

National College for Probate Judges, Probate Law Journal [1982] Dr. Marlin S. Potash

1. Psychological support for a rebuttable presumption of joint custody

<http://www.nhcustody.org/ProbateJournal.pdf>

Bauserman, R., (2002) "Child Adjustment in Joint-Custody Versus Sole-Custody Arrangements: A Meta-Analytic Review", *Journal of Family Psychology*, Vol. 16, No. 1, (2002) 91-102.

This is the most comprehensive statistical analysis of joint custody ever conducted (both joint physical and joint legal).

Its findings were so noteworthy that the American Psychological Association published a news release highlighting the study.

[APA news release: "Children Likely to be Better Adjusted in Joint vs. Sole Custody Arrangements, According to Review of Research"](#)

[Full report in PDF format](#)

"Children in joint physical or legal custody were better adjusted than children in sole-custody settings, but **no different from those in intact families**. More positive adjustment of joint-custody children held for separate comparisons of general adjustment, family relationships, self-esteem, emotional and behavioral adjustment, and divorce-specific adjustment. Joint-custody parents reported less current and past conflict than did sole-custody parents, but this did not explain the better adjustment of joint-custody children. The results are consistent with the hypothesis that joint custody can be advantageous for children in some cases, possibly by facilitating ongoing positive involvement with both parents."

Fabricius, W.V. (2003) Listening to Children of Divorce *Family Relations* Volume 52 Issue 4 Page 385 - October 2003

"I review new findings on (a) college students' perspectives on their living arrangements after their parents' divorces, (b) their relations with their parents as a function of their living arrangements, (c) their adjustment as a function of their parents' relocation, and (d) the amount of college support they received. Students endorsed living arrangements that gave them equal time with their fathers, they **had better outcomes when they had such arrangements** and when their parents supported their time with the other parent, they experienced disagreement between mothers and fathers over living arrangements, and they gave evidence of their fathers' continuing commitment to them into their young adult years."

Kelly, J. B. (2000). Children's adjustment in conflicted marriage and divorce: A decade review of research. *Journal of the American Academy of Child and Adolescent Psychiatry*, 39, 963-973.

"**Joint custody led to better child outcomes overall.** " from [abstract](#)

See also

Kelly, J., Current research on children's postdivorce adjustment. *Family and Conciliation Courts Review*, 31.29-49, 1993

[Full report text in PDF format](#)

On child satisfaction: "**Children have expressed higher levels of satisfaction with joint physical custody than with sole custody arrangements;** citing the benefit of remaining close to both parents. Joint custody does not create confusion for the majority of youngsters about their living arrangements or about the finality of the divorce, nor does increase loyalty conflicts (Leupnitz, 1982; Shiller, 1986a, 1986b; Steinman, 1981)."

On parent satisfaction: "A surprising finding in one study was that **mothers who share custody are more satisfied than those having sole custody** and whose children see their father periodically. However, both groups expressed more satisfaction with their residential arrangement than did sole-custody mothers whose children had no paternal contact."

On conflict situations: "**Dual-residence (joint physical custody) parents had the highest co-operative-communication** scores but did not differ from mother custody or father custody parents in the amount of discord. Shared residence did not exacerbate or diminish conflict but did appear to lead to more co-operative communication."

On child adjustment: "The adjustment of 517 adolescents (aged 10 years, 6 months to 18 years) in three residential arrangements was compared 4.5 years after separation by Buchanan, Maccoby, and Dornbusch (in press). Looking at both family process and status variables, these researchers assessed adolescent adjustment in terms of depression, deviance, school effort, and school grades. Statistically, more boys were in dual-residence and father-residence arrangements, whereas more girls were in mother-residence arrangements. **Overall, dual-residence adolescents were better adjusted than were mother-residence adolescents.**"

Fabricius, W.V. and J. Hall, (2000) "Young Adults Perspective on Divorce", *Family and Conciliation Courts Review*, Vol. 38, 446-461.

"Our participants, who have lived through their parents' divorces and have now entered young adulthood (and college) have given us their 'expert' advice. Seventy percent of them, men and women alike, believe that living equal amounts of time with each parent is the best arrangement for children."

[Full text in PDF](#)

Amato, P. R. (2000). The consequences of divorce for adults and children. *Journal of Marriage and the Family*, 62(4), 1269-1287.

"Divorce also has significant impacts on children, according to the research. Many of these impacts tend to be negative. Children are more likely to be poor after divorce, and more likely to experience instability. However, **moderating factors include children's coping skills, and the presence of joint custody.** " from [abstract](#)

Christoffersen, M. N. (1998). Growing up with dad: A comparison of children aged 3-5 years old living with their mothers or their fathers. *Childhood* , 5(1), 41-54.

This Danish study used a scientific sample, drawn from national birth records, of 478 single fathers and 532 single mothers, including situations that can be classified as joint physical custody. Results indicated that children fared better with single fathers, possibly as a result of greater contact with the other parent (i.e. joint physical custody with mother), economic stability of fathers, and more social support, including greater contact with grandparents.

Ackerman, M.J. and Ackerman, M. "Custody Evaluation Practices: A Survey of Experienced Professionals (Revisited)", *Professional Psychology: Research and Practice*, Vol. 28, No. 2. (1997).

"Psychologists Becoming More Sophisticated In Their Custody Evaluation Practices, Survey Finds"

More Inclined Toward Joint Custody; Less Likely to Make Judgments Based on a Single Factor than 10 Years Ago

This report shows that joint custody is becoming the option of choice among experts: "While in 1986 more than half of the situations on the list prompted an endorsement of one parent over the other, by 1996 , **less than a quarter of the items resulted in endorsement of one parent over the other, indicating a greater preference for joint custody over sole- or single-parent custody than in 1986.**"

APA announcement: <http://mirror.apa.org/releases/custody.html>

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

Joan B. Kelly, one of the most respected experts in the field of children and divorce, summarized the Buchanan, Maccoby and Dornbusch study as follows: "The adjustment of 517 adolescents (aged 10 years, 6 months to 18 years) in three residential arrangements was compared 4.5 years after separation by Buchanan, Maccoby, and Dornbusch (in press). Looking at both family process and status variables, these researchers assessed adolescent adjustment in terms of depression, deviance, school effort, and school grades. Statistically, more boys were in dual-residence and father-residence arrangements, whereas more girls were in mother-residence arrangements. Overall, dual-residence adolescents were better adjusted than were mother-residence adolescents." (Current research on children's postdivorce adjustment. *Family and Conciliation Courts Review*, 31.29-49, 1993)

Clarke, S.C., Advance Report of Final Divorce Statistics, 1989 and 1990. Monthly Vital Statistics Report, Vol. 43, No. 9, 1995. Centers for Disease Control and Prevention/National Center for Health Statistics.

[Full report text in PDF format](#)

This US Government report reviewed physical custody of children following divorce. Although it did not study children's adjustment, it is significant because it demonstrates that shared parenting (joint physical custody) is becoming commonplace, especially where statutes or courts are supportive. **In four of 19 states surveyed, joint physical custody exceeded 30%.**

Findings regarding physical custody were summarized by the authors: "In 1990 the wife was awarded custody of the children almost three-fourths (72 percent) of the time in those divorces in which custody was awarded. **Joint custody was the second most common arrangement (16 percent)** while husbands were awarded custody in 9 percent of these divorces."

Division 16, School Psychology, 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.**"

[Full report text in PDF format](#)

Bender, W.N. 1994. Joint custody: The option of choice. *Journal of Divorce & Remarriage* 21 (3/4): 115-131.

"Joint custody is also the preferred option in high conflict situations because it helps reduce the conflict over time - and that is in the best interests of the children."

Bender reviews current and historical research on the 'myths' of joint custody, i.e. - that joint custody should not be awarded when the mother objects or in high conflict matters. The article describes the benefits of joint custody including that children adjust better post-divorce in joint custody as compared to sole custody awards, children's attachment to both parents post-divorce is essential for healthy child development, joint custody leads to higher levels of financial compliance, relitigation is lower as compared to sole custody, and joint custody leads to the best

outcome for children even in high conflict situations because it forces resolution and best leads to reduction of child stress in the long term.

Levy, David L. (ed.) 1993. The best parent is both parents: A guide to shared parenting in the 21st century. Norfolk, Va.: Hampton Roads Publ. Co.

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."

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."

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.**"

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.

Ifeld, 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. "

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. "