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My bias is toward joint physical and joint legal custody because, with continuing adjustments, it has worked for me and my children ... and, I think, for my ex-husband, too. No, this arrangement doesn’t take the place of my fantasy of the perfect family life—it’s diferent, but it’s been workable. Shared parenting was obvious to me before I even understood the term. I knew I didn’t want to be denied access to my children more than half of the time, so I could never consider anything less for my ex. Many other parents who work at shared physical custody apparently agree with me. In a study of metropolitan New York parents after a year of shared custody, 80 percent said they would recommend it, even though only 7 percent reported no problems with the arrangement.

Probably most important to the success of any shared parenting is seeing it work for your children. My ex-husband and I were aided by the facts that we lived a few miles apart, that the children stayed in the same school system, and that neither of us had plans to re-marry or even had an obvious significant other for a long time. We started out sharing the week, but after a few months we found that it was difficult for the kids (then ages 10 and 13) to move twice a week, so we switched to a weekly arrangement. After a while we became so flexible that sometimes “moving time” was decided less than 24 hours in advance. It worked although we had little personal or phone contact. As adults, we tried to accommodate each other’s schedules when possible and asked that the children always call the other house before dropping in unexpectedly. Among the neverending annoyances were the extra trips someone had
to make when schoolbooks or sporting gear were left in the other house. I've found that these instances became problems only if we let them. (And on long, stressful days, sometimes I did.) Things changed once our son turned 16 and could drive back and forth himself. In fact, given our flexible schedule we had to make sure the other parent knew when he was moving residences so he didn't "fall through the crack of a weekend with both of us thinking he was with the other.

Actually, I kind of like the two homes. When I seem to have worn out my welcome at one place, it's time to change and I start out fresh with the other parent. -Douglas Lansky, age 15

POSITIVE ASPECTS OF SHARED PARENTING

Children of a shared parenting arrangement benefit by having more time with each parent, and the extra parenting time on and off benefits the parents. This type of custodial arrangement also has time advantages for the work life of parents. Some families have based their joint custody at Dad's house while Mom completes her education. Or Mom can afford to take a job requiring travel, knowing the children will be well cared for. The benefits of personal time off are significant, too. You have time for personal growth and self-definition that helps you learn about yourself outside of your parenting role.

Timely child support payments have increased with shared custody, because fathers who do not feel unfairly deprived of their parental rights are more likely to fulfill their financial obligations. One study found that 56 percent of mothers with sole custody returned to court because their former spouses refused to pay child sup-
port, whereas none of the mothers having joint custody returned to court over money issues. Although conflict is difficult to measure, statistics show that only half of parents with joint custody relitigate their disputes as compared to those with sole custody arrangements. As someone said, “It stands to reason that when parents are around, their wallets are around.”

Data indicates that joint custody works best financially for higher-income and lower-income families. Lower-income families share their scarce economic resources as well as their time resources. One study of Aid For Dependent Children fathers showed that, on average, they have more contact with their children than non-AFDC fathers. Lower-income families’ (usually de facto) joint custody allows for new job training, different work shifts, and shared childcare.

Some experts even feel that shared parenting can increase the likelihood of having cooperative parenting after divorce. Others point to situations when conflicting couples with joint custody can make life harder on the kids. In reality, any type of custody with parents at war will be tough, no matter what you call your parenting arrangement. We know from experience, however, that cooperative parenting is possible even with fathers and mothers who could not live cooperatively as husband and wife. Inability to handle your marriage does not rule out success for shared parenting. Don’t hide behind the idea that if you could work out something this complex in your marriage, you wouldn’t be divorcing now. It’s not true. Joint custody is easier if everyone is accommodating, but it is not necessary. A 1984 study at the University of Delaware found that parents with joint custody arrangements get along no better or worse with their ex-spouses than those in sole custody situations. Recent research indicated that despite parental animosity, shared parenting is not only possible—it works!

JOINT CUSTODY IS WHATEVER YOU AND YOUR EX WANT IT TO BE
I enjoy life with my Dad and I like my life with my Mom. Actually, switching homes has been a good experience for me.
-Shira Rutman, age 11

LEGAL LEANINGS

Joint custody empowers women by having fathers share in child rearing. In 1980 only three states accepted joint custody. Now it’s the presumption or preference in every state-38 states through legislation and the others through Supreme Court case precedent or attorney general rulings. Judges have been convinced of the viability of joint custody. Today, as long as one parent proposes joint custody, it must be considered. The New Jersey Supreme Court, in endorsing physical and legal joint custody, set the following guidelines followed by most states:

• Joint custody may be ordered over the objection of one parent.
• An amicable relationship between parents is not a prerequisite to joint custody.
• The assessment for cooperation should not be made in the emotional heat of a divorce.
• A parent who refuses to cooperate with a joint custody order may forfeit custody altogether.

In establishing these guidelines, the court’s basic requirement was whether the child had established a sufficient relationship with both parents, not whether the parents had been equally involved in the childrearing. Courts in some states have even given joint custody in contested cases against the wishes of a parent. Obviously joint custody will work best when:

• Both parents are interested in shared parenting.
• Both parents are physically and emotionally able to act as parents, and both parents’ jobs are flexible enough so they can be available for emergencies.
• Parents can separate their personal conflicts from
Shared Parenting

their parenting roles, communicate reasonably well, and will cooperate.

- Parents have similar styles and agree on basic values and on some common house rules. Each parent can respect-or at least accept-the other’s values and parenting styles.
- Parents live close enough to each other and can alternate days or weeks with school children.

It also helps when children are old enough to handle the frequent moving between the two homes. A study by Wallerstein and McKennon indicates that young preschool children may not adapt to shifting homes as well as older preschoolers. Young preschoolers usually need more consistency in their lives than equally shared physical custody offers. Still, you will have to evaluate your child honestly and decide whether he or she is better off sleeping at the home of one parent every night and seeing the other on the custodial parent’s turf (perhaps even every day), or making frequent moves. As they get older, children can eventually spend weekends with the other parent, then gradually stay for longer periods. By elementary years, alternating weeks with each parent is often workable, whereas two-week stays at one address may be too long. Teens will let you know their comfort level for moving. All kids seem to indicate that although going back and forth is not easy, it is preferable to not having significant time with the other parent.

In joint custody, it is common and perhaps even best for kids to have an “anchor” home (one where most of their possessions remain, where the school sends report cards, and where they pack for summer camp). Yet many children seem to be able to adjust to the reality of two different—or even equal—places they can call home.

Geography obviously becomes an important custody issue when shared parenting is a lifestyle. Many parents have chosen childcare considerations over career considerations in shared parenting situations. Others have stretched their imaginations and resources to accommodate long-distance shared parenting. It’s not easy, but it is possible. Still others find children coming to live
with them as they grow older and their needs change. “Power struggles in parenting, not two households, whether in joint or sole custody situations, are what usually cause confusion for kids,” believes Gary Kretchmer, who works the Tenth Judicial District of Kansas. “When the noncustodial parent is granted joint custody, the fight is usually over and the situation calms down. I strongly believe that joint custody reduces hassles and conflict. Joint custody says nothing about two parents agreeing, only that issues will be discussed. Having one’s views recognized can go a long way toward solving problems.”

If you are looking for ideas for a win-win custody agreement, check out Child Custody: Building Agreements That Work by Mimi Lyster (1995, Nolo Press, 800-992-6656) which has checklists, worksheets, a sample agreement and presents a range of parenting options.

**WHY SOME THINK SHARED PARENTING CAN BE LESS THAN DESIRABLE**

Although a good solution for many families, joint custody does have its problems—it’s not a perfect solution. Some believe that it has been a King Solomon-type solution, where the child is emotionally cut in half. Children not only have to contend with Mom’s house rules and Dad’s, but perhaps Mom’s church and Dad’s church, Mom’s friends and Dad’s friends as well. (Yet children learn to cope with different rules in other domains, such as school or camp or scouts.) Some claim that the need for contact through shared parenting keeps a couple tied together and thus allows a child’s hopes for reconciliation to continue. But couples who have experienced this type of shared parenting can attest to the fallacy of this argument. To those who have argued that it is bad for children to have two homes, the universal reply has been, “It’s better to have two parents.”
Shared Parenting

Research from the Center for the Family in Transition indicates that for the 5 percent of truly bitter contested divorces they studied, children do fare worse in frequent visitation situations that are often categorized as joint custody. Jan Johnston, Director of Research for the Center, cautions against today’s pressure to have only joint custody, when, like everything else, no one parenting option will be appropriate for every family.

For some children joint custody can be confusing; for others it’s a chance to see two different lifestyle options. Do children suffer from emotional “jet lag” when they switch homes? Probably some do. If joint custody is too stressful for your child, then it’s not appropriate for your family. Then, too, some parents feel that joint custody can cripple the parenting ability of one of the parents. This may depend on each person’s need to be in charge or the belief that we actually can control such matters. It’s difficult to be fair about the double chores that kids can be faced with, such as mowing two lawns, folding family laundry twice a week, and such. (The Sock Dragon, who hides in the laundry room, makes out doubly well in joint physical custodial arrangements!)

Hardest for children to deal with is the pull that two homes create. Packing, unpacking, and planning take away from essential “downtime” and the need sometimes just to stop and be “home” without switching homes. For many kids, trying to accommodate two parents’ lives, two parents’ homes, takes a lot of time and energy. We parents don’t have to pack up and move every week or month or summer. There is no simple solution here but being sensitive to the tired traveler and being flexible enough to change schedules without feeling threatened by such changes (short- or long-term) can help take the pressure off a child.

Another aspect of the dilemma of joint physical custody is pointed out by Phyllis Chesler in her book, Mothers On Trial (McGraw-Hill, 1986). She believes mothers become impoverished as they make financial settlements to their disadvantage in joint custody arrangements out of fear of losing custody or facing a custody battle.
Still, the emotional boost for fathers must not be discounted. Fathers who are forced (or feel pressured) to give up their children become depressed, can’t sleep, or concentrate on their jobs, and may even contemplate suicide. Even fathers with joint custodial visitation schedules have better and longer-term involvement with their children and greater personal self-esteem than do non custodial fathers. Finally, the threat of single fathers being cut off from their children is fading as courts lean toward joint legal custody even when the mother maintains physical custody.

One consideration we have in our neighborhood where several families have joint physical custody arrangements is that when my children are with me, their neighborhood friends are often off with their other parent and not around for my kids to play with. I often find myself checking out my neighbor’s custodial arrangements when I’m planning our schedules.

-Suzanne Lang, Minnetonka, MN

SETTING UP THE GROUND RULES FOR TRUE SHARED PARENTING

Putting as much in writing as possible for a shared parenting situation is a good idea, if only to help you work through the details and anticipate the “what ifs.” In some states, a judge must see and approve a written agreement and will have the right to ask questions and require certain changes. Children old enough to understand the agreement may be allowed to read it or have it read to them. The circumstances special to each family will dictate the terms of the contract, but some issues are universal. And almost no detail is too minor to consider if there is any possibility there may be misunderstandings.
Shared Parenting

In the beginning there is frequent communication and confusion, but with time any system can work smoothly and require little contact between the parents. To help in margins shared parenting smoother:

- Come to reasonable agreements about house rules and general living patterns that are of special concern to either parent. A difference of a few minutes in bedtime or the requirement to do more chores at one house may not be terribly important; kids usually adjust easily to different sets of rules, as long as they are consistent in that home. On the other hand, TV limitations or getting a child’s hair cut by the same barber every time may matter very much to one parent or the other (or the child).

- Plan to set up master calendars at each home (perhaps color-coding days at each location) and to meet or talk on the phone often enough to keep calendars up-to-date and accurate. Or let the more detail-oriented parent make up a monthly master calendar and photocopy it for the other.

- Talk about the children’s religious education and who will be responsible for transportation.

- Be specific about issues of responsibility and payment for expenses that fall outside the norm of child support. Child support might cover dental bills, but will it also cover braces? Will it cover a teen’s car payments or car insurance?

- Make decisions ahead of time about handling school problems and attending conferences and school events. For example, should an opposite-gender friend of one parent be invited to attend school activities?

- Avoid last-minute surprises or sudden changes in plans. They may cause anger, disappointment, and loss of trust.

- Agree that all decisions concerning division of responsibilities and time spent with each parent will be reevaluated periodically and that adjustments will made when necessary. As children grow, schedules change.
Children may become expert packers but they still get tired of packing and unpacking. Be tolerant of forgotten items. Moving back and forth creates the need for items to duplicate (toothpaste), items to divide (toys or stuffed animals), and items that simply go back and forth (sports uniforms).

Despite the fact that we had appropriate tote bags, the kids seemed to always be transporting their belongings in brown paper grocery bags. After a certain age it didn’t matter if you had two of things- they had their favorite jeans, shirts, etc. that had to go back and forth. Nor did they want to unpack right away when they arrived. THAT was hard on me. I’d unpack their “bags”. It actually made their reentry easier on me. -Elaine Tharler, Wellesley, MA

TO HELP WORK OUT CO-PARENTING SCHEDULES

MOM’S HOUSE, DAD’S HOUSE: Making Two Homes for Your Child, by Isolina Ricci (Fireside, 1997).


OurFamilyWL7ard.Com. This is a divorce website with tools for parents to share scheduling, medical, school, sports information and more. There is an annual fee.
Shared Parenting

HANDLING THE GLITCHES

Making arrangements and adhering to them are two different matters. Nothing runs perfectly all the time. And very little runs perfectly in the beginning. When you remember your own childhood or the days when your marriage was working well and your family was intact, you’re likely to think only about the good times, glossing over the problems. The glitches in shared parenting may not be exactly the same as those of earlier days, but they can almost always be solved in the same way—by facing them squarely and by trying to view them as challenges to your ingenuity and intelligence instead of as unsolvable disasters. This involves:

• Knowing that some youngsters feel that parents often take the logistical complications more seriously than the kids—and they’re right. When in doubt, see a situation through your child’s eyes.

• Remembering that it’s completely normal for kids of elementary-school age to be careless about possessions, whether they have one home or two. You may be able to cut down on the inconvenience of having possessions left at the other house by helping your child make and routinely use a checklist of sports equipment, musical instruments, bicycles, and other items that travel back and forth regularly.

• Avoiding escalating problems by being visibly impatient about your ex-spouse’s incompetence in matters you were formerly responsible for. Men may have problems with cooking and housekeeping routines, for example, and women may be unable to do bicycle repairs.

• Being prepared to accept the fact that not all your time arrangements will always be fair. If things work out well on a monthly or yearly basis, and the kids are humming along well, be grateful.

• Using positive language when communicating
disappointments. “I was worried about your late return. I’d really appreciate a quick call when you know you’re running late,” or “Please remember to bring Dana’s homework back. I’m glad she was able to share it with you.”

• Being flexible when the other parent becomes sick, grandparents drop in, or your planned activity interferes with the other’s schedule.
• Asking children for input about schedule problems. They may come up with ideas that can solve the dilemma.
• Seeing a family counselor-or a mediator-for help in implementing new arrangements if you’re having problems you can’t solve.

With time, a workable pattern emerges on its own and emotional transitions between homes will happen smoothly and instantly. And after you’ve settled into a comfortable routine, it will probably change! Change can come through specific discussions based on your family’s changing needs, or it may come informally, without your ever formalizing the changes.

As your children reach the teen years you may find that you and your former spouse both lose access to them as their peers become important. Don’t be hurt if your child responds with, “I love you—but I’d rather be with Jason this weekend.” This is normal, but it is still important to let a teenager know which parent he or she should be checking in with so one of you is still accountable for that child.

IF IT ISN’T IMPORTANT ENOUGH TO MATTER A YEAR FROM NOW, IT ISN’T IMPORTANT ENOUGH TO ARGUE ABOUT TODAY -Carole J. Pierce
THE “TRANSFER” MANEUVER
Transferring children is a part of any divorce. It is an even more frequent and important part of shared parenting. Create transition rituals to help kids feel secure. Remember to:

• Remind your child 15 to 30 minutes before they can be expected to be picked up.
• Don’t use drop-off or pickup time to discuss volatile issues with your ex.
• Avoid upset and conflict with a child just prior to pick up time.
• Pick your child up at the other parent’s house when your time begins. It eliminates the sadness for the other parent that comes with dropping them off when they switch homes. It can also establish a routine so that you’re never in doubt as to who’s responsible for the pickup or drop-off.
• Be punctual about pickups. The tension of lateness takes its toll on the waiting child.
• Let your child assume a degree of accountability for possessions. If an item is forgotten, then it just stays at the other house.
• Develop a routine for beginning and ending each visit, such as always stopping at the same restaurant or sharing a favorite snack on the way home.
• Smooth the way for a child having trouble with a transition time by saying, “I know it’s hard for you to say good-bye to one of us and say hello to the other at the same time.”
• Be aware that if a child seems to be pulling away from you toward the end of a visit, it is likely that he or she is preparing for the transition between home-not rejecting you.
• Telephone a waiting parent when you realize you’re running late. It’s a courtesy that establishes trust.
• Honk, knock, or ring the doorbell—but don’t just walk in on your former spouse when you do arrive.
Experiment with different drop-off/pickup ways to decide which works best for the adults and the kids. Be specific—and ultimately-consistent in your schedules; after a while you won’t remember it any other way.

Being in the same school district is a definite advantage. It gives the kids the option of getting off the school bus at either house so neither parent has the total pickup responsibility.

If you and your ex aren’t on cordial terms, transfer times can be especially stressful. You might want to avoid each other by trying some of these options:

- Arrange not to be around.
- Have someone you trust do it for you.
- Have pickups or drop-offs at a friend’s or relative’s.
- Use school, daycare, etc., as your place of transition.
- Take advantage of neutral drop-off and pick-up sites that are now federally funded. See if one is available in your area. Access Transfer Center information can be found at www.gocrc.com.

Keep in mind that avoidance options like these which allow for transfers without overt hostility don’t fool your kids. They understand that their parents’ anger created this arrangement and kids carry the stress of this situation, feeling they are the cause of it.

When I have custody for the week, I simply pick up the children from their after-school care center on Friday. This gives us the weekend to have fun before the demanding weekly routine begins. It also eliminates contact with my ex and the impression that either of us is taking the children away from the other.
- Sandra Pope, Los Angeles, CA

TRANSITIONS FOR PARENTS

In addition to what it involves for the children, joint physical custody also means that you are not a parent
for a sizable amount of your time. You don’t realize how much of your parenting role becomes part of your self-definition and structures your time until you divorce and become a part-time parent. You may begin to feel a bit schizophrenic as you swing from single person to parent person and back. The transition from parenting to private time for custodial and noncustodial for each parent in a shared parenting arrangement can be surprisingly painful. Sometimes you may even find yourself withdrawing from your kids emotionally before they leave to reduce the pain of their departure. (This should make you more sympathetic to them when they “act out” upon departure or arrival.) Make the transition easier on yourself by planning for your off-time:

• Use the time for taking classes or visiting a friend.
• Keep a running list of things you want to do but haven’t had the time for—letters to write, a museum to visit, or a special book to read.
• Develop your own transition rituals, such as taking a long bath when you are finally alone.
• If you haven’t already, begin to keep a journal. Record your feelings of loneliness or observations about your children’s progress now that you have time to get some perspective on them.
• Clean the kids’ rooms and then keep a light on in there. Or clean their rooms just before they return to ease yourself back into your parenting role.
• Plan your time alone before the kids depart.

Eventually, a natural pattern will emerge, but don’t allow that lonely emptiness to swallow you up. You’ll find that just when you’ve gotten use to being alone, you will again have the reentry problem of returning to your parenting role.

GOOD MANNERS ARE MADE UP OF PETTY COMPROMISES.
-Emerson

175