

Children's Living Arrangements following Separation and Divorce: Insights from Empirical and Clinical Research

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When parents separate, children typically enter into new living arrangements with each parent in a pattern determined most often by one or both parents, or failing private agreement, as a result of recommendations and decisions by lawyers, therapists, custody evaluators, or family courts. Most of these decisions have been based on cultural traditions and beliefs regarding post-separation parenting plans, visitation guidelines adopted within jurisdictions, unsubstantiated theory, and strongly held personal values and professional opinions, and have resulted since the 1960s in children spending most of their time with one residential parent and limited time with nonresident or "visiting" parents. A large body of social science and child development research generated over the past three decades has identified factors associated with risk and resiliency of children after divorce. Such research remains largely unknown and untapped by parents and professionals making these crucial decisions about children's living arrangements. This article highlights empirical and clinical research which is relevant to the shape of children's living arrangements after separation, focusing first on what is known about living arrangements following divorce, what factors influence living arrangements for separated and divorced children, children's views about their living arrangements, and living arrangements associated with children's adjustment following divorce. Based on this research, it is argued that traditional visiting patterns and guidelines are for the majority of children outdated, unnecessarily rigid and restrictive, and fail in both the short and long term to address their best interests. Research-based parenting plan models offering multiple options for living arrangements following separation and divorce more appropriately serve children's diverse developmental and psychological needs.

When the divorce rate began its sharp ascent in the 1960s, parents, professionals and family courts were increasingly confronted with important decisions about the nature of the living arrangements for children following separation and divorce. Based on 20th century cultural traditions of mothers staying at home to care for children while fathers worked as primary wage earners, it was generally presumed that mothers would be the primary caretakers following separation, and fathers would "visit" their children in a manner reflecting their more minor role in rearing children. This maternal preference was reinforced by untested psychoanalytic theory which focused on the exclusive importance of the mother, early child development research which focused solely on mothers and children, and early separation research of British war-time and hospitalized children which reported the dangers of prolonged separations of children from their mothers. These various influences shaped the development of "visitation" guidelines, both formal and informal, that were adopted by courts to assist judicial decision-making. While maternal preference statutes were largely replaced in the 1970s by more gender neutral statutes (for review, see Kelly, 1994), traditional visitation guidelines remained the primary influence on decision making, both in court, and among professionals and parents operating under the shadow of the law. Most guidelines were designed as a one-size-fits-all prescription that children would live in the primary custody of the residential parent for all but two weekends during a 4 week cycle, and

“visit” 4 days out of 28 with the nonresident parent, most often fathers. This parenting plan was simple to apply, required no judicial or psychological analysis, and reflected as well the untested but strongly held belief that children would be psychologically harmed if they had more than one home.

As states gradually adopted “best interests” statutes in the 1980s, these primary caretaker guidelines became the default definition of what was considered to be in children’s “best interests”, without consideration of the psychological functioning of each parent, the quality of parenting, the history and nature of the parent-child relationship, the child’s preferences, and the intensity of conflict. Thus, children with a loving and supportive relationship with their fathers typically had no more time with their fathers than children with a self-absorbed, angry, or emotionally distant parent. Such visitation guidelines continue to be applied in many jurisdictions in the United States and elsewhere, despite a rich body of research knowledge which suggests the need for a more differentiated and child-focused approach to developing parenting plans for children that which have the potential to minimize risk and enhance children’s.

Children’s Living Arrangements following Divorce

Although many states adopted statutes in the 1980s and early ‘90s which encouraged frequent visitation and permitted shared physical custody as an acceptable parenting option, living arrangements of children following divorce have remained remarkably stable over the past 35 years. Despite significantly larger numbers of women working outside of the home, men assuming more responsibility in the care of their children in the married family (Lamb, 2004; Pleck, 2004), newer research indicating that fathers as well as mothers make important contributions to their children’s adjustment (Pleck, 2004), and activism of fathers’ rights groups and some women’s advocates pressuring for more generous time allocations between fathers and their children, embedded legal and judicial practices and cultural traditions have been slow to change. Divorce researchers reported that mothers continued to seek and children lived in the sole physical custody of their mothers 80% - 85% of the time, while 10 – 15% of fathers have sole physical custody (Emery, 1999; Kelly, 1994; Maccoby & Mnookin, 1992; Meyer & Garsky, 1993; Selzer, 1991). Joint physical custody arrangements were small in number and often coded as primary father or mother custody unless they were exactly 50/50.

In the early 1990s, approximately 20% of parents nationwide had joint *legal* custody (Nord & Zill, 1996). Studies conducted in Arizona, California, and Massachusetts indicate that when statutes change to permit joint legal custody, the incidence increases to 50 – 90% of parents (Braver & O’Connell, 1998; Kelly, 1993; Maccoby & Mnookin, 1992). Joint legal custody entitles both parents to make major decisions such as medical, education, and day care about their children, whereas with sole legal custody one parent makes all decisions and need not consult or inform the other parent. While joint legal custody theoretically provides both parents with the right to participate in making these major decisions after separation and/or divorce, unless the interim or final custody agreements indicate which specific child-related decisions are to be made jointly, such agreements are largely without significant meaning, as the parent with physical custody makes the major as well as day-to-day decisions

largely by default (Kelly, 1993). This is particularly true when there is continuing hostility between the parents. When parents mediate rather than use the adversarial process to reach parenting agreements, joint legal custody agreements are reached more frequently, and the details of joint decision-making more often spelled out clearly (Emery, 1994; Kelly, 1993, 2004).

Statutory changes permitting joint physical custody have not markedly increased the number of parents sharing physical custody, because many jurisdictions continued to rely on traditional visiting guidelines. The language of joint physical custody was intended to indicate that children were spending substantially large amounts of time with both parents, although not necessarily in a 50/50 timeshare. Researchers have typically defined joint physical custody (or dual residence) as between 33% - 50% time with one parent, the remainder with the other. In the early 1990s, about 5% of families nationwide had shared residential arrangements (Nord & Zill, 1996). In contrast, in California & Arizona, where joint custody statutes were adopted early in the 1980s, joint physical custody arrangements ranged from 12 – 27% of families (Braver & O'Connell, 1998; Kelly, 1993; Kline, Tschann, Johnston, & Wallerstein, 1989; Maccoby & Mnookin, 1992; Selzer, 1998). Fathers with higher levels of education and better financial resources were more likely to request, negotiate, and have shared physical custody (Braver & O'Connell, 1998; Kelly, 1993; Maccoby & Mnookin, 1992). In Australia, where national discussion of shared physical custody as a parenting option was only recently spurred by proposed legislation, 6% to 11% of all post-separation cases had “shared care” (Parkinson & Smyth, 2003; Smyth, 2004).

Research regarding the actual amount of time that children spend “visiting” with their fathers when in mother’s primary custody is very limited, and difficult to obtain. The data vary by children’s ages (younger children tend to visit fathers more frequently than adolescents), years since separation, economic circumstances of the father, amount of conflict, national vs. state figures, and whether reports were obtained from mothers or fathers (mothers under report and fathers over report amount of contact). No reliable measures to accurately record the numerous complexities and variations in contact patterns are in common use. When contact occurs on a regular basis, the dominant mode in the United States and elsewhere appears to be the “traditional” or “standard” visiting pattern of every other weekend for one or two overnights (14% of time with the nonresident parent).

In the most extensive research to date on living arrangements of children of separated parents, Smyth (2005) identified six patterns of parent–child contact among a national random sample of Australian children with a parent (mostly fathers) living elsewhere because of parental separation. These patterns were:

- “shared” care (6%), defined as when each parent had care of their children for at least 30% of nights;
- “standard” care (34%), usually a set schedule of every other weekend for one or two overnights;
- daytime-only (16%), usually no set schedule and erratic;
- holidays-only (10%);
- occasional contact of once every 3-6 months – with no overnights (7%);

- little or no contact (26%), face-to-face contact of less than once a year.

While the percentages may vary somewhat, the patterns are similar in the United States. Daytime-only contact was more typical of parents of young children, and fathers with lower socioeconomic resources, compared to standard care. This may reflect negative attitudes among mothers, mental health professionals, and judges about young children spending overnights with their fathers, and/or fathers who have unstable or unsuitable living arrangements. Data from a second Australian national random sample indicates that mothers' views about father access may be important barriers to meaningful contact. More than half of mothers described "standard" care and no contact arrangements as "about right", in contrast to 61% and 74% of fathers who described these two contact patterns as "nowhere near enough" (Parkinson & Smyth, 2004; see also Smyth, 2004, 2005). More than half of resident mothers had negative attitudes toward the idea of 50/50 shared care, whereas 70-75% of nonresident fathers had positive attitudes (Smyth & Weston, 2004). Similar gender disparities in attitudes and satisfaction have been reported by parents in the United States (King & Heard, 1999). College students reported that their fathers wanted more time with them, but that their mothers were opposed (Fabricius & Hall, 2000; Fabricius, 2003).

There is evidence that the adoption of statutes permitting joint custody and more frequent visitation is slowly leading to shifting attitudes and parenting practices after separation. More expansive visiting patterns are being used in some jurisdictions, including a weekly midweek overnight, or an extension of the alternating weekend to Monday morning, which integrate fathers into the child's school life and work as well as increase time together. Opposition to such expanded contacts remains among mothers and mental health professionals who believe, in the absence of data, that children can not go to school from more than one residence. While the incidence of joint physical custody has remained low, between 35%-60% of children now have at least weekly contacts with their fathers in many locations, most often a brief mid-week visit or overnight (Braver & O'Connell, 1998; Hetherington, 1999; Seltzer, 1998). Among a well educated California sample, the average amount of "dadtime" was 30%, typically every other weekend plus a mid-week overnight each week. Parents mediating their child-related disputes were more likely to have such expanded contact, compared to parents using the adversarial process, who more often reported dadtime from 10% - 20%, more typical of court-related traditional guidelines (Kelly, 1993).

Particularly noteworthy is that the number of children that have no contact with their fathers by two to 3 years post-divorce has decreased from 50% (early 1980's) to between 18 - 26% in the mid to late 1990's (Braver & O'Connell, 1998; Furstenburg, Nord, Peterson, & Zill, 1983; Hetherington & Kelly, 2002; Maccoby & Mnookin, 1992, Seltzer, 1991, 1998; Smyth, 2005). This dramatic change is most likely a consequence of early divorce research citing the importance to children's well-being of continued contact with their fathers, and statutes specifying frequent and continuing contact as a guide for visitation (Hetherington, Cox, & Cox, 1985; Kelly, 1994; Wallerstein & Kelly, 1980). Smyth (2005) attributes father drop out to three "R's" - Repartnering, Relocation, and Residual Bad Feelings, as well as relative economic disadvantage, "rotten

behavior” by a parent, and regard for children’s temperament, resilience, age, and wishes.

Despite encouraging changes, it is still a minority of children who have reliable weekly contact with their nonresident parents (usually fathers) following separation in the United States and elsewhere, despite data indicating that traditional visiting or less contact lead to diminished closeness between children and their nonresident parent (Amato, 1987; Wallerstein & Kelly, 1980). Therapists should be knowledgeable about what visiting guidelines in their jurisdictions, if any, influence court mediators, custody evaluators, judges, and lawyers in determining children’s living arrangements without regard for the quality of the child’s relationship with the parents. Some parents consult with a mental health professional prior to, or immediately after, separation regarding the type of living arrangements that will best meet their children’s needs. As will be discussed, different models for parenting plans that are attuned to the developmental and psychological needs of children have been developed (Kelly, 2005; Footnote 1), and therapists can assist parents in making good choices that benefit children and future parent-child relationships by making such materials available to both parents.

Factors Influencing Children’s Living Arrangements

Many factors determine the extent of contact between fathers and their children following separation and divorce, among them institutional barriers and adversarial processes, psychological and relationship variables, interparental conflict, children’s willingness to maintain contact, the relocation of either parent, and the re-partnering and remarriage of parents.

Institutional Barriers

As indicated, institutionalized visiting guidelines remain a barrier to interested fathers who want to be meaningfully involved in their children’s lives following separation. Based on the power of court precedent, some attorneys discourage fathers from seeking a more generous timeshare (Kruk, 1992). Since a large majority of mothers seek full physical custody, these fathers must either negotiate, mediate, or litigate to obtain more than every other weekend contact, and risk being labeled as a “high conflict” or uncooperative parent by the court because of those efforts. A second barrier to paternal involvement are the built-in mechanisms of the adversarial system, which frame parenting and timeshare disputes as a win-lose matter, escalate conflict and hostility by pitting parents against each other in damaging affidavits and legal motions, and encourage polarized and positional thinking about parenting liabilities and capacities (Ellis & Stuckless, 1996; Emery, 1994; Kelly, 2002, 2003). While the adversarial system purports to focus on children’s “best interests”, it more often discourages parental efforts to focus on their children’s needs, and diminishes the possibility of current and future civility, communication, and cooperation between parents. While fewer than 5% of custody disputes go to trial, the years leading to trial (or pre-trial settlements) are economically and emotionally destructive for most families, and do nothing to promote conditions that foster resiliency in children following divorce.

In response to the failings of the adversarial process in family and custody matters, divorce education programs and custody mediation have been widely adopted as alternative dispute resolution interventions. Research indicates that

such programs are effective along a number of dimensions. Parents in research-based divorce education programs, compared to parents without such interventions, have reported increased parental awareness of their children's needs as separate from adult needs, a greater willingness among residential parents to have their children spend time with the nonresident parent, a reduction in parental behaviors that put children in the middle of disputes, better communication, and greater willingness to settle custody and access disputes with their former partner (Haine, Sandler, Wolchik, et al, 2003; Kelly, 2002; Kramer, Arbuthnot, Gordon, & Hosa, 1998; Pedro-Carroll, 2001, 2005). When parents mediate their custody and parenting disputes in mediation, they reach settlement between 55% - 85% of the time, in both voluntary and mandatory programs. Some research indicates that conflict is contained rather than escalated, parental communication and cooperation is greater, and paternal involvement 12 years after divorce is higher, compared to parent outcomes in adversarial processes (for reviews, see Emery, 1994; Kelly, 1996, 2004).

Psychological and Relationship Barriers

Some fathers fail to maintain a meaningful relationship with their children following separation and divorce because of a lack of interest, personality limitations associated with narcissism, or weak attachments to their children (Arendell, 1995; Hetherington & Kelly, 2002; Wallerstein & Kelly, 1980). Parkinson & Smyth (2004) found that nearly 15% of fathers with no contact and 25% of fathers with day-time only contacts rated their time with their children as "about right". Minimal or no contact fathers may have been marginally involved during the marriage, or interacted with their children because the family structure facilitated the parent-child relationship without much effort and lasting emotional investment. Still other fathers draw back from active parental involvement after separation because of the recurrent pain of reduced contact with their children (Arendell, 1995; Braver, Wolchik, Sandler, et al., 1993; Dudley, 1996; Kruk, 1992; Wallerstein & Kelly, 1980). The ambiguities of the visiting parent role, and paternal role identity issues have contributed to these problems as well (Madden-Derdick & Leonard, 2000; Thompson & Liable, 1999).

Maternal attitudes toward paternal involvement play a central role in fathers' involvement in their children's lives during marriage (Cowdery & Knudson-Martin, 2005; Pleck, 1997), and even more so following separation and divorce. Mothers can be influential gatekeepers of paternal involvement through attitudes and behaviors that either facilitate or limit fathers' opportunities to parent and develop close relationships with their children. Mothers' traditional attitudes toward women's roles, identities linked primarily to caregiving, and perceptions that mothers are more competent at child care than fathers are associated with more active inhibitory gatekeeping, which is linked to less father involvement (Allen & Hawkins, 1999; Fagan & Barnett, 2003). Following separation, the more that mothers perceive fathers to be incompetent, the greater the gatekeeping efforts. When fathers pay higher levels of support, they are perceived to be more competent than fathers paying less support, and there is less maternal gatekeeping (Fagan & Barnett, 2003). Marital status and income also have an effect. Fathers who never married were poorer, less well educated, and reported more maternal interference to their involvement with their children, and less time and fewer overnights with their children, compared to divorced fathers (Insabella, Williams, & Pruett, 2003).

Maternal hostility at separation has been linked to less paternal involvement following divorce, with greater anger predicting less contact and fewer overnights with fathers 3 years after divorce, compared to those mothers with lower hostility (Maccoby & Mnookin, 1992). Maternal hurt and anger about the divorce also predicted more perceptions of visiting problem, compared to mothers who were not as angry and hurt (Wolchik, Fenaughty, & Braver, 1996), and mothers reported interfering with or sabotaging visits between 25% - 35% of the time (Braver & O'Connell, 1998). The majority of parents substantially reduce their conflict by two to three years after divorce, but 8 - 20% of parents continue in chronic, high conflict (Hetherington, 1999; King & Heard, 1999). Disproportionately represented among these parents are those with serious personality disorders, substance abuse problems, and mental illness (Johnston & Roseby, 1997; Kelly, 2003a). When interparental conflict continues at high levels, there is less paternal involvement, more difficulties in the father-child relationship, and deterioration in father-child relationships long-term (Ahrons & Tanner, 2003; Hetherington, 1999; Maccoby & Mnookin, 1992; Pruett, Williams, Insabella, & Little, 2003).

Three major types of post-divorce co-parental relationships have been identified. Conflicted co-parental relationships (20-25%) are characterized by frequent conflict, poor communication, and the failure of one or both former partners to disengage emotionally (Hetherington & Kelly, 2002; Maccoby & Mnookin, 1992). These parents have difficulty in focusing on their children's needs, are more likely to use their children in the expression of their disputes, and seem unable to resolve even small differences or disputes as they arise. It should be noted that not all couples described as "high conflict" after divorce involve two uncooperative, angry parents. Clinicians, mediators, and judges have observed that one parent has emotionally disengaged and wishes to avoid continuing conflict litigation whereas the other parent remains invested in vengeance, control, angry behaviors, and repeated motions to the court (Friedman, 2004; Kelly, 2002, 2003). Parents in parallel coparenting relationships (more than 50%) tend to be emotionally disengaged, have low conflict, low communication, and parent separately in their own domains with little if any coordination of child rearing issues. In contrast, cooperative coparenting (25-30%) is characterized by joint planning for their children's lives, coordination and some flexibility in arranging schedules, and offers of parental support to each other. Cooperative coparenting promotes resiliency in children because of these features, as well as parents' ability to resolve differences on their own or with mediators or therapists as they arise. It has been reported that children whose parents engage in conflict-free parallel parenting also appear to thrive, as long as they have adequate parenting in both homes, and well articulated parenting agreements and orders specifying contact and when joint decision-making is required will occur (Hetherington & Kelly, 2002; Maccoby & Mnookin, 1992).

While most children welcome continued contacts and involvement with their fathers, some resist contact for a number of reasons, including those linked to developmental stage (for example, anxiety about separation), anxieties about leaving a psychologically vulnerable custodial parent, alignments formed in highly conflicted marriages, and fears of conflict and violence at the transition (Johnston, 1993). In families with a history of violence between partners, the type

of living arrangements should be determined after an assessment of the child's needs to be physically and emotionally safe, and the history and nature of the parent-child relationship with the violent parent (Jaffee, Crooks, & Bala, 2005; Johnston, 2005; Ver Steegh, 2005). Some youngsters are realistically estranged from a parent with a history of intimate partner violence and/or have been physically and emotionally abused, and after separation resist contact with that parent as a result of strong dislike or trauma associated with the violence and abuse (Kelly & Johnston, 2001). For these youngsters, minimizing contact or terminating the relationship with such a parent may represent and lead to a healthy outcome.

The extent of father involvement is complexly determined by many factors which therapists can explore with parents separately and conjointly following separation. With fathers, there may be a focus on encouraging steadfastness in the face of post-separation challenges to continued parenting, or coaching fathers to effectively utilize their time with children in normal parenting activities (discipline, involvement in school, play, affectionate exchanges, and supportive communication). With mothers, the exploration of maternal attitudes that seek to limit children's contacts with loving and supportive fathers can lead to an understanding that children's needs are different and separate from adult needs after separation. Important therapeutic work with high conflict parents includes helping them understand how children experience (and dislike) their conflict, the negative outcomes that may result, how to structure parental communications, maintain boundaries, and make safe transitions of the children between parents. Also beneficial are descriptions of the different types of co-parental relationships parents might consider to benefit both their children and their own parenting and well-being. Increasing parent awareness and use of videos, software programs, books and pamphlets focusing on factors that increased risk and promote resiliency in children following separation will complement the therapists' work. When conflicts arise or continue that can not be managed by therapeutic interventions, referrals to custody and financial mediation, and specialized interventions focusing on managing and resolving continuing high conflict, such as the Parenting Coordinator, should be made (Johnston, 2005; Kelly, 2002, 2003b).

Relocation and Remarriage

The relocation of one parent, with or without children, to a new more distant location reorganizes the nature and frequency of contacts between parents and their children. Between 25% to 45% of children move with their custodial parent within two years following separation, some many times (Booth & Amato, 2001; Braver, Ellman, & Fabricius, 2003; Hetherington & Kelly, 2002). Relocations of more than 75-100 miles appear to create substantial barriers to continuity in nonresident parent-child relationships, and studies indicate that distances of 400-500 miles are typical (Ahrons & Tanner, 2003; Hetherington & Kelly, 2002). When parents have limited economic resources, inflexible work schedules, and distances which cannot be managed by car, a pattern of diminishing contacts, drifting apart, and deterioration in attachments and closeness in nonresident parent-child relationships is a common outcome, particularly for very young children (Kelly & Lamb, 2003). The hostility of one or both parents exacerbates logistic and communication problems leading to breakdowns in planning and executing trips (Hetherington & Kelly, 2002; Kelly

& Lamb, 2003). Relocation may be problematic regardless of whether mothers with children or fathers move away from their children, with college students reporting a less favorable view of parents as role models and source of emotional support, and more internal turmoil and distress, compared to students where neither parent moved after divorce (Braver et al, 2003). It is important to note that relocation can benefit children when they are distanced from abusive, self-centered, or coercive and controlling nonresident parents, although no empirical research exists on this issue (Hetherington & Kelly, 2002; Kelly & Lamb, 2003).

Remarriage

The remarriages of both parents lead to decreased contact between fathers and their children over time. Fathers' remarriages, particularly when a child is born within the new union, diminish paternal commitment to the children of the former marriage, seemingly as a result of inability to maintain or deal with multiple commitments, conflicting loyalties and time demands (Bray, 1999; Hetherington & Kelly, 2002). Approximately two-thirds of parents cohabitate prior to remarriage (Bumpass, Raley, & Sweet, 1995), which is also likely to diminish paternal involvement. One-half of parents reported dating in the 60 days after filing for divorce, and by one year post filing, 80% had started dating and half of the parents were in new romantic relationship described by them as serious in nature (Anderson, Greene, Walker, et al, 2004). While the majority of children appear to approve of their parents' dating, one-third of children found it to be highly stressful (Sandler, Wolchik, & Braver, 1988; Hetherington & Kelly, 2002). Children experience multiple transitions in the first year or two after separation as a result of their parents' social lives, including serial dating, engagement, cohabitation, breakup of serious relationships, and remarriage (Anderson & Green, in press), each of which may burden father-child relationships. Early remarriage appears to be more stressful to children (Hetherington & Kelly, 2002), and adult children of divorce whose fathers remarried within one year post-divorce were more likely to report more negative changes in their relationships with their fathers than those who married by 3 or 5 years post-divorce (Ahrons & Tanner, 2003).

Children's Views on Living Arrangements

Early research found that the majority of children reported the loss of the nonresident parent as the most negative aspect of divorce, were distressed and very dissatisfied with the alternating weekend visiting pattern, and described their fathers as increasingly peripheral to their lives, in terms of closeness, providing discipline, and emotional support (Amato, 1987; Hetherington, 1999; Wallerstein & Kelly, 1980). More recent studies have reported that approximately half of children and adolescents state a desire for more contact with their fathers, and one-third want the contacts to be longer. In a New Zealand study, only 2% wanted less contact, typically when fathers were very angry, difficult, or disinterested (Smith & Gallop, 2001; Smith, Taylor, & Tapp, 2003). More than half of college students who experienced their parents' divorces an average of 11 years earlier indicated that they wanted more time with their fathers, and less than 10% in any timeshare category wanted to see their fathers less. Closeness to fathers increased incrementally with incremental increases in time with fathers (Fabricius, 2003), as did college financial support (Fabricius, Braver, & Deneau, 2003). Seventy percent of these young adults indicated that equal timesharing

arrangements would have been the best possible situation. Among those who lived in shared physical custody, 93% expressed satisfaction and believed the arrangement was the best for them (Fabricius, 2003). Another study of college students who had lived in shared physical custody reported less feelings of loss, and were less likely to view their lives through a lens of divorce, compared to those in sole physical custody arrangements (Laumann-Billings & Emery, 2000). Poor relationships between young adult children of divorce and their fathers have been noted in many studies (Ahrons & Tanner, 2003; Booth & Amato, 2001; Hetherington & Kelly, 2002), particularly in lack of affection and trust and fewer offers of assistance, compared to young adults in married families (Amato, 2000; Booth & Amato, 2001; Hetherington, 1999). However, when adolescents with a good father-teen relationship at separation had frequent contacts with their fathers, distrust was diminished, compared to those with less frequent contact, and these young adults did not differ from non-divorced adolescents (King, 2002).

It is important to the majority of separating and divorced youngsters that their desires for input and flexibility about living arrangements are considered by parents, but unfortunately, it seldom happens (Dunn, Davies, O'Connor, & Sturgess, 2001; Kelly, 2002; Parkinson et al., 2005; Smart, 2002; Smith & Gollop, 2001; Smith et al., 2003). Adolescents were more likely to view their living arrangements as more satisfactory and fair when they could see the nonresidential parent whenever they desired (Parkinson, Cashmore, & Single, 2005). High school and college students with parents who were more flexible in adjusting visiting schedules to accommodate their lives had less anger and were closer to both of their parents, compared to those whose parents who were resistant to rescheduling or changing visits to accommodate the youngsters' own scheduling needs (Deneau, 1999).

Living Arrangements and Children's Adjustment

Access and Adjustment

The risk of adjustment, social, and academic problems is twice as great for children of divorce, compared to those in married families (Amato, 2000; Emery, 1999; Hetherington & Kelly, 2002; Kelly, 2000; Simons, Lin, Gordon, et al., 1999). Protective factors ameliorating risk include competent and warm parenting, absence of depression and other psychological disorders in parents, lower conflict, and certain aspects of living arrangements after separation (Kelly & Emery, 2003). Other than studies of joint physical custody compared to sole maternal custody, there are no empirical studies of what specific living arrangements or time shares are associated with more positive outcomes for children after divorce.

A substantial literature has examined frequency of contact between fathers and children's adjustment. Frequency by itself has not generally been a good predictor of child outcomes, in part because fathers vary considerably in the quality of parenting they provide, and frequency does not capture length of visits. In low conflict situations, and with boys and younger children, frequent and regular contact was associated with more positive adjustment (Amato & Rezac, 1994; Stewart, Copeland, Chester, et al., 1997; Wallerstein & Kelly, 1980). When intense conflict persisted between parents, frequent contact was associated with poorer adjustment, presumably because of more opportunities for parental

hostility to be expressed in front of the children at exchanges (Amato & Rezac, 1994; Hetherington, 1999; Johnston, 1995). The use of children to express parental angers and disputes is associated with poorer adjustment in youngsters. When high conflict parents encapsulate their conflict, children do not differ from children of low conflict parents (Buchanan, Maccoby, & Dornbusch, 1991; Hetherington & Kelly, 2002). Increasingly, neutral transitions at school and day care rather than at parents' homes have been used to eliminate the possibility of children witnessing face to face parent conflict, but this practice has not been empirically studied. Mediators and Parenting Coordinators report that by extending Wednesday visits to Thursday morning and Sunday returns to Monday at school, children are protected from being in the middle of parental disputes. Additional buffers have been identified that protect children from parental conflict, including a good relationship with at least one parent or caregiver, parental warmth, and sibling support (Kelly & Emery, 2003). Children do not benefit from frequent contact (if any) with nonresident parents who are mentally ill or abusive, or those whose parenting is compromised by substance abuse or poor parenting practices, just as children's adjustment is negatively affected when custodial parents have similar problems (Amato & Fowler, 2002; Emery, 1998; Hetherington, 1999; Johnston & Roseby, 1997; Kelly, 2000; Kline, Johnston, & Tschann, 1991; Pruett, Williams, Insabella, & Little, 2003).

Rather than frequency of visiting as a predictor, the quality of the parent-child relationship, type of parenting provided by fathers, and amount of contact is associated with children's adjustment. When children have close relationships with their fathers, and the fathers are actively involved in their lives, then frequent contact is significantly linked to more positive adjustment and better academic achievement in school age children, compared to those with less involved fathers (Amato & Gilbreth, 1999; Amato & Fowler, 2002). Active involvement in this instance includes help with homework and projects, emotional support, age-appropriate expectations for their children, and authoritative parenting (setting limits appropriately, non-coercive discipline and control, enforcement of rules). Reduced father involvement after divorce has been linked to more conduct problems, particularly for boys, but when both mothers and fathers are actively involved and provide authoritative parenting, including monitoring of behaviors, then adolescent boys had no more delinquent behaviors than those in married families (Hetherington, 1999; Simons, Lin, Gordon, et al, 1999). Greater amounts of paternal involvement were associated with better adaptive behavior skills, and better communication and socialization skills in very young children, compared to those with less paternal involvement (Pruett, et al, 2003). More paternal involvement in children's school was associated with better academic functioning and behavior, including more A's, fewer suspensions, and a more positive attitude toward school, compared to those youngsters whose fathers were less involved (Nord, Brimhall, & West, 1997). Adolescents whose fathers were actively engaged *and* paid child support regularly, were significantly more likely to complete high school and enter college, compared to those whose fathers were either actively engaged *or* paid child support (Menning, 2002).

In these studies, actual patterns of contact were not provided, although it is likely that "greater" amounts of contact or paternal involvement exceeded the two to four days a month of standard visiting patterns. A central question is

what amount of regular time is necessary to provide adequate fathers with sufficient time to be involved in school, projects, discipline, and talking about problems. This may vary by the age of the child, but it appears that some contact during the school week between such fathers and their children promote more interest and connection to children's school and daily lives, and long-term, meaningful relationships. In order to maintain and consolidate attachments formed with both parents prior to separation, it is important for infants and toddlers to have frequent contacts, including overnights, with their adequate nonresidential parents, without prolonged separations from either parent (Kelly & Lamb, 2000; Pruett, 2005, Pruett, Ebling, & Insabella, 2004; Warshak, 2002). In separating and divorcing families without a history of domestic violence, children from 4 to 6 years of age who had one or more overnights per week with their fathers had better psychological and social adjustment than did those children without overnights. While there was no relationship between overnights and psychological adjustment among the birth to 3 years group, parents reported fewer social and attention problems, and girls were less withdrawn, among families with overnights, as compared to those with no overnights. Among these young children, consistency of schedule was an important predictor of positive adjustment (Pruett, et al, 2004).

Sole Physical and Joint Physical Custody

Early studies of joint physical custody reported better adjustment of children compared to those in sole custody, and more satisfaction expressed by shared custody youngsters, but samples were small, nonrepresentative, and self-selected. A meta-analysis of 33 studies comparing joint physical and sole maternal custody from court, convenience, and school-based samples indicated that children in joint physical custody arrangements were better adjusted across multiple measures of general, behavioral, and emotional adjustment, self-esteem, family relations, and divorce-specific adjustment. Regardless of whether the ratings were provided by mothers, fathers, teachers, clinicians, or the children themselves, joint custody children were better adjusted than sole maternal custody children. While joint custody parents reported less past and current conflict, compared to sole custody parents, conflict was not a predictor of the joint custody advantage in child adjustment (Bauserman, 2002). Two other studies similarly found joint physical custody to be more beneficial to children and adolescents than sole maternal custody along multiple dimensions when conflict was low, but these benefits were suppressed by high levels of conflict (Lee, 2002; Maccoby & Mnookin, 1992).

Overall, the empirical literature demonstrates numerous benefits, including better psychological and behavioral adjustment and academic achievement, to children when their living arrangements enable supportive and loving fathers to be actively involved in their children's lives on a weekly and regular basis, including a combination of overnights, school-related, and leisure time. Further, the vast majority of children want more contact with their nonresidential parent than is typically decided between parents or by courts, and many favor the concept of shared physical custody. Those children and adolescents who have lived in shared physical custody arrangements are generally satisfied, feel loved, report less feelings of loss, and do not frame their lives through the lens of parental divorce, compared to those who lived in sole

custody of their mothers. Young children with attachments to both parents need sufficient contact with their adequate nonresident parents without prolonged separations of many days or weeks to maintain meaningful and close relationships. When parent conflict remains intense following divorce, frequent transitions and contact may be detrimental to children if the children are exposed to and embroiled in their parents' conflict. In such cases, because children typically love both parents, reduced contact may not be the most beneficial solution. Instead, one searches for arrangements and interventions that will reduce the conflict and its impact on children. The presence of buffers that protect children from parental conflict should be assessed and encouraged, transitions arranged that occur in neutral sites such as school and day care, and mediation or Parenting Coordination interventions implemented.

Conclusion

A large empirical literature has emerged that identifies factors that promote resiliency and positive adjustment or increase risk in children of divorce. Among these are factors associated with children's living arrangements, in particular, the limitations of widely applied traditional visitation guidelines in families with supportive and adequate fathers. As a result, many divorce professionals recognize that children's contacts with their nonresident parents should not be based on every other weekend guidelines, but should reflect the diversity of parental interest, capability, and the quality of the parent-child relationship. Some have argued that children should also provide some input into the type of living arrangements that they will experience in the years following separation and divorce, as long as they are not asked to choose between parents. Bolstered by research cited above, specialized interventions for interviewing children during separation and divorce processes have been developed that solicit children's voices and provide feedback to parents in a manner that protects children's safety and interests, typically within a mediation context (Kelly, 2002; Sanchez & Kibler, 2004; McIntosh, 2000).

Research-based models of parenting plans which offer multiple options for living arrangements following separation for parents to consider have been developed as an alternative to restrictive guidelines (Kelly, 2005; Footnote 1). Relying on divorce and child development research, including the voices of children, these models consider the ages and developmental capacities of children, parent-child relationship quality and parental interest and investment. They provide several examples of living arrangements for each age group, from variants of fully shared physical custody, to extended visitation options, to limited contacts when parents or courts see it as appropriate. The living arrangements are described in a neutral manner, inviting parents to consider their own unique family situations and schedules, their parent-child relationships, and children's psychological and developmental needs. The model parenting plans have been designed to be broadly informative and accessible for parents. Some models are structured as workbooks and encourage parents to consult together to settle or narrow the myriad child-related decisions that should be included in agreements, rather than litigate these issues. Some provide detailed templates for parents to consider aspects of legal decision-making and parental responsibilities, and ideas for the distribution of holiday and vacation time, as well as highly readable research-based information about

what situations and parental behaviors are known to harm and to benefit children (Footnote 1). The use of mediation and other dispute resolution interventions, including scheduling software programs, is encouraged when parents can not reach agreement (see Footnote 2). It is anticipated that these model parenting plans presenting many types of living arrangements as normative possibilities will encourage the court to move beyond restrictive traditional alternative weekend visiting as the primary option for all families, and will assist parents in negotiating parenting agreements which focus on their children's needs and their continuing parent-child relationships.

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Footnotes

1. For examples of parenting plan models, see www.supreme.state.az.us – Model Parenting Time Plans (Publication & reports/Public Information/Divorce & Parenting Issues/Custody and Parenting Time); www.state.ak.us/courts/forms/dr-475.pdf - Alaska Model Parenting Agreement; www.afccnet.org -AFCC – Planning for Shared Parenting; jbkellyphd@mindspring.com – for research annotated schedules from author.
2. For examples of scheduling software for parents and mediators, see Info@ourfamilywizard.com; www.sharedground.com