



Read "[Reevaluating the Evaluators](#)" before you permit any [child custody evaluator](#), [guardian ad litem](#), [parenting coordinator](#) or [mental health professional](#) to be appointed in your child custody case!!

Warren Farrell does custody evaluation -- read it here

The URL for this page is <http://www.thelizlibrary.org/liz/those-jointcustody-studies.html>

DEBUNKING THE CLAIMS about Joint versus Sole Custody

([More links & research listed below](#))

A child's perspective of shared parenting -- I will NEVER forgive

A number of duplicative father's rights websites (e.g. Shared Parenting, CRC) and custody articles cite to the following items to make the claim that "the research" supports joint custody as being either innocuous or actually beneficial for children or women. A majority of mental health "helping professionals", [custody evaluators](#), [parenting coordinators](#), and guardians ad litem and so forth who obtain work in the court system also like it -- and like to support men's demands -- primarily because doing so exacerbates litigation and presents an impractical mess for judges, both of which serve to create more appointments and referrals for these [therapeutic jurisprudence](#) types. Because of this, they spin or outright misrepresent the research. (When called on the [misrepresentations](#), they frequently claim that they are only following the law or public policy -- for which their own trade promotion organizations advocate. Many also are men and women who don't have a clue about what actually is involved in being a primary caregiving parent, so ignorance, lack of empathy, and outright misogyny contribute their part.)

Custody Evaluators and Discovery

Disclosure of forensic test data and materials. Are Psychologists Hiding Evidence?

The items are presented here in the same order they can be found on multiple places on the internet. **The quoted father's rights text is in blue.**

THE FATHERS' RIGHTS ADVOCATES SAY, under the title: **Research on Shared Parenting and Joint Custody** that *Joint custody and shared parenting 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. 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.*

09/21/08 interview: Lamb admits fatherlessness is "not really a risk... The evidence, on the whole, hasn't supported that... It's about the relationship with the [custodial] parent, how much support, how harmonious is the environment..."

The above statements are blatant misrepresentations. **Rarely has so much politically-motivated effort been put into social research in the hopes of proving a desired finding and yielded so little.** Rarely have so many strained arguments and optimistic can-do slants been incorporated into researchers'

write-ups as has been the case with findings emanating out of joint custody and father involvement studies.

-- See generally William Marsiglio, Paul Amato, Randal D Day, Michael E Lamb (2000) Scholarship on Fatherhood in the 1990s and Beyond Journal of Marriage and Family 62 (4), 1173-1191.

"The children... whose lives were governed by court orders or mediated parental arrangements all told me that they felt like second-class citizens who had lost the freedoms their peers took for granted. They say that as they grew older and craved independence, they had even less say, less control over their schedules and less power to determine when and where they could spend their time -- especially precious vacation time."

07/16/10: RESEARCH: Joint Custody harms children; infants struggle. Reports from University News & Info

-- Judith Wallerstein, in *Unexpected Legacy (A Twenty-Five Year Landmark Study)*, Hyperion 2000, p 181-2.

THE FATHERS' RIGHTS ADVOCATES CLAIM that the research shows benefits from **Joint Physical Custody**. Their list of citations commences with **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.**

The claim is a misrepresentation. The above researchers analyzed a complex set of variables and conditions, none of which pointed to significant differences in adolescents' behavioral, emotional, or social well-being, when comparing those living with either parent and those living in a "dual residence." But that's not what the researchers were studying anyway. They were looking at adolescents' adaptation mechanisms in a wide variety of post-divorce circumstances. (And they did not find that joint physical custody was better for children than sole custody.) Most of the data were gleaned from *one hour telephone interviews* with the adolescents themselves. Unless they have a basis for comparison of lifestyles, or there are severe problems such as abuse, children are going to characterize their own lot in a contented light.

The Disaster of "Shared Parenting" research reports through 2010
Research from Australia since the 2006 family law reforms emphasized a specious "need" for two parents over safety concerns

Among the findings that Buchanan et al. did make, however, were that **children who maintained closer relationships with their custodial (or primary residential) parent seemed to be more well-adjusted than children who did not.**

With respect to nonresident fathers, the researchers found that remembering "special days" (e.g., birthdays and holidays) was the only qualitative measure of nonresident father involvement that was consistently related to adolescent adjustment. They also found that **frequency of time spent with fathers did not affect the closeness of the father-child relationship**, although adolescents who did feel emotionally closer to their fathers tended to show less depression (a chicken-egg correlation.) There also were **a number of adolescents in various time-sharing arrangements who articulated feeling "caught" between their two parents' conflicts.** The researchers did observe confirmation of other researchers' findings that **shared custody arrangements over time tend to drift into more traditional sole custody arrangements.**

Also of note, a 2005 study by Margaret Brinig on the effects of presumptive joint custody laws found as follows:

08/28/09: NEWS: "Shared parenting" is hurting children -- we knew that. New research by Jennifer McIntosh.

is hurting children -- we knew that.
New research by Jennifer McIntosh.

"...[S]eparation after the custody statute took effect, holding other things constant, was statistically

significantly related to a decrease in the absolute dollars of child support awards, with a difference of about \$80 a month. However, even this turns into a larger net loss in buying power for the custodial parent because of inflation during the same time period...

"[Presumption of joint custody] legislation increased the number of motions to modify or enforce parenting time or child custody... the number did increase significantly (and almost doubled) following enactment of the statute. Most of these motions were to change custody or visitation, not to enforce parenting time... **If the desire of the legislation was to make it easier for unhappy parents to enforce their visitation time, its purpose was clearly not met...**

"Constitutionalizing child custody, or **litigating in terms of individual parents' rights, is likely to harm children in many ways.** They may end up living with a parent more interested in punishing the former spouse than in doing what the child needs. They may have less money with which to live, as a child support settlement for lower than the guideline amount pays off a parent claiming joint custody, or if a joint custody solution is ordered but not actualized, or if scarce resources are expended on pre or post-divorce litigation. They may live the life of peripatetic suitcase-dwellers, and even worse, may be shuttled between parents who actively seek to undermine each other. Joint custody may be a fine (and even the optimal) solution if desired by both parents who are willing to work hard towards its success. **Mandatory joint custody, or even a movement in that direction, seems to cause a number of other problems that perhaps its proponents did not anticipate. Unfortunately, the biggest winners, at least in Oregon, seem to be not so much the traditionally noncustodial parents, but rather the mediators⁸⁶ and, slightly less dramatically, the divorce attorneys."**

-- Brinig, Margaret (2005). [Does Parental Autonomy Require Equal Custody at Divorce?](#) The University of Iowa College of Law, University of Iowa Legal Studies Research Paper Number 05-13 April, 2005

While there is much spindoctoring of isolated and arbitrarily selected findings claiming here or there to discover benefits or "no difference" between child wellbeing outcomes in joint versus sole custody, these are specious, and overall, children do far better in more traditional arrangements.

McIntosh study 2006: "**Children whose emotional well-being was poorest at the end of the year were those living in shared care with the combined stressors of highly conflicted parents and poor maternal availability.**"

For example, research on children of incarcerated, employed, and militarily deployed mothers has indicated not only unique problems for children associated with maternal absence that are not found in cases of father absence, but also that "**children placed in a stable home environment fare far better than those bounced from one home to another...**"

-- Poehlmann, Julie. Perils and hopes for children of jailed mothers, study, Journal Child Development (2005) <http://www.news.wisc.edu/releases/11224.html>.

...and children whose mothers are absent merely for employment more than 20-30 hours a week (including adolescents) suffer detriment, and children who are raised by stepmothers are at increased risk.

See generally research on [mother absence](#).

"[C]hildren experiencing multiple transitions, experiencing them later in childhood, and those living in stepfamilies fared poorly in comparison with those living their entire childhood in stable single-parent families or moving into two-parent families with biological or adoptive parents. Other studies show benefits of stable single-parent living arrangements for children's socioemotional

adjustment and global wellbeing (Acock & Demo, 1994), and deleterious effects of multiple transitions (Capaldi & Patterson, 1991; Kurdek, Fine, & Sinclair, 1995), supporting a life-stress perspective."

-- David H Demo, Martha J Cox (2000) Families With Young Children: A Review of Research in the 1990s *Journal of Marriage and Family* 62 (4), 876-895.

[Discussing Buchanan et al., above]: "I found two points of concern with the research/report presentations. First, I appreciate the optimism and confidence in regards to the adolescents' coping process. With so much "doomsaying" having been written about the effects of divorce it is encouraging to be reminded of the resilience possessed by these teenagers. However, I think it is appropriate to consider alongside this data the research done elsewhere which suggests the real possibility of delayed responses to parental divorce. Often the impact of divorce will manifest itself years later, particularly in early young adulthood as men and women begin to seek deeper levels of interpersonal intimacy. The prospects of marriage specifically induce latent anxiety. Adolescents after Divorce is an important window into the teenagers' experiences, but it seems appropriate to acknowledge the "rest of the story" which remains to be written in these young lives.

The limitations of one-hour interviews was my second area of uneasiness. While the authors documented well the necessity and validity of the methodology, I felt that more should be stated as to the fluidity of adolescent perspectives. Adolescent self-assessments can vary greatly even day-to-day. I am not suggesting that this invalidates the findings. However, more could be included in the introduction to acknowledge that much remains hidden in the lives of the students.

-- Richard C. Dunn, Ed.D. (Trinity Evangelical Divinity School), Chair, Dept. of Christian Education, Assist. Prof of Christian Education, TEDS, <http://www.gospelcom.net/paceinc/html/sp97b.html>

"In 38 studies published since 1990, researchers examined linkages between children's well-being and their relationships with nonresident fathers. In general, these studies do not provide strong support for the belief that visitation with nonresident fathers benefits children. Of the 24 studies that included data on the frequency of contact, only 10 (42%) found that contact significantly predicted some aspect of children's well-being. Other studies focused not on contact but on how close children feel to their fathers. Of these 10 studies, only 3 found significant associations in the predicted direction. Taken together, these studies suggest that the frequency of visitation and children's feelings about their fathers are not good predictors of children's development or adjustment...

"Recent research suggests that nonresident fathers play an important role in their children's lives to the extent that they provide authoritative parenting -- especially if this occurs within the context of cooperative relationships between the parents. Unfortunately, nonauthoritative fathering within the context of minimal interparental cooperation is the pattern observed in most families. For this reason, nonresident fathers may have a difficult time making positive contributions to their children's development."

-- William Marsiglio, Paul Amato, Randal D Day, Michael E Lamb (2000) Scholarship on Fatherhood in the 1990s and Beyond *Journal of Marriage and Family* 62 (4), 1173-1191.

"[M]aternal custody arrangements appear to be more stable than other arrangements: children who live with their mother after divorce are more likely to remain in this arrangement during the first three to four years after separation, while over half of the children who start out by spending time in each parent's household or who start out living with their father make at least one change (Maccoby & Mnookin, 1992)... "

-- WORKING DOCUMENT, THE EFFECTS OF DIVORCE ON CHILDREN, A Selected Literature Review. Research and Statistics Division. October 1997, WD1998-2e, UNEDITED. Department of Justice Ministère de la Justice Canada.

"[M]any questions remain concerning the nature of the relationship between family structure and child well-being. Overall, this study is intended to address the question, how do resident parents matter? This question becomes more important in a society in which children have ever more diverse family experiences and when significant numbers can be expected to live part of their lives without both biological parents. I find that **parent presence matters a great deal, but family stability matters even more. The negative consequences of a parent change, especially a mother change and especially for young children, are greater than the deficits incurred by living without both parents in adolescence**, if in a stable family... the importance of parent gender is dependent on the timing of parent presence and transitions. Parenting is still a gendered activity (Bianchi, 2000; Hofferth et al., 2002), and this is especially true in early childhood (Yeung et al., 2001). Although both parents' education, work hours, and incomes influence fathers' time with children (Yeung et al.), mothers usually provide structure and order to children's schooling: supervising homework, talking with teachers, and attending school functions. In fact, it can be said that mothers "drive the rhythm of daily life" for most children."

-- Holly E. Heard (2007) Fathers, Mothers, and Family Structure: Family Trajectories, Parent Gender, and Adolescent Schooling *Journal of Marriage and Family* 69 (2), 435-450.

THE FATHERS' RIGHTS ADVOCATES POINT TO: **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.**"

To say there are "certain favorable outcomes" is a way of ignoring the negatives. To say that joint custody "is associated with" reduced parent conflict is to ignore that more amicable parents would be more likely to *voluntarily* choose this arrangement (whereas the dataset of sole custody homes would include, among others, most of the families with severe abuse issues.) To say that joint custody "increases father involvement" is circular -- more time equals more time -- and to ignore that this is *not* an important factor in child adjustment. **After reviewing all introduced research data and testimony, the U.S. Commission came out *against* a presumption for joint custody.** The numerous father's rights websites that reiterate quotes from the unasked-for dissenting "minority report" of the Commission without mentioning the majority report and the Commission's actual findings are nothing short of fraudulent.

"Members of the Children's Rights Council, including Mr. Kuhn and John Guidubaldi, testified at hearings for "Parenting Our Children: In the Best Interest of the Nation." [A Report to the President and Congress. Submitted by the U. S. Commission on Child and Family Welfare, September, 1996] They proposed the rebuttable presumption for both legal and physical custody.

"Their recommendations, as well as recommendations made by other fathers' rights supporters, were rejected by the Commission.

"The Majority Report heard testimony that rightly invalidated joint custody, including '...Gerald Nissenbaum, President of the American Academy of Matrimonial Lawyers, who recommended that there be no presumption of any form of custody. Judith Wallerstein, Founder and Senior Consultant at the Center for the Family in Transition, told the Commission that she has seen no evidence that any particular form of custody was uniformly helpful to the post-divorce adjustment of children. Sally Brush, Director of the Beech Acres' Aring Institute, cautioned the Commission to avoid making general assumptions about the appropriateness of particular custody and visitation arrangements in favor of arrangements that are responsive to the circumstances of individual cases. Katherine Bartlett, Professor of Law at Duke University, agreed that decisions about how children are to be raised following a divorce should be tailored to individual situations."

One researcher found more cooperation and higher paternal involvement among families *without* joint custody, and less paternal involvement and more problems among families *with* joint custody: "...In this article we have noted the effects of the family interaction on children's behavior in single-parent or reconstructed families. The focus was on the spousal and parent-child interaction, family boundaries, and the role of the absent parent in the family..."

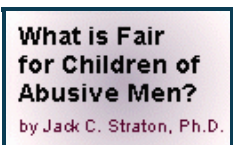


"After the breakup, 21 families out of 60 agreed on joint custody. Interviews indicated that joint custody does not guarantee good and healthy development of the child, but the parents' manner of cooperation seemed to be more important. **In groups where parents had good or fairly good cooperation, only 8 families out of 21 had joint custody.** However, 70% of the children had a physically and psychologically close interaction with their father and the father's role in the child's life was very important. Only one third of these children had behavioral problems. **In the families with a lot of ambiguity in the boundaries and problems caused by the physically absent father... minimal physical and/or psychological contacts between the father and his child, 13 families out of 21 had joint custody.** Seventy percent of the children in these families had a psychologically distant interaction with their father, and two thirds of them had behavioral problems at school."

Anja Taanila et al. Effects of Family Interaction on the Child's Behavior In Single-Parent or Reconstructed Families, Family Process (2002) -Vol. 41 Issue 4 557-736

THE FATHERS' RIGHTS ADVOCATES POINT TO: [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."

This small and nonrepresentative study looked at a snapshot in time of only forty families. The joint and sole custody families were "matched for types of parental conflict." They were selected because they had similar conflict problems, and it then it was found that in other areas impacted by conflict (i.e. the well-adjustment of children), the children were affected similarly.



This study was limited to its findings about the effects of conflict and does not support joint custody. Conflict was found to be a problem for children's adjustment. What the study did not address, however, and which subsequent research has found, is that **joint custody itself exacerbates conflict.** There have been a number of other studies like this from the early 80s on, that have been touted by fathers rights activists as "research supporting joint custody." The next listed study (below) has similar limitations.

THE FATHERS' RIGHTS ADVOCATES POINT TO: [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."

The above **small, early study did not correct for self-selection** of families who voluntarily chose joint custody because they were more amicable and advantaged to begin with. This is a flaw in much of the

early research.

"Enthusiasm for joint custody in the early 1980's was fueled by studies of couples who were highly motivated to 'make it work' (Johnston, 1995). This enthusiasm has waned in recent years, in part because of social science findings. For example, Johnston (1995) concluded from her most recent review that 'highly conflictual parents' (not necessarily violent) had a poor prognosis for becoming cooperative parents and there is increasing evidence that children of divorce have more problems because of the conflict between the parents before the divorce and not because of the divorce itself (Kelly, 1993)."

-- Saunders, Daniel G., Ph.D., Child Custody and Visitation Decisions in Domestic Violence Cases: Legal Trends, Research Findings, and Recommendations, University of Michigan School of Social Work August 1998.

"Meta-analysis supports the notion that the impact of father absence appears to be mediated by family conflict; **father absence in itself may not affect children's well-being.** The family conflict perspective was strongly confirmed by the data. This perspective holds that children in intact families with high levels of conflict should have the same well-being problems as children of divorce, and the data supported this hypothesis."

-- Amato, P. R., & Keith, B. (1991). Parental divorce and the well-being of children: A meta-analysis. Psychological Bulletin, 110, 26-46.

"Research indicates that joint physical custody and frequent child-nonresidential parent contact have adverse consequences for children in high-conflict situations. Joint physical custody and frequent child-nonresidential parent contact do not promote parental cooperation."

-- Washington State Parenting Act Study, Report to the Washington State Gender and Justice Commission and Domestic Relations Commission, Diane N. Lye, Ph.D., June, 1999.

"While there was no clear evidence that either joint or sole custody promotes better child adjustment (and there were no differences found between effects of mother-only and father-only custody), **a link was consistently found between frequency of visitation/transitions between parents and maladjustment.**

"Children shuffled more frequently between parents were more exposed to and involved in parental conflict and aggression and were more often perceived by both parents as being depressed, withdrawn, uncommunicative, and/or aggressive. These findings, the authors note, are consistent with the findings of other studies."

-- Johnston, J. R., Kline, M., & Tschann, J. M. (1989). Ongoing postdivorce conflict in families contesting custody: Do joint custody and frequent access help? American Journal of Orthopsychiatry, 59, 576-592.

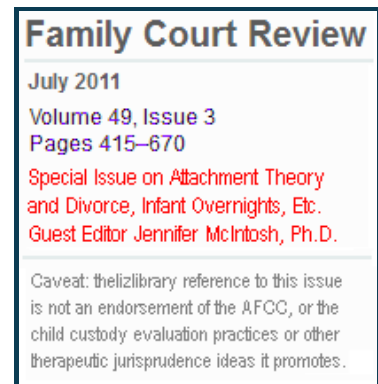
Bearing on joint custody arrangements for the very young child, research by Carol George and Judith Solomon has found **significant negative effects correlated with overnight visitation and prolonged separations of infants and young children from their maternal primary caregivers -- with no positive effect resulting from the extended timeshare with their fathers on these infants' relationships with their fathers.** Although George and Solomon carefully and sensitively take pains to note the minority exceptions to their findings, and will be attempting to isolate the reasons why there is no harm in one-third of the studied cases, the odds don't look so good.

**2011 research, Ohio State:
Sharing Childcare Increases
Parental Conflict**

Parents who share caregiving for their preschool children experience more conflict than those in which the mother is the primary caregiver

Also take note that George and Solomon's research is the first and only research going to the specific question of babies' and young children's mental well-being in the context of extended overnight visitation, and that there is no research contra. The psych literature arguments of Michael Lamb and others, such as Richard Warshak, Joan Kelly, et al. to the effect that babies can form multiple attachments -- and with a leap of unsupported logic hypothesize this to mean that overnight visitation and joint custody for babies is not harmful (although no scientific findings so much as hint that it's beneficial) -- has not addressed the relative strengths of those multiple attachments, or the actual effects of such visitation, and primarily focuses on what is *possible* in terms of paternal caregiving and roles in the context of intact homes, not nonresident visitation or joint custody reality.

"Our findings from the baseline period played a central role in focusing our questions about the sequelae of attachment when we saw the children again, approximately 1 year later, at age 2 1/2. **We found at baseline significantly more disorganized/unclassifiable infant-mother attachments than secure and avoidant attachments among infants who had experienced overnight visitation schedules** (the overnight group) as compared both to infants who saw their father regularly but did not have overnights (the no-overnight group) and infants from intact families (the married group.) About two-thirds of the attachments in the overnight group were judged disorganized/unclassifiable, in comparison to one-third such classifications in the married group sample. Although we had anticipated that overnight visitation might be associated with greater insecurity in infant-mother attachment, we had not predicted that disorganized attachments would predominate... separated children's behavior was far more extreme and incoherent than either avoidance or resistance and fit more easily into Main and Solomon's (1990) classification criteria for attachment disorganization."



-- Solomon, Judith and Carol George (2003), The Effects on Attachment of Overnight Visitation in Divorced and Separated Families, A Longitudinal Follow-Up. See: George, Carol and Judith Solomon. OVERNIGHT VISITS AFFECT BABIES' ATTACHMENT TO SEPARATED OR DIVORCING PARENTS <http://www.newswise.com/articles/2003/4/DIVORCE.MLS.html>

"Overnight visitation was neither an advantage nor a disadvantage to infant-father attachment."

-- Solomon, Judith and Carol George, The Development of attachment in separated and divorced families: Effects of overnight visitation, parent and couple variables, Attachment & Human Development VOI.1 No. 1, April 1999

Alternating custody, e.g. week-on/week-off, was associated with disorganized attachment in 60 percent of infants under 18 months; older children and adults who had endured this arrangement as youngsters exhibited what the researcher described as "alarming levels of emotional insecurity and poor ability to regulate strong emotion."

-- Jennifer McIntosh, "Enduring Conflict in Parental Separation: Pathways of Impact on Child Development, 9 J. of Family Studies 63, April 2003.

Children need a secure relationship with one loving, authoritative parent. They don't require a second. And to the extent joint custody schemes undermine attachment to both parents, the children are placed at risk. "Insecurity with both parents had a robust effect: 'Double-insecure' children reported more overall problems, and were rated by teachers as having more externalizing problems than those secure with at least 1 parent... **Security with both conferred no additional benefits.** [Insecure attachment to both, however] may confer 'dual risk' for future externalizing behavior."

-- Kochanska, G. and Kim, S. (2012), Early Attachment Organization With Both Parents and Future Behavior

There is some indication in medical and neuroscientific studies (largely ignored by social and psychological researchers) that maternal separations can have as-yet-unknown repercussions. *E.g.* Wayne Brake, assistant professor of Neuroscience at the University of California, found that **repeatedly separating baby rats from their mothers caused increased releases of dopamine in their brains and permanently heightening their sensitivity to it**. It's a possible explanation for higher percentages of drug addicts populations which as children suffered interrupted, negligent or otherwise inadequate maternal care.

-- See http://www.sciencentral.com/articles/view.php3?language=english&type=24119&article_id=218391871&cat=1_2

THE PRO-JOINT CUSTODY CROWD TOUTS: **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 noncustodians were decidedly more involved with their children following divorce than were noncustodians in sole custody arrangements... Lastly, respondents in joint custody arrangements were more apt to perceive their exspouse 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."

The ellipses in the above quote are not merely removing redundant or explanatory material. They remove the researchers' "buts". This is typical pro-joint custody misrepresentation. In fact the above study found that **joint custody parents reported the lowest satisfaction with the legal agreement one year after the child custody order**. In addition, the researchers pointed out that:

"Families with joint custody-joint residential arrangements had parents with the highest education and household income levels at the time of separation compared to families with other custody types... these findings reflect the higher financial cost of maintaining two residences for children and the more flexible work schedules of high-earning parents." In addition, most parents with joint custody-joint residential arrangements (70 percent) also had only one child, compared to about one-third to one-half of parents with other custody arrangements.

As far as the effect of custody type on parental cooperation after divorce, the authors found that most parents opting for joint custody, and particularly joint residential arrangements, were relatively friendly and cooperative before and after divorce and thus **concluded that postdivorce relationships were a reflection of predivorce characteristics, not the type of custody arrangement**.

"The authors conclude that because their sample of joint custody arrangements included relatively wealthy families with fewer children and cooperative relationships at the time of divorce, **the findings cannot support increased imposition of joint custody arrangements**."

-- Christine Winqvist Nord and Laura Spencer Loomis Westat, Inc., ANNOTATED BIBLIOGRAPHY: SELECTED CHILD SUPPORT ARTICLES citing Pearson, J. and N. Thoennes. 1988. "Supporting Children After Divorce: The Influence of Custody on Support Levels and Payments." *Family Law Quarterly*, 22(3): 319-339.

-- *American Journal of Orthopsychiatry*, 60(2): 233-249., citing Pearson, J., and N. Thoennes. 1990. "Custody After Divorce: Demographic and Attitudinal Patterns." *American Journal of Orthopsychiatry*, 60(2): 233-249.

THE FATHERS' RIGHTS GUYS SAY THAT: **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 than 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.

The above study found that children in intact homes were the most well-adjusted, and that **joint custody either damages or otherwise is associated with damaged children's relationships with their mothers**. That relationship, and the wellbeing of the primary residential mother, have been shown by numerous later studies to be the most important factors affecting overall child well-being and achievement post-divorce.

"[T]he most psychologically salient long-term influence on children is their relationship with the residential parent, not the physical separation of the parents, although it may be the most obvious and acutely distressing aspect of divorce."

-- Emery, R. (1988). Marriage, divorce, and children's adjustment. Newbury Park, CA: Sage Publications.

"There are two key rationales which underlie and promote the concept of joint physical custody: one comes from a concern for the child, and it holds that equal or frequent access to both parents is in the best interest of the child (Wallerstein & Kelly, 1980). **The surprising result, however, from studies of voluntary joint custody arrangements undertaken in the 1970's is that this rationale was disproved: 'Two years after divorce, children are no better adjusted than children raised in sole custody households**. Despite more access to both parents, joint custody children show neither less disturbance nor better social adjustment than sole custody children' (Wallerstein & Blakeslee, 1989, p. 271)."

-- Leff, Renee. Joint Custody: Implications For Women Progress: Family Systems Research and Therapy, 1995, Volume 4, (pp. 29-40). Encino, CA : Phillips Graduate Institute.

"Studies have consistently demonstrated that conflict between ex-spouses over custody, child support, visiting arrangements, and other issues is associated with poor adjustment among children of divorce (Johnston et al. 1989). It is probable that **conflict and contact are positively associated**, given that contact provides opportunities for conflict to occur. So although continued contact with non-resident fathers may be beneficial for children in certain ways, it may also exacerbate conflict between parents, which is bad for children."

-- Amato, Paul, Contact With Non-custodial Fathers and Children's Wellbeing, Australian Institute of Family Studies, "Family Matters", No. 36, Dec 1993, pp. 32-34.

"A recent survey of 9,816 secondary school students in the Netherlands indicates that **the level of well being of children living in single mother families is higher than that of students living in two parent families with much parental conflict**, the well being of children living in single mother families with no parental conflict and with a great deal of contact with the departed father is lower than that of children living in two parent families without parental conflict and finally, **the degree of parental conflict after divorce is more important for the well being of the children than the degree of contact with the departed father** (Dronkers, 1996)."

-- WORKING DOCUMENT, THE EFFECTS OF DIVORCE ON CHILDREN, A Selected Literature Review. Research and Statistics Division. October 1997, WD1998-2e, UNEDITED. Department of Justice Ministère de la Justice Canada, canada.justice.gc.ca/en/ps/rs/rep/wd98-2a-e.pdf

THE FRs CLAIM: **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 childcentered 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 fathers's potency or activity." [emphasis added.]

However, the above study used a ridiculously tiny sample of 14 children who reported spending more time with their fathers in joint custody arrangements. And that was the "significant difference" touted. It bears note, however, that the **type of custody arrangement had no effect on children's perceptions of their emotional closeness with their fathers.** If anything, in context with other research, this study would bode *against* joint custody; the numbers of large-scale studies that have found negatives in joint custody tilt these scales.

"Contrary to the researchers' hypotheses, the study results indicate that **children in joint custody arrangements exhibit less support and affection toward their parents than children in sole custody.**

"Also, custody type had no significant effect on parent-to-child support and affection. Consistent with the researchers' hypotheses, the results also suggested that when parents have frequent disagreements, the parent-child relationship also experiences high levels of disagreement. The authors discuss the unexpected findings and conclude that more research is needed before joint custody arrangements are definitively deemed beneficial for children."

-- Christine Winqvist Nord and Laura Spencer Loomis Westat, Inc., ANNOTATED BIBLIOGRAPHY: SELECTED CHILD SUPPORT ARTICLES citing Donnelly, Denise and David Finkelhor. 1992. "Does Equality in Custody Arrangement Improve the Parent-Child Relationship?" Journal of Marriage and the Family 54(4): 837-845.

THE JOINT CUSTODY ADVOCATES CLAIM: **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. "

The above-cited study did not control for amicable self-selection of joint custody families, or for pre-existing higher conflict resulting in sole custody families. Because of that, its findings on child adjustment have not been replicated by later studies with appropriate controls. And in light of that, **this study does not support the imposition of joint custody. The study found *conflict* to be a significant problem, and subsequent studies have found that imposed joint custody exacerbates that conflict.** In addition, the study's assumptions regarding the benefits of father-child contact have not been supported by the findings of subsequent, large-scale studies.

"In a large California study, Maccoby and Mnookin (1992) found that joint custody is sometimes used to resolve custody disputes. They found that joint custody was awarded in about one-third of cases in which mothers and fathers had each sought sole custody. And the more legal conflict that occurred between parents, the more likely joint custody was to be awarded. **Three and one-half years after separation, these couples were experiencing considerably more conflict and less co-operative parenting than were couples for whom joint custody was the first choice of each parent.**"

-- Amato, Paul R., Contact With Non-custodial Fathers and Children's Wellbeing, "Family Matters", No. 36, Dec, pp. 32-34, Australian Institute of Family Studies, Melbourne, Australia.

In a study of twenty-four highly motivated California families who pioneered joint custody on their own prior to the law's express authorization of joint custody, **while most children adjusted, twenty-five percent were confused and unhappy because of the demands of living in two households and remained stressed by the living arrangements.**

-- Susan Steinman, The Experience of Children in a Joint Custody Arrangement: A Report of a Study, 51 Am. J. of Orthopsychiatry 403 (1981).

From another study frequently touted by the fathers' rights advocates as supporting joint custody: "The author cautions courts... against making joint custody mandatory, naming several situations in which such a blanket decision would be deleterious. She advocates sole custody in cases of spousal abuse, remarriage, and long distance relocations."

-- Luepnitz, D.A. (1986). A comparison of maternal, paternal, and joint custody: Understanding the varieties of post-divorce family life. Journal of Divorce, 9(3), 1-11.

Fewer child support awards are ordered in joint physical custody cases; there is a greater income differential between fathers' households and mothers' households post-divorce in joint custody situations than in sole custody situations; and fathers with joint custody are more likely to have higher incomes relative to their ex-wives than fathers in situations of maternal custody.

-- Maccoby, E. E., & Mnookin, R. H. (1992). DIVIDING THE CHILD: SOCIAL AND LEGAL DILEMMAS OF CUSTODY. Cambridge, MA: Harvard University Press.

Let's not play word-games: calling it "custody" or "parenting time" instead of "visitation" doesn't change the characterization of the "time-share". It doesn't alter who takes primary responsibility for the children's activities. It doesn't alter who purchases the new shoes. It diminishes child support awards and increases erstwhile noncustodial parents' legal rights. It alters the relationship between the parents. These are irrelevant to the experience of the children in the situation, which at best -- assuming conflict is not exacerbated -- is the same thing: time. **"The majority of studies based on large national surveys in the United States, found little association between father visitation and children's well-being."**

-- CUSTODY AND ACCESS: AN N.A.W.L. BRIEF to the Special Joint Committee on Child Custody and Access, March 1998, citing to Valerie King, "Variation in the Consequences of Non-Resident Father Involvement for Child's Well-being," (1994), 56 Journal of Marriage and the Family: 963-972; Denise Donnelly and David Finkelhorn, "Does Equality in Custody Arrangement Improve the Parent-Child Relationship?" (1992), 54 Journal of Marriage and the Family: 837, 842-844; C. James Richardson, Divorce and Family Mediation Research Study in Three Canadian Cities, supra., 31-32; Federal/Provincial/Territorial Family Law Committee, supra., 29-31. Also see: Carol Smart and Bren Neale, "Arguments Against Virtue: Must Contact Be Enforced?" [1997] 27 Family Law: 332.

In what they speciously characterize as **Extreme Situations**, THE MALE SUPREMACISTS CLAIM: *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.

(For what Judy Wallerstein really thinks, see [here](#).)

To say that children in high conflict joint custody situations do no better than children in high conflict sole custody situations, is to put a specious spin on the research. Wallerstein repeatedly has stated that her findings do not support the imposition of joint custody. Even Joan Kelly repeatedly has written that there



is no formula, and that joint custody is not appropriate in highly conflicted situations. It's not merely a crapshoot. Contrary to the posturing in the last sentence of the pro-joint custody advocates, above, children in the more *optimal* joint custody situations (the ones that endured) did no better than those in sole custody (a group which commenced containing the most problematic cases and also which accrued those thoroughly impossible joint custody situations that failed), and so, if all ended up "no different," then those who remained in their joint custody situations were unnecessarily worse off than they had to have been. What does Wallerstein really say?

"The widespread policy of court-ordered visits with the non-custodial parent is based on the court's belief that such visits promote the child's best interests by strengthening an affectionate bond between father and child. This is an unsupported proposition. There is no research evidence that either the frequency or the amount of contact between non-custodial parent and child is related to good outcome in the child. It is also the assumption of many judges that visiting will increase the father's willingness to provide economic support. This too is unsupported."

-- Wallerstein, J.S. (1998). Child of divorce: A society in search of policy, in Mary Ann Mason, Arlene Skolnick & Stephen D. Sugarman, (Eds.), All our families: New policies for a new century. New York: Oxford University Press.

The regularity and predictability of visits is more important than frequency of visits."

-- CUSTODY AND ACCESS: AN N.A.W.L. BRIEF to the Special Joint Committee on Child Custody and Access, March 1998, citing to M.B. Isaacs, B. Montalvo, and D. Abelson, The Difficult Divorce: Therapy for Children and Families. New York, NY: Basic Books, 1986, p. 273; **Judith S. Wallerstein and Sandra Blakeslee, Second Chances: Men, Women and Children A Decade after Divorce.** New York, NY: Ticknor and Fields, 1989, p. 238.

"[W]e found that children's contact with non-custodial fathers was higher when parents were well educated, older, and earned a high income. We also found that the marriage of the mother was related to lower contact. Furthermore, contact was positively related to interparental conflict, which suggests that contact provides opportunities for conflict to occur... Policy makers and practitioners who work with divorced families should consider the possibility that maintaining or increasing the level of contact between non-resident parents and children may not always be in children's best interest."

-- Amato, Paul R., Contact With Non-custodial Fathers and Children's Wellbeing, "Family Matters", No. 36, Dec, pp. 32-34, Australian Institute of Family Studies, Melbourne, Australia.

THE FATHERS' JOINT CUSTODY LOBBY POINTS TO: **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.

Janet Johnson and her colleagues compared children in court-ordered joint custody with children in sole-custody homes. In both situations, the parents were in "entrenched conflict." The study showed that under these circumstances frequent shuttling between both parents in joint custody was "linked to more troubled emotional problems" in children than the sole-custody arrangement. Additionally, Johnston, Kline and Tschann found that children in conflictual situations who have more frequent access to both parents are more emotionally troubled and behaviourally disturbed than those with less access.

But "**conflict**" does not necessarily mean "**confrontation**" or "**violence**". (The suggestion in the father's rights writeup, above that conflict can be solved by, e.g. merely having the parents exchange children at school is an example of commonly held misperceptions about "conflict.") These results -- that children were more troubled and disturbed the more frequent the access -- held true regardless of whether inter-parental aggression was present (note that all families in this study were involved in custody and access disputes).

"Conflict" or "entrenched conflict" does not necessarily mean physical violence. Johnston, 1998, described it as a relationship marked by SOME or all of the following parental behaviors: high degrees of anger and distrust; incidents of verbal abuse; intermittent physical aggression; ongoing difficulty in communicating about the children' ongoing difficulty cooperating in the care of the children; sabotage of children's relationship with the other parent. These behaviors continue post-separation, often coupled with high rates of litigation and relitigation, covert and overt hostility, an ongoing negative attitude about the ex-spouse, avoidance, and unsubstantiated allegations about the ex-partner's behavior.

Additionally, the researchers reported that "**The more contact children have with two warring parents, the more emotionally troubled the youngsters were and the more behavior problems they had. These children were living in a constant state of anxiety and tension, constantly moving between two enemy camps.**"

"Do children suffer when they aren't aware of their parents' poor marital relations? ...conflict is bad for children, and so researchers suggest that if parents contain their conflict, their children should be as well off as children in healthy intact families. But, at the same time, theory suggests indirect effects of parental conflict for child well-being. Evidence indicates that unsupportive and high conflict marriages are associated with lower quality parenting, and that poor parenting in turn impacts child well-being. This suggests to me that children can still be at the receiving end of conflict, even if they don't witness this conflict. Yet, there is almost no evaluation of this possibility. ...**the conflict parents hide from their children can still have negative ramifications for their children.**"

-- Jekielek, Susan Marie. "Does the Conflict Parents Hide Affect Their Children?" Presented: New York, NY, Population Association of America Annual Meetings, March 1999 Cohort(s): Children of the NLSY79 ID Number: 3704

"Real joint custody is hard to sustain, and moderate levels of visitation do not appear to help children much. What does seem to help is a close father-child relationship, which depends on the parents' ability to minimize conflict after divorce."

-- Sara L. McLanahan, LIFE WITHOUT FATHER: WHAT HAPPENS TO THE CHILDREN? Center for Research on Child Wellbeing Working Paper #01-21, Princeton University August 15, 2001.

[But note, from the father's rights own touted research above, frequency of time spent with fathers does not affect

the closeness of the father-child relationship. -- Adolescents After Divorce, Buchanan, C., Maccoby, and Dornbusch, Harvard University Press, 1996.]

"Studies have consistently demonstrated that conflict between ex-spouses over custody, child support, visiting arrangements, and other issues is associated with poor adjustment among children of divorce (Johnston et al. 1989). It is probable that conflict and contact are positively associated, given that contact provides opportunities for conflict to occur. So although continued contact with non-resident fathers may be beneficial for children in certain ways, it may also exacerbate conflict between parents, which is bad for children.

"The end result would be one in which continuing hostility between parents cancels out the benefits that might otherwise follow from a high level of contact with the non-custodial father. Two American studies provide support for this reasoning. Hetherington, Cox, and Cox (1982) reported that father visitation was associated with positive child adjustment when interparental conflict was low but was associated with decrements in children's adjustment when interparental conflict was high. Similarly, Healy, Malley, and Stewart (1990) found that father visitation was associated with high child self-esteem when legal conflict was low, but not when legal conflict was high."

-- Amato, Paul, Contact With Non-custodial Fathers and Children's Wellbeing, Australian Institute of Family Studies, above..

THE JOINT CUSTODY PROPONENTS WEASEL regarding **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. ...*

The claim is flat-out prevarication, since neither joint physical custody nor frequency of visitation has been shown to be beneficial to children. Nor has increased child support payment compliance (but *one* way of helping a residential household achieve the financial stability that *has* been shown to be important) been shown to *result* from custody arrangement or increased visitation. (In fact, increased visitation and joint custody both decrease the amount of child support payable in the first place: e.g. 100% compliance with a 50% obligation, is no better in the end result than 50% compliance with a 100% obligation.)

"While it would be a seemingly obvious proposition to most of us, that fathers' consistent and substantial involvement in child care would benefit the child, this appears to have not been well established. The relationship between paternal involvement and children's well-being seems to be mediated by a number of other conditions that involve the father, the mother, and the child. In other words, **increased paternal involvement does not automatically result in improved child outcomes.** Nor is it clear whether the father's involvement provides unique nurturance that can not be as readily provided by substitute caregivers."

-- THE MEANING OF FATHERHOOD Koray Tanfer, Battelle Memorial Institute; Frank Mott, Ohio State University; Prepared for NICHD Workshop "Improving Data on Male Fertility and Family Formation" at the Urban Institute, Washington, D.C., January 16-17, 1997, <http://aspe.os.dhhs.gov/fathers/cfsforum/apenc.htm>

[I must point out that it should be a "seemingly obvious proposition" that children do best in one stable, permanent, stress-free and financially secure child-centered home, with one (or two) authoritative, loving parents (married or not), preferably well-educated and well-adjusted, whose focus is on selflessly and cooperatively contributing to and optimizing the child's environment and opportunities -- and that it is irrelevant, except to the extent on a case-by-case basis that this indirectly impacts those real factors that affect child wellbeing, whether the parental captain at the helm of this ship consists of one or two parents, biological parents, or even heterosexual parents. -- liz]

"Among the highest-quality studies reviewed here (Argys et al. 1998; Baydar 1988; Furstenberg et al. 1987; Guidlabaldi et al. 1987; King 1994a,b), **only one finds higher child well-being among children**

who have more contact with their nonresidential father; four find no impact of the level of contact with the nonresidential father; and one finds reduced well-being among children who have more contact with their nonresidential father." (In 1988, Baydar reported reduced emotional well-being among children who had frequent contact with nonresidential fathers. This was a large, national longitudinal study that included appropriate controls.)

-- Washington State Parenting Act Study, Report to the Washington State Gender and Justice Commission and Domestic Relations Commission, Diane N. Lye, Ph.D., June, 1999, <http://www.wa.gov/courts/parent/chap4.htm>

Joint custody results in lower child support awards, which fathers are no more likely to pay than when mothers have sole custody.

-- Nancy D. Polikoff, "Joint Custody: Only by Agreement of the Parties," 8 Woman's Advoc. 1,3 (1987).

"[A]lmost no studies have examined paternal adjustment on children and no studies have examined the 'effect and interaction between both parents' adjustment, conflict, time with both parents, and residence' on children (p.37). **With respect to access and closeness to the noncustodial parent on children's adjustment, the evidence is mixed or inconclusive. Finally, custody status by itself does not affect children's adjustment following a divorce.**"

-- Christine Winqvist Nord and Laura Spencer Loomis Westat, Inc., ANNOTATED BIBLIOGRAPHY: SELECTED CHILD SUPPORT ARTICLES citing Kelly, Joan B. 1993. "Current Research on Children's Postdivorce Adjustment: No Simple Answers." Family and Conciliation Courts Review 31(1): 29-49.

"The cumulative body of social science research does not support the presumption that frequent and continuing access by both parents lies at the core of the child's best interest. What counts is not the quantity of time, but the extent to which the access parent and child have a relationship in which the child feels valued. The regularity and predictability of visits is more important than frequency of visits."

-- M.B. Isaacs, B. Montalvo and D. Abelson, The Difficult Divorce: Therapy for Children and Families, New York: Basic Books, 1986.

THE FATHERS' RIGHTS ADVOCATES and the forensic parenting evaluators and who indulge them (expediently forming their opinions from secondary sources and "literature") CLAIM:...*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/nsfhw/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]

Exploratory hypotheses and suppositions do not constitute research findings. It also should be pointed out that fathers with joint legal custody as a group also have court orders granting them more visitation time. The reasoning is densely circular. Seltzer's later research led her to say in effect: *whoa, hold on.*

Regardless of whether or not increased child support enforcement leads to more visitation time or more visitation time leads to increased child support compliance, the net effect is more conflict:

"The positive effect of the amount of child support payments on conflict supports concern that strict enforcement of child support may increase children's exposure to conflict between parents... **[P]olicy makers must consider the potential harm to children's well-being of increased exposure to conflict against the benefits of increasing fathers' child support contributions**, and hence children's economic security."

-- Seltzer, Judith A., Sara McLanahan and Thomas L. Hanson, "Will Child Support Enforcement Increase Father-Child Contact and Parental Conflict after Separation?" NETWORK ON THE FAMILY AND THE ECONOMY

And from prior research by the same sociologist, in which she formed an opinion the later works did not overrule: Nearly 75% of the cases reviewed placed sole physical and legal custody with the mother. Another 15% arranged for joint legal custody, with physical custody held by the mother. Incidence of joint custody rose with higher combined family income. Where physical custody lies with the father, children tend to be older. Additional analyses revealed disparate factors influencing decisions about legal, physical, and joint custody, and a decided lack of consistency among these arrangements... **The authors question the wisdom of expanding joint custody in the absence of consistent information** regarding both the causes and effects of these arrangements.

-- Seltzer, J. A. (1990). Legal and physical custody arrangements in recent divorces. *Social Science Quarterly*, 71(2), 250-263

"Research findings on the association between frequency of father-child contact and child outcomes are mixed. In general, **large-scale studies find no relationship between father-child contact and child outcomes**, such as cognitive development, academic achievement, behavior, and perceptions of academic competence and self-worth."

-- CHILD TRENDS: SUMMARY OF KEY RESEARCH FINDINGS, citing Baydar, N. & Brooks-Gunn, J. (1994). The dynamics of child support and its consequences for children. In I. Garfinkel, S. S. McLanahan, P. K. Robins, (Eds.), *Child Support and Child Well-Being* (pp. 257-279). Washington, DC: The Urban Institute Press; Furstenberg, F. F., Morgan, S. P. & Allison, P.A. (1987). Paternal participation and children's well-being after marital dissolution. *American Sociological Review*, 52, 695-701; King, V. (1994). Nonresident father involvement and child well-being. *Journal of Family Issues*, 15, 78-96; McLanahan, S.S., Seltzer, J.A., Hanson, T.L., & Thomson, E. (1994). Child support enforcement and child well-being: Greater security or greater conflict? In I. Garfinkel, S. McLanahan, & P.K. Robins (Eds.), *Child Support and Child Well-being*. (pp.239-254). Washington, D.C.: The Urban Institute Press.

"[N]umerous factors influence the amount of time fathers spend caring for their children. These factors include individual, family, larger system, and cultural influences... fathers' involvement with their children is a complex reality with multiple levels of influence."

-- Parke, R. D. (1996). What determines fathers' involvement? In *Fatherhood* (pp. 73-118). Cambridge, MA: Harvard University Press.

Joint custody does not result in the father spending more time with the children. (Primary caregiving often is taken over by substitute mothers, and joint custody frequently devolves over time into arrangements that in effect parrot traditional sole mother custody and visitation.)

-- Frank F. Furstenberg & Andrew J. Cherlin, "Divided Families: What Happens to Children When Parents Fail 33-38 (1991)."

THE SHARED PARENTING PROPONENTS SAY: **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.

"Joint custody parents... reported the lowest satisfaction with the legal agreement one year after the child custody order."

-- Christine Winqvist Nord and Laura Spencer Loomis Westat, Inc., ANNOTATED BIBLIOGRAPHY: SELECTED CHILD SUPPORT ARTICLES citing Pearson, J., and N. Thoennes. 1990. "Custody After Divorce: Demographic and Attitudinal Patterns." *American Journal of Orthopsychiatry*, 60(2): 233-249.

"[Five] factors influence the level of fathers' involvement: child characteristics and paternal sociodemographic characteristics; motivation; skills and self-confidence; social supports; and institutional factors or practices... no single factor emerges as the most important, but all show valid degrees of influence on fathers' involvement." The authors warn that **much of the research on "father involvement" is flawed because it fails to account for the quality of that involvement. By the measures used in many studies, a frequent child beater would have a high score of "father involvement."**

-- Pleck, J. H. (1997). Paternal involvement: Levels, sources, and consequences. In M. E. Lamb (Ed.), *The role of the father in child development* (3rd ed., pp. 66-104). New York: Wiley.

In a study of unwed adolescent mothers, "while over 80% of mothers reported that their children's fathers had at least some contact with the children, approximately 80% of mothers indicate that the fathers themselves had some sort of emotional or behavioral problem... While their father's level of involvement did not have an effect on the children at first, between the end of the second and third years, **children's problem behaviors were directly related to fathers' involvement**"

-- Ross Leadbeater, B. J., Way, N., & Raden, A. (1996). Why not marry your baby's father? Answers from African American and Hispanic adolescent mothers. In B. J. Ross Leadbeater & N. Way (Eds.), *Urban girls: Resisting stereotypes, creating identities* (pp.193-207). New York: New York University Press.

SHARED PARENTING ADVOCATES FREQUENTLY CITE TO [BRAVER](#) (who spun his own anti-relocation study): **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."

The above comment is deliberately misleading to the extent it implies physical custody or increased timeshare. This older study was limited to joint *legal* custody, and likely reflected the more amicable pre-custody relationship of the parents, because nothing about the parents legal authority bears on the parent-child relationship. Mothers were "significantly less satisfied with the custody arrangements."

This is what Braver actually concluded in his study about joint *physical* custody, quoted from his book *Divorced Dads*: "...**there is simply not enough evidence available at present to substantiate routinely imposing joint residential custody ...the limited analyses other researchers have performed don't strongly recommend it be imposed either.**"

-- page 223 in Divorced Dads.

"Sanford Braver is Professor of Psychology at Arizona State University. His recent book, *Divorced Dads*, is a major critique of much of the earlier research on post-divorce parenting. The book presents information from a four-year plus study of 271 mothers and 340 fathers, from 378 different families, who filed for divorce in an Arizona county in 1986. Braver presents information suggesting that many popular beliefs about divorced fathers are inaccurate and are based on faulty research and reasoning. Braver is a staunch advocate of continued father involvement in children's lives after divorce, and of joint legal custody as a tool to promote father involvement.

"However, **Braver's study does not include measures of child well-being post-divorce and does not directly address the issue of whether higher levels of paternal involvement benefit children.** Braver's research also does not speak directly to joint physical custody, as he only assessed joint legal custody. However, like all the other divorce experts, **Braver concludes that joint physical custody (50/50 or shared parenting) is rarely in the best interests of children** and that a presumption of shared parenting would be poor public policy."

-- Washington State Parenting Act Study, Report to the Washington State Gender and Justice Commission and Domestic Relations Commission, Diane N. Lye, Ph.D., June, 1999, <http://www.wa.gov/courts/parent/chap4.htm>

Because of the intense spin-meistering and noisy dump of tons of words into the public discourse, **"Judges tend to see contact with the non-resident parent (typically the father) as crucial for a child's well-being." But it's not.** "Effectively, a presumption that access was in a child's best interests was established in England and Australia (Rhoades et al 2000; Kaganas, 2000). Attention to other potential risks to children's well-being and safety, and the well-being and safety of residential mothers - and notably abuse - have therefore been ignored or downgraded. (Smart & Neale 1997 etc.) As a result, mothers and children were expected to participate in contact arrangements despite the violence or abuse perpetrated by non-resident fathers (Hester & Radford 1996; Kaganas & Sclater 2000; Rhoades, Graycar & Harrison 2000; Smart & Neale 1997). Survivors of domestic violence reported a particularly difficult time accessing the court system and securing plans that adequately protected their safety (Lye & Wechsler, 2000)."

-- Ad Hoc Child Custody and Access Research Committee, May 28, 2001, <http://www.ywca.ca/articles/familylawfacts.htm>

"Although three-quarters of parenting plans in Washington State specified joint decision-making, joint decision-making did not work well, and can promote conflict. (Lye & Wechsler, 2000) In fact, Dunne et al. (2000) found that parental conflict appeared to rise under the new law. **The apparently benign idea of shared parenting has achieved a level of common sense knowledge that is contradicted by the social science research in the field.** Research shows that continuing contact with each parent is only one factor associated with positive outcomes for children of divorce. Some researchers have called into question the assumption that maintenance of a relationship with an access father is the most important factor in positive outcomes for children.

-- Ellis, J.W., "Caught in the middle: Protecting the children of high conflict divorce," (1996) N.Y.U. Review of Legal Social Change 22, 259-61; Silverstein, L. B. Auerbach, C.F., "Deconstructing the Essential Father," 54:6 American Psychologist 397 (1999); quoted in *Ad Hoc Child Custody and Access Research Committee*, May 28, 2001, <http://www.ywca.ca/articles/familylawfacts.htm>

Most children in court-imposed joint custody do poorly.

-- Gina Kolata, "The Children of Divorce: Joint Custody is Found to Offer Little Benefit," N.Y. Times, Mar. 31, 1988

at B13;

Children in joint custody are more disturbed and depressed than children in sole custody, even when the parents choose joint custody voluntarily.

-- Sheila J. Kuehl, "Against Joint Custody: A Dissent to the General Bullmoose Theory," 27 Fam. & Conciliation Courts Rev. 37 (1987).

Notwithstanding older research datasets of joint custody parents that included those individuals who on balance were far more able and likely to cooperate, compared with sole custody datasets that included the most egregiously abusive situations, joint custody relitigation rates have been found to be no better than sole custody relitigation rates. In other words, they are higher in an absolute sense. More recent research confirms that **joint custody results in higher relitigation rates.**

-- See Beverly W. Ferreiro, "Presumption of Joint Custody: A Family Policy Dilemma," 39 Fam. Rel. 420 (1990); and Gerald W. Hardcastle, "Joint Custody: A Family Court Judge's Perspective," 32 Fam. L.Q. 201 (1998); as well as the numerous difficult "moveaway" cases.

-- Brinig, Margaret (2005). [Does Parental Autonomy Require Equal Custody at Divorce?](#) The University of Iowa College of Law, University of Iowa Legal Studies Research Paper Number 05-13 April, 2005

Children suffer more in joint custody than in sole custody when there is parental conflict.

-- See Joyce A. Arditti and Debra Madden-Derdich, "Joint and Sole Custody Mothers: Implications for Research and Practice," 78 Fam. Soc'y: J. Contemp. Hum. Services 36 (1997); Jana B. Singer and William L. Reynolds, "A Dissent on Joint Custody," 47 Md. Law Rev. 497 (1988); and Gerald W. Hardcastle, "Joint Custody: A Family Court Judge's Perspective," 32 Fam. L.Q. 201 (1998).

Joint custody is especially harmful when one of the parents is abusive, rigid, manipulative, or angry that he is divorced.

-- Janet R. Johnston, "Children's Adjustment in Sole Custody Compared to Joint Custody Families and Principles for Custody Decision-Making," 33 Fam. and Conciliation Cts. Rev. 415 (1995).

Not infrequently, joint custody orders effect a situation in which children are divided up like chattel, without regard for common sense, let alone the children's well-being.

-- See, e.g. the discussion of *Fisher v. Fisher* in Barbara Bennett Woodhouse, "Child Custody in the Age of Children's Rights: The Search for a Just and Workable Standard," 33 Fam. L.Q. 815 (1999).

The following factors are the only ones that consistently have been related to positive child adjustment post divorce and are consistent with the findings of all relevant research:

1. Positive "custodial parent" adjustment (i.e. maternal adjustment -- most "custodial parents" in the research were not androgynous parent units but mothers), which is associated with effective parenting;
2. A positive relationship between the "custodial parent" (i.e. mother) and child; and
3. A low level of conflict between parents (more likely when post-divorce parenting arrangements mirror the patterns set in the family prior to the divorce.)

-- Gindes, Marion. [The Psychological Effects of Relocation for Children of Divorce](#), AAML Journal, Vol. 15 (1998), pp. 144-145).

The following factors are the only ones that consistently have been related to positive effects of father involvement, and are consistent with the findings of all relevant research:

1. How the child perceives the father to feel about the child (which is not related to how much time he spends with the child, and not necessarily related to how the child feels about him, a factor that is comparatively insignificant vis a vis the child's well-being); and
2. A father who emotionally cares for, financially supports, respects, is involved with, takes some of the work load off of, and generally makes life easier, happier and less stressful for... his children's mother.

-- liz, MYTHS AND FACTS PAGES at <http://www.thelizlibrary.org/liz/>

"Nicolas has lived in joint custody for the past eight years, and you would think he would be used to it by now. He is not. His emotional preparation begins a week or so before he flies to visit his mother. (Nicolas lives with me when he is in school.) He becomes, to varying degrees, anxious, lethargic, somber and withdrawn from his friends... Though he would never want to have to choose between his parents, neither would he choose joint custody.

"And **neither would I choose it for him if I had the chance to make the decision again...** His mother and I should have agreed on sole custody. If we had not been able to agree, it should have been imposed. Though it would have been devastating for the one of us who lost custody of our son, I am convinced that Nicolas's childhood would have been easier."

-- David Sheff, If It's Tuesday, It Must Be Dad's House, N.Y. Times Mag., Mar. 26, 1995, at 65.

"Our focus was on children's experiences and this gave us the opportunity to understand what it might be like to live one's life across two households over considerable periods of time. We were able to appreciate the costs for children... Even where children had good relationships with both their parents... there were costs for them. **They looked forward to a time when they could stop living like nomads...** even in happier circumstances we found that they could feel too guilty or too responsible for their parents' feelings to broach the subject... One young woman described to us her unhappy experiences... she described how she felt when she arrived at university

'It was the nicest thing. Like for once I had everything in one room like all my clothes in one room. I was settled for the first time in like ten years, I actually felt settled. I actually felt like I was just settled do you know what I mean? ...Not living out of a bag. I lived out of bags for ten years. I've never, I just used to. I lived out of four carrier bags do you know what I mean? I would not want to put any kid of mine through what I've been through.

-- Smart, C., Neale, B. and Flowerdew, J. (2003), "Drifting Towards Shared Residence?," Family Law, December, Volume 33. <http://www.leeds.ac.uk/media/current/>

There's a saying that if you want to be successful in a particular endeavor, you should follow the advice of a person who actually achieved success, not the advice of an hypothesizer, theorist, speculator, opportunist, or apologist. Constance Ahrons, a psych who has made money writing in favor of joint custody says:

"I was the one who left, and for two miserable years my husband and I battled constantly over custody, visitation, and child support. There were private detectives, a kidnapping, several lawyers, and two years of legal fees that took me the next ten years to pay off. That painful time of my life was almost thirty years ago, and even today it is hard to write about."

-- Ahrons, Constance in [The Good Divorce](#).

Constance Ahrons's book is a fantasy by a woman who by her own admission is decidedly unqualified to

opine on the subject. There are altogether too many persons with personal agendas advocating for joint custody. When the claims seem inexplicable, coming as they do from an erstwhile primary caregiving mother subjected to this sort of thing, as Ahrons is (or was) -- and who resolved it by making it the children's burden to carry -- in addition to the opportunism characteristic of the psych community, do remember the adage "misery loves company." They desperately want to characterize as "beneficial" what happened to their own children by characterizing it as their "choice." (This interesting phenomenon applies as well to a significant portion of those who go into these meddling fields.) Given that the pain endured for so long, one has to question whether indeed joint custody resolved it, or merely perpetuated it, no longer unseemly in public view but rather stuffed where it would fester interminably.

-- liz

WANT MORE RESEARCH AND CITATIONS?

[GETTING IT WRONG IN CHILD CUSTODY CASES](#), Prof. Carol S. Bruch

[Joint Custody -- the Road to Hell is Paved with Good Intentions](#), liz

[Myths and Facts about Fatherhood: What the Research REALLY Says](#)

[Myths and Facts about Motherhood: What the Research REALLY Says](#)

[Myths and Facts about Mother-Absence and Stepparenting: What the Research REALLY Says](#)

[Re Bauserman's Joint Custody Meta-analysis](#).

[What the Experts Say: A Review of the Scholarly Research on Post-Divorce Parenting and Child Well-being](#).

[Misplaced Blame and Simplistic Solutions: DC's Joint Custody Presumption](#), by Margaret Martin Barry -- Scholarly article by law professor discusses what's wrong with a statute providing for a presumption of joint custody

[A Model of Children's Postdivorce Behavioral Adjustment in Maternal- and Dual-Residence Arrangements](#), by Mo-Yee Lee -- Journal of Family Issues, Vol. 23, No. 5, 672-697 (2002) (the positive impact of a dual-residence arrangement on children's adjustment is suppressed by the presence of interparental aggression, children's reported emotion of sadness, and their use of active intervention to regulate their emotions.)

[Custody rules 'exposing children to war zones'](#), by Karen Kissane, December 21, 2007 -- News article

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[When Paradigms Collide: Protecting Battered Parents and Their Children in the Family Court System](#), by Clare Dalton, 37 Fam. & Conciliation Courts Rev. 273 (1999)

[Margaret Dore, Esq. on "friendly parent" provisions](#)

[Judge Gerald W. Hardcastle on joint custody and judicial decisionmaking](#), Family Law Quarterly, Spring 1998 (32:1)

[Attachment 101 for Attorneys: Implications for Infant Placement Decisions](#), by Eleanor Willemsen and Kristen Marcel

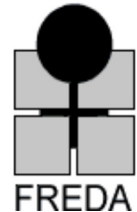
[Custody and Access: An NAWL Brief to the Special Joint Committee on Child Custody and Access, March 1998 \(Canada\) and, new: The Case Against Joint Custody \(Ontario Women's Justice Network\)](#)

[Joint Custody: Implications for Women](#), by Renee Leff

originally published on the internet at <http://www.pgi.edu/pdf/1995journal.pdf>

[Understanding the Batterer in Visitation and Custody Disputes](#), by R. Lundy Bancroft. Why abuse may be reported for the first time at the time of a separation or divorce; critique of Janet Johnston's categories of batterer; more.

[Spousal Violence in Custody and Access Disputes, Recommendations for Reform](#), Nicholas M.C. Bala et al. -- Scholarly article by Status of Women Canada Policy Research Fund (1998)



[The Truth About Joint Custody](#), by Trish Wilson -- Don't call it "Shared Parenting."

[Friendly Parent Provisions](#), by Trish Wilson -- What's Wrong With Them

[Comments by Trish Wilson; Testimony on SB 571](#) -- Rebuttable Presumption for Joint Legal Custody -- Family Law and Fathers' Rights Antics in Maryland

[The Abuse of Custody](#), an interview with attorney Ruth Lea Taylor

[Custody Order or Disordered Custody?](#) by Joan Braun -- Law student article with research cites published in BC Institute Against Family Violence Newsletter

[The Psychological Effects of Relocation for Children of Divorce](#), by Marion Gindes, Ph.D., AAML Journal, Vol. 15 (1998), pp. 119

[Women's Law Project - Testimony Against a Presumption of Joint Custody](#)

[What the Father's Rights movement really looks like](#), liz

[What the "Responsible Fatherhood" movement really is about](#), liz ... and

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by Kathleen Waits
Houston Law Review
1998

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