
Shared Residential Custody: Review of the Research (Part I of II)

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Part I of this two-part article focuses on major concerns relating to shared residential custody, the children's perspective, parental conflict, and cooperation and income. Part II will discuss characteristics of fathers, outcomes for children (e.g., academic and behavioral), and stability of shared parenting. The studies referenced in both parts appear at the end of Part I.

Shared residential custody is becoming more prevalent worldwide. Until recently, only five percent to seven percent of American children lived at least one third of the time with each parent after their divorce. Most lived exclusively with their mother, spending only four or five nights a month—at most—in their father's home (1). But a change is clearly underway. For example, in Arizona and in Washington state, 30% to 50 % of the children whose parents divorced in the past several years are living at least one third of the time with each parent (2;3), as are 30% of the children whose parents divorced in Wisconsin between 1996 and 2001 (Melli & Browne, 2008). Likewise, in Australia, the Netherlands, and Denmark, approximately 20% of children whose parents have separated are in shared residential custody (4; 5). In an international study of 14 countries, rates of shared parenting varied from seven percent to 15% (6). In Norway, 25% of children have parents who live apart, eight percent of whom live with their fathers and 10% live in shared residence (7). And in Sweden, where the courts have the legal right to order alternating residence even when one parent is opposed, 20% of the children with separated parents live in two homes (8). Interestingly, in France, about 12% of the children whose parents live apart share their time between the two homes, while an additional 12% live with

their fathers and spend some time living with their mothers (9). Moreover, in France, since 2002, shared residence has been an explicit legal option for separating parents. Indeed, it is placed as the first option in a list of possible parenting plans, with both parents receiving health insurance benefits and the government allowance for dependent children (10).

TWO DOZEN STUDIES

Since there are now two dozen studies on these shared parenting families, a clearer picture is emerging—one that runs counter to a number of negative assumptions and misconceptions commonly held about these families. Nevertheless, publications, and discussions about shared parenting too often ignore this body of research and

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focus instead on only a few studies—often based on small, nonrandom samples of the highest conflict, physically abusive, and never married parents. For example, a recent article in a British law school journal is entitled “Shared residence: a review of recent research evidence,” yet the article only presents four research studies, two of which are based on samples with large numbers of never married couples (11).

Overnight time benefits children more than daytime contact.

The purpose of this article, therefore, is to summarize all of the studies presently available on shared parenting families. A number of terms are used to refer to families where the children live at least 35% of the time with each parent after they separate: dual residence, shared physical custody, shared care, joint physical custody, and shared parenting. I will use the term “shared parenting” or “dual residence” to refer to these families. Other families will be referred to as “sole residence” or “maternal” residence, since 95% of the children living with only one parent are living with their mothers.

MAJOR CONCERNS ABOUT SHARED PARENTING

Despite its growing popularity, shared parenting still raises a number of concerns and considerable debate. In academic publications, legislative debates over custody law reform, and family court custody proceedings, six issues are generally raised as arguments against shared parenting. The *first* is that children will not benefit any more from living in a shared parenting family than from living with one parent and spending two weekends a month with their other parent. In short, additional fathering time is not beneficial. *Second*, fathers can maintain quality relationships with their children without having to live together more than a couple of weekends a month. That is, high quality parenting and close, meaningful relationships are not related to the amount of time fathers and children spend together — or to how that time is allocated. *Third*, family income, cooperative co-parenting, and high quality parenting from their residential parent are more beneficial than living with each parent 35 to 50% of the time. Put differently, shared parenting is not related to children’s well-being. *Fourth*,

shared parenting will only succeed and will only benefit the children when the parents are cooperative, have little or no conflict, are relatively well educated and financially above average, and mutually agree to share the parenting without any intervention by lawyers, judges, or mediators. In short, it only works for a handful of parents. *Fifth*, most shared care families are going to fail because the arrangement is so stressful and so problematic for the parents and for the children. So why put everyone through this unpleasant “experiment” since it so rarely succeeds? And *sixth*, most shared parenting children feel stressed, dissatisfied, insecure, destabilized, and troubled by living in two homes. Bluntly put, they hate shared parenting and resent their parents for imposing it on them.

Each of these six issues will be addressed through the research presented in this review. But first, we present the three premises on which shared parenting is predicated. *First*, children benefit from maximizing nonresidential fathering time. *Second*, overnight time is more important than daytime contact only. *Third*, most children dislike and disapprove of living with their mother and seeing their father no more than a couple of weekends a month.

NONRESIDENTIAL FATHERING TIME: DOES IT MATTER?

The fundamental questions on which shared parenting rests are: Do most children benefit from spending time with their nonresidential fathers? Does the amount of time or how that time is allocated make any difference? In short, does fathering time matter? If not, then shared parenting is based on an irrational or unwarranted assumption.

Ironically, those who contend that nonresidential fathering time has little or no impact on children often cite the meta-analysis by Amato and Gilbreth — a study which did *not* come to that conclusion (12). This analysis of 63 studies examined the relationship between the “frequency” of father contact and children’s academic achievement and internalizing and externalizing problems. The authors emphasized two important shortcomings: First, it was *not* possible to determine how much time the fathers spent with their children, since “frequency” of contact is not the same as time. Second, the data on never married fathers was combined with data on divorced fathers. So unmarried fathers who had never, or only briefly, lived with their children were included with divorced fathers who had lived with

their children for years. The researchers, therefore, were not surprised that there was only a weak correlation between contact and outcomes for children. Even so, there *was* a correlation. More important still, the correlation was much stronger in the recent studies (1989-1999) than in the older ones (1970-1988). "As expected, children were better off when they spent time with fathers who had positive relationships with their children and were actively engaged in parenting" (p. 570). Given this, they recommended changing custody policies so that fathers would not be restricted to weekend time. In an even more recent review of the research, Amato again concludes, "[c]onsequently, policies and interventions designed to improve ties between fathers and children should be maintained and encouraged" (p. 192) (13).

Most children do not like "every other weekend" parenting.

More recent studies continue to demonstrate that the amount of time that nonresidential fathers spend with their children is closely tied to the ongoing quality and endurance of their relationship. This finding is robust across a wide range of studies with large samples, for example: 650 young American adults from a national sample (14), 162 British children (15), 1200 American college students in Missouri (16), 99 college students in Virginia (17), 105 Canadian college students (18), 80 predominantly Hispanic American college students in Florida (19), and 245 adolescents in Germany (20).

Having a close and enduring relationship with their fathers should—in and of itself—be enough justification for maximizing fathering time. But nonresidential fathering time is correlated with other positive outcomes for children as well. Among the benefits are higher self esteem (21) (22), less delinquency and drug use (23) (24), fewer behavioral problems (25), and less smoking and dropping out of high school (26; 27). In fact, adolescents from intact families who do not feel close to their fathers are more delinquent than adolescents with divorced parents who feel close to their fathers (28).

The second premise on which shared parenting is based is that overnight time benefits children more than daytime contact only with their fathers. Only one study with 60 Australian adolescents has directly

addressed this question. Those who spent overnight time in their father's home felt closer to him and felt he knew more about what was going on in their lives than those who spent the same amount of time with their fathers, but never overnight time. Those who lived more than 30 nights a year with their father were more likely than those who spent fewer overnights to feel comfortable in his home, to feel they belonged there, and to feel their fathers knew them well. It is worth noting that these benefits accrued regardless of the level of parent conflict (29).

FATHERING TIME: CHILDREN'S PERSPECTIVE

The third premise underlying shared parenting is that most children want to spend more time living with their fathers. Most do not like the "every other weekend" parenting plan. Indeed, this is one of the most consistent, most robust findings in the research on children of divorce. Most children say they wanted more time with their fathers and that the most long lasting, most negative impact of their parents' divorce was the weakened or lost relationship with their fathers (30-32) (33). The majority who had lived with their mothers said that shared parenting would have been in their best interests (16; 19; 34-36). Not surprisingly, when fathers try to rebuild their relationships during the children's early adult years, the relationship is often too strained or too damaged to be reconstructed (37) (16). As one of the most highly respected researchers on children of divorce, Joan Kelly, states, "[f]or four decades children have reported the loss of the father as the most negative aspect of divorce. *Even when they continued to see each other, most relationships declined in closeness over time. This has been primarily a result of the traditional visiting patterns of every other weekend* which has been slow to change even in the face of mounting research evidence and a reluctance to order overnights for your children" (p. 66) (38).

Shared parenting is not based on the assumption that all children will benefit from this living arrangement or that other factors do not also contribute to children's well-being after their parents separate. It has long been acknowledged that physically abusive, violent, drug addicted, alcoholic, or mentally disturbed parents seldom have a positive impact on their children (39). These parents, therefore, would be poor candidates for shared parenting. What must be kept in mind, however, is that these parents comprise no more than eight percent to 15% of divorced couples (40). Moreover,

the parenting plan is one among many factors that influence children's well-being. Among them are family income, parents' educational levels, the quality of each parent's relationship with the children, the level of conflict between the parents, and the quality of the parenting. It is widely accepted in our society and is documented in the parenting research that both parents need ample time with their children in order to create and maintain quality relationships and quality parenting. Shared parenting is based on the assumption that this principle applies to children whose parents are no longer living together, as well as to those in intact families.

Parent conflict during divorce is not a reliable predictor of future conflict.

Each of the studies addresses at least one of four questions. First, do most parents in shared parenting families differ in significant ways from other divorced parents? Specifically, are they far better off financially or far more cooperative and conflict-free than other divorced parents? Put differently, is shared parenting feasible only for a relatively small, select group of parents? Second, are there any advantages for children who grow up in shared parenting families compared to those who live almost exclusively with their mother? Third, how do adolescents and young adults who have been raised in shared parenting and maternal residence families feel about the living arrangement that their parents chose for them? Which of these two parenting plans did they feel was in their best interest? And fourth, how does the quality of the father-child relationship compare in shared parenting versus maternal residence families?

PARENT CONFLICT AND COOPERATION

Before discussing the issue of conflict in shared parenting families, a number of important research findings must be kept in mind (41; 42). First, the term "high conflict" has not been and probably never will be operationalized by social scientists or by professionals involved in custody decisions. The term covers too wide a range of behaviors to be of much practical significance in regard to legal custody or parenting time. The term is used in family court and by researchers to describe anything from intense anger and distrust, to ongoing problems with communication, to frequent disagreements about

child-rearing, to verbal abuse, to injurious and life threatening physical violence. Second, conflict is highest during the time when couples are separating—the time when custody decisions are being discussed or disputed. Moreover, parents often disagree about how much conflict exists in their relationship. But regardless of how it is defined, "high" conflict almost always declines after the divorce is finalized, meaning that conflict during divorce proceedings is not a reliable predictor of future conflict. Third, the term is used in overly broad, inconsistent, and inappropriate ways by lawyers, judges, and mental health professionals in the family justice system. That is, "conflict" becomes the weapon that parents use in their attempt to deprive one another of legal custody or parenting time. There is ample motivation, therefore, for one or both parents to portray their conflict as far higher and far more intractable than it actually is. Fifth, it is estimated that no more than eight percent to 12% of divorced couples are in "high" conflict—the kind of conflict that poses a danger to children and often stems from personality disorders, drug or alcohol additions, or mental illness (40). Sixth, even though conflict is never beneficial for children, parental disagreements and verbal conflicts are not necessarily harmful. This is especially true when the conflict stems from a sincere desire by both divorced parents to maintain an active role in their children's lives. Seventh, even when the conflict is ongoing and seemingly intractable, parallel parenting plans still make it possible for these parents to share the parenting time. Parallel parenting plans provide the kind of specifics and structure that limit the parents' need for contact or communication, thus reducing conflict. Finally, it must be remembered that *conflict is inevitable for all parents* over childrearing issues. Even the most happily married couples argue and disagree over parenting. Divorced parents, therefore, should not be expected to be "conflict-free" in order to share the parenting.

For all of these reasons, many experts on children of divorce concur that conflict should never be used as the reason for limiting the amount of time that children spend with either parent—unless that conflict involves a documented history of physical abuse or violence (38; 49; 51; 71; 99).

SHARED PARENTING FAMILIES: CONFLICT AND COOPERATION

In regard to conflict then, do most shared parenting couples have a cooperative, friendly, relatively

conflict-free relationship compared to other divorced couples? Are these parents so friendly and conflict-free that they are all enthusiastic from the outset about sharing the residential custody? In short, is shared parenting only possible for a small, select group? Moreover, if most of these couples have a conflict free, communicative, friendly co-parenting relationship, then is it not likely that whatever benefits might accrue to their children is due to the parents' excellent relationship—and not to the shared residential parenting? As *Table 1* illustrates, many parents who are succeeding at shared parenting do not have especially friendly, cooperative, or conflict-free relationships.

Beginning with the oldest longitudinal study, the landmark Stanford Custody Study, is a good starting point. The study collected data over a four-year period in the late 1980s from 1100 divorced families with 1386 children. There were 92 shared parenting families. Initially, nearly 80% of the mothers were not in favor of sharing the residential parenting. In other words, shared parenting was "forced." Most entered into the agreement reluctantly. Moreover, the majority did not work closely together in co-parenting, and did not communicate better than the other divorced couples. Most had a disengaged, business-like, parallel parenting relationship where they communicated "as needed." They differed

from other divorced parents primarily in two ways. First, both parents were committed to having the father remain actively involved in the children's lives. Second, the father's flexible work schedule made it possible for the children to live with him at least one third of the time. But in regard to conflict and cooperation, the researchers' concluded: "[p]arents can share the residential time even though they are not talking to each other or trying to coordinate the children rearing environments of their two households" (Maccoby & Mnookin, 1991, p. 292).

Five smaller studies with a total of 117 shared parenting families also conducted in the 1980s echoed the results of the Stanford study. Many couples did not mutually agree at the outset to share the parenting, varying from 20% (52), to 40% (53) to 50% (54). The overall quality of those couples' relationships was somewhat better than other parents, but most were more strained than they were friendly. For example, three years after separating, 10% of the 39 parents who had maintained shared parenting said their relationship was "impossible," compared to 30% of the 276 parents who were not sharing (55). In these five studies, however, the shared parenting couples had no history of physical violence, unlike the families whose children were in sole residence. Learning to make shared parenting work well took time for most couples. Yet most

Table 1 Characteristics of Shared Parenting Couples

Conflict & Cooperation	Number of Families	Shared Compared to Sole	Initially Opposed Sharing
Brotsky	40	similar	50% in court ordered mediation
Cashmore			
CSA	440	dads say better/ moms say similar	
LSAC	84	similar	
CFC	123	somewhat better	40%
Irving	75	somewhat better	30%
Juby	112	similar	
Kaspiew	645	somewhat better	
Kitterod	209	similar	
Kline	35	worse in shared	all in court ordered mediation
Lodge	105	similar	
Luepnitz	11	similar	50%
Maccoby	92	similar	82%
Melli	595	somewhat better	
Pearson	111	somewhat better	40%
Spruijt	135	slightly better	

succeeded even though they still had conflicts and many had initially opposed the sharing.

Parallel parenting plans limit communication and conflict.

A much more recent, larger study in Wisconsin reached similar conclusions (56). Data were collected three years after divorce from a large random sample of 590 shared residence and 590 sole residence families. Roughly 15% of the couples in both groups described their relationship as "hostile." Most shared parenting couples had a cordial but business-like parallel parenting relationship that was not conflict-free. In fact, the shared parenting couples were *more likely* to have conflicts over childrearing issues (50%) than families where the children lived with their mother (30%). Understandably, there were more conflicts over childrearing issues in the sharing families, since these fathers were more engaged in parenting than the fathers whose children lived with their mothers.

International Studies Confirm American Studies

International studies confirm these American studies. In a Dutch study, conflict for the 135 couples with shared parenting and for 350 with sole residence were similar four years after their divorce. On the other hand, the couples who had the least conflict at the time of the divorce were more likely to have shared parenting (5). Likewise, in a large Australian study, 20% of the 645 shared parenting couples had ongoing conflicts and distant relationships even three years after their divorce (57). In a smaller Australian study with 105 shared parenting and 398 sole residence couples, only one third of the couples in either group said they had a cooperative relationship. Likewise, only 25% of the sharing and 18% of non-sharing couples said they were "friendly," with eight percent and 15%, respectively, reporting "lots of conflict" (58). In a smaller study with 20 British and 15 French fathers, the majority did not have cooperative, friendly relationships with their children's mother. Again, these couples were parallel parenting with little or no communication, even though half of these 60 children were under the age of five (10).

Court-Ordered or Mediated Shared Custody

Another question regarding conflict is: If couples are in conflict over whether to share the parenting, can this parenting plan succeed? That is, if the plan is court-ordered or negotiated through a mediator or lawyers, can it work and can the children still benefit? In the seven studies that have collected this data, the answer is "yes," as *Table 1* illustrates. Despite the fact that many of their parents were not initially in favor of a shared parenting plan, these children had more positive outcomes on measures of wellbeing than the children in maternal residence families. Shared parenting was not the first choice for a number of these parents, with the rates of those not initially agreeing ranging from 20% (52), to 40% (53; 59; 60) to 50% (54; 61), to 82% (62). Although it stands to reason that those parents who mutually agree to share from the outset probably have an easier time making their plan work, these seven studies demonstrate that children can benefit, and sharing can succeed, even when one of the parents is not initially in favor of the plan.

In sum, shared parenting couples do not generally have conflict-free, especially friendly, or highly cooperative "co-parenting" relationship. Likewise, a considerable number did not mutually agree to share the parenting, yet they still succeeded. On the other hand, those couples whose shared parenting succeeds rarely have conflicts that reach the level of physical abuse, violence, or terrifying intimidation.

INCOME AND OTHER DISTINGUISHING FACTORS

If having a friendly, cooperative, conflict-free relationship and being mutually enthusiastic about shared parenting from the outset are not absolutely necessary for couples to succeed at shared parenting, are there other factors that set them apart? In terms of income, it goes without saying that shared parenting couples must have enough money to provide two households suitable for children. Both parents must also have flexible enough work schedules that their children can live with them more than a couple of weekends a month. Since well-educated people generally earn higher incomes, and since higher income jobs generally have more flexible, family-friendly work hours, parents with higher incomes and more education are somewhat more likely to have shared parenting plans. Still,

parents with higher incomes, more flexible work hours, and more education are more likely to have shared parenting families (55; 58; 63; 64).

This does not mean, however, that most shared parenting couples are college-educated or financially well off. Most are not. Generally speaking, shared parenting couples have incomes and educations similar to other divorced parents (10; 54; 56; 59; 62). On the other hand, for 758 Canadian families in a national survey, the mothers without high school degrees were more likely than better-educated mothers to share the parenting. It may be that these mothers wanted more free time to finish their educations (64). Or it may be that shared parenting is becoming more popular with less educated parents. For example, in Wisconsin, shared parenting has increased in lower-income families over recent years (65). In any case, shared parenting is not only for wealthy, well-educated parents. A large, recent study with 1180 families in Wisconsin illustrates this (Melli & Brown, 2008). In the shared parenting families, the fathers' average incomes were \$40,000 (30% college graduates) as compared to \$32,000 (25% college graduates) for the other divorced fathers. The mothers' incomes and educational levels were virtually the same, \$23,000 versus \$22,000, with only 25% in both groups having a college degree.

Interestingly though, college-educated fathers may be less willing than other fathers to let their children have a say in whether they want a shared parenting plan. In a Norwegian study with 527 divorced parents, half of whom were sharing the parenting, the least-educated fathers were twice as likely as the college-educated fathers to give their children a say in how much time they wanted to live with each parent. The mothers' educational levels were irrelevant. It may be that the college-educated fathers were more involved in their children's lives before the separation and were more committed to continuing to live with them. Or it may be that the college-educated fathers were more knowledgeable about the importance of fathers in children's daily lives. Regardless of the fathers' educational levels, adolescents were allowed more input than younger children. So both the father's education and the children's age played a part in determining the parenting plan (7).

Moreover, factors other than income and education are associated with a couple's decision to share the parenting. A large, Canadian study with 758 divorced families where 16% of the children were living in shared residence families illustrates

several of these factors. The shared parenting mothers were more likely to have a boyfriend (often someone with whom she had been involved before the divorce) and more likely to be clinically depressed. It may be that these mothers were more willing to share the parenting because they wanted the child-free time to finish school or to be with their boyfriends. For depressed mothers, it may be that living with the children full time was too daunting and overwhelming (64).

The child's gender also appears to play a role in parents' decisions to share the parenting. Sons are slightly more likely than daughters to be living in a shared parenting family (5; 56; 63; 64; 66-68). This may be happening because mothers feel less capable of raising sons on their own. Or it may be that fathers and sons feel more comfortable living together than fathers and daughters. Then too, fathers and sons generally have a closer relationship than mothers and sons or fathers and daughters before the parents separate (69).

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