission on Child and Family Welfare, June 14, 1995.**

This report "summarizes and evaluates the major research concerning joint custody and its impact on children's welfare." The report concludes that **"The research reviewed supports the conclusion that joint custody is associated with certain favorable 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."**

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**Wilkinson, Ronald Richard, "A Comparison of Children's Post-divorce Adjustment in Sole and Joint Physical Custody Arrangements Matched for Types of Parental Conflict"** Doctoral dissertation, 1992; Texas Woman's University

This study included "forty boys and girls, ages 8 to 12, in attendance at selected private secular and parochial schools in a large Southwestern metropolitan area participated, along with their middle to upper-class parents." The study compared adjustment of children in joint and sole physical custody, controlling for level of conflict between parents, to determine if parental conflict would be more detrimental to children in joint or sole custody. The author summarized findings as follows: "Overall, no significant difference between joint and sole physical custody groups was found."

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**Rockwell-Evans, Kim Evonne, "Parental and Children's Experiences and Adjustment in Maternal Versus Joint Custody Families "** Doctoral dissertation, 1991. North Texas State U.

This study compared 21 joint custody and 21 maternal custody families, with children between the ages of 4-15.

Results showed that misbehavior 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 behavioral adjustment problems with externalizing behavior than children in mother custody families."** "Regardless of custody arrangement, parents with low self esteem were more likely to have children with behavioral adjustment problems when predicting the child's overall behavioral adjustment and internalized behavior."

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

"Consistent with other studies of joint and sole custody [citations], our joint legal and residential non custodians were decidedly more involved with their children following divorce than were non custodians 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."

". . . conflict 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."

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

This 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 the 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. This 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, i.e., a two-parent family is better even if parents are divorced.

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**Ilfeld, Holly Zingale "Children's perceptions of their relationship with their fathers in three family constellations: mother sole custody, joint custody and intact families"** Doctoral dissertation, U. of California, Davis 1989

This 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 centered activities, activities which were considered pleasurable and important to children. " And: "No differences were found as a function of custody arrangements in children's perceptions of emotional closeness to the father, acceptance by the father, or father's potency or activity. "

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**Lerman, Isabel A. "Adjustment of latency age children in joint and single custody arrangements"** California School of Professional Psychology, San Diego, 1989

This study evaluated 90 children, aged 7 to 12, divided equally among maternal, joint legal, and joint physical custody groups.

Results showed negative effects for sole custody: "Single custody subjects evidenced greater self-hate and perceived more rejection from their fathers than joint physical custody subjects." Conflict between parents was found to be a significant factor, which may explain the better adjustment for joint physical custody children: "Degree of interparental conflict was a significant predictor of child self-hate. Higher conflict was associated with greater self-hate; lower conflict was associated with lower self-hate." "Higher father-child contact was associated with better adjustment, lower self-hate,

and lower perceived rejection from father; lower father-child contact was associated with poorer adjustment, higher self-hate, and higher perceived rejection from father. "

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## Extreme Situations

*In situations with high levels of conflict, mental illness, or domestic violence, joint physical custody is no better (and no worse) than sole custody.*

### **Surviving the Breakup, J. Wallerstein and J. Kelly; Second Chances, J. Wallerstein and S. Blakeslee; and other publications.**

Judith Wallerstein and colleagues have produced many publications on a 20+ year study of 184 families that had been referred to her clinic for therapy. The parents were predominantly mentally ill, with approximately half the men and half the women "moderately disturbed or frequently incapacitated by disabling neuroses and addictions," including some who were "sometimes suicidal." An additional 20% of the women and 15% of the men were categorized as "severely disturbed." Approximately one third of the sample were considered to have "adequate psychological functioning" before divorce. Although there was a significant level of attrition, with families dropping out of the study when problems were resolved, some conclusions emerged from the remaining families. Children in joint custody situations did no better than those in sole custody, indicating that parents must be reasonably psychologically healthy for shared parenting to benefit children.

### **Johnston, Janet R., Marsha Kline, and Jeanne M. Tschann, "Ongoing Postdivorce Conflict: Effects on Children of Joint Custody and Frequent Access," American Journal of Orthopsychiatry, Vol. 59, No. 4 (Oct. 1989).**

Johnston et al. studied 100 low income families involved in ongoing custody disputes that included frequent verbal and physical aggression. Approximately one third of the children were in joint physical custody arrangements averaging 12 days per month with the less-seen parent, with the others in either mother or father sole physical custody averaging 4 days a month with the less-seen parent. The study found that "there was no clear evidence that children are better adjusted in either custody type", and that "mean scores for the Child Behavior Checklist lie within the normal range for all custody types." Also, "there was no evidence that the clinically disturbed children were more likely to be in joint than in sole custody." However, the study did find that more frequent contact between parents in either joint or sole custody arrangements was "associated with more emotional and behavioral problems in the children."

Johnston's study indicates that shared parenting may not reduce disputes between parents in extreme high-conflict situations, but also shows that sole custody does not protect children from the effects of conflict between parents. In high conflict situations, it is probably better to reduce interaction between parents. For example, parents can pick up children from school instead of from the other parent's house.

The study did find one significant benefit from shared parenting even in these cases: "Only one parent with joint custody ceased contact with her child, whereas 12 parents of sole custody children 'dropped out.'" Thus joint custody does appear to protect children from the complete loss of a parent, even in high conflict situations.

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## **Joint Legal Custody**

*Although not as beneficial to children as equal shared parenting (joint physical custody), joint legal custody helps to some extent. The main benefits of joint legal custody are in reducing visitation interference and improving child support compliance.*

*Joint legal custody has been consistently linked with more parental involvement, higher child support compliance, and less conflict between parents. Until recently, however, it was not clear whether these benefits occurred as a result of joint legal custody, or simply because more cooperative parents chose joint custody in the first place. The 1997 study by Seltzer provides strong evidence for a cause and effect relationship between joint legal custody and the benefits associated with it.*

**Seltzer, J. "Father by Law: Effects of Joint Legal Custody on Non-residential Fathers Involvement with Children,"** NSFH Paper No. 75, Feb., 1997, U. of Wisconsin-Madison, <http://ssc.wisc.edu/cde/nsfhwp/home.htm>

Seltzer 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 analyzing data on families that had separated between the survey waves.

Seltzer concluded that "Controlling for the quality of family relationships before separation and socioeconomic 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." She 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." [emphasis in original]

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

This 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 behavior problems. The custody type, however, did not affect the adjustment of fathers or mothers post-divorce, conflict between ex-spouses, or child support compliance.

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**Sanford Braver, "Determining the Impact of Joint Custody on Divorcing Families",**

Study consisted 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 behavior than sole custody families.** Fathers also visited more, and were more involved in child care, 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."

## Testimonials

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