

## Presumptive Joint Custody: What the Research Demonstrates

### Joint Custody has not been shown to positively impact children when not agreed to by parents.

- Research often used to support joint custody presumptions **does not distinguish between arrangements voluntarily reached by the parents and those imposed by a court** (Allen, 2014; Pruett & Barker, 2009). No research has yet suggested that joint custody leads to positive outcomes when it has been mandated, and some research has found negative outcomes accrue disproportionately among families faced with mandated joint custody (Irving et al., 1984).
- Multiple studies have found pre-divorce differences between parents who chose joint custody as opposed to sole custody arrangements (Bauserman 2002; Ehrenberg, Hunter, & Elterman 1996), suggesting that joint custody may not be a good fit for all families.
- While the potential benefits from cooperative parenting may be stronger in joint custody situations, the potential negative effects of conflict have been found to be stronger, as well (Johnston et al., 1989; Pruett & Barker, 2009; Tschann et al., 1989). In their review of joint custody literature, Pruett and Barker (2009, p.445) reflect that **“the benefits of joint custody may be lost and the process of custody decision making may become even more costly when it is imposed on parents who are not ready to undertake it.”**
- Many presumptive joint custody proponents argue that paternal parenting time has been found to be positively related to father-child relationship quality (e.g. DeGarmo, Patras, & Eap, 2008; Dunn, Cheg, O’Connor & Bridges, 2004), however those study are correlative not causative. Study methodology fails to distinguish whether fathers with high quality relationship to their children sought out more parenting time or whether more parenting time led to higher quality relationships between fathers and their children.

### Presumptive Joint Custody inappropriately shifts the focus to the parents’ interests rather than the best interests of the child.

- Presumptive joint custody may place a child with a parent who lacks experience with his/her children or who may not desire the level of involvement joint custody would impose (Pruett & Barker, 2009; Schepard, 2004).
- Child custody decisions should be made on the basis of what is best for the child, not what is best for the parent. In *re Marriage of Hansen* (2007), the Supreme Court of Iowa ruled that “Physical care issues are not to be resolved based upon perceived fairness to the spouses, but primarily upon what is best for the child” (par. 62).

### Presumptive Joint Custody attempts to impose a one-size-fits-all solution to complex family dynamics, neglecting the individual circumstances and needs of children and parents.

- Joint physical custody requires a level of economic security and employment flexibility that not all parents enjoy (Juby, Le Bourdais, & Marcil-Grattan, 2005; Pruett & Barker, 2009), and the presumption of joint custody could place an especially heavy burden on low-income or economically marginalized parents.
- Presumed joint physical custody arrangements reduce or eliminate children’s abilities to inform the court about their preferences or needs (Pruett & Barker, 2009; Schepard, 2004).
- Researchers Pruett and Barker (2009) reviewed joint custody literature and concluded, **“There are too many complexities in child development, family transitions, work schedules, and life courses to impose a social policy that assumes one pattern for all families over time”** (p. 443).

## **References**

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