

Shared parenting

The views of separated parents with 50:50 care arrangements

What are the motives, arrangements, and reflections of separated parents who spend equal time with their children? This paper provides some insights.

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In 1997, around one million children in Australia under 18 were living with one natural parent and had a parent living elsewhere (ABS 1998). Thus a core concern for public policy continues to be how to foster the continuing care and support of children following parental separation.

The Australian Government has recently announced a parliamentary inquiry to investigate whether a legal presumption of joint residence should become part of Australian family law – that is, if parents separate and cannot agree on arrangements for their children, the starting point should be that children spend equal time with each parent. Where there is evidence that this arrangement would not be in the children's best interests then adjustments would apply. Equal time means that children would usually move between two homes. The Government's interest in a "joint residence" model may be heralding the most extensive reform of the law relating to children since the introduction of the Family Law Act in 1975.

Why 50:50 care? The forthcoming parliamentary inquiry "seeks to address community concerns about the operation of contact and child support arrangements for separated families and reflects the Government's commitment to ensuring that, to the greatest extent possible,

children have the benefit of the love and care of both their parents when a couple separates" (Williams and Anthony 2003). This view is consistent with arguments put by advocates of joint residence that focus on the benefits for children of maintaining a close relationship with both parents (Bauserman 2002). By contrast, opponents of joint residence typically emphasise children's need for stability and the potential harm for children of being exposed to ongoing high levels of parental conflict, parental neglect or psychopathology (Bauserman 2002; Brotsky et al. 1991).

Despite substantial interest in "splitting" parental care "down the middle" after separation, little is known about parents who opt for equal (or near equal) care of their children, how these arrangements are structured, and how well they work (but see, for example, Abaranel 1979; Brotsky et al. 1991; Braver and O'Connell 1999; Bauserman 2002 in the United States context). This gap in our knowledge is not surprising given that such arrangements are relatively rare in Australia. Indeed, less than three percent of children with a natural parent living elsewhere had "shared care" arrangements in 1997 – defined by the Australian Bureau of Statistics (ABS 1998) as involving at least 30 per cent of time spent with each parent. Moreover, less than 4 per cent of



parents registered with the Child Support Agency last year were deemed to have “shared care” of their children – defined by the Child Support Agency (2003) as involving 40-60 per cent of time spent with each parent.

In this paper, we examine the arrangements, motives, and reflections of such parents. While the primary purpose of the data being drawn on is to inform a larger study by the Institute investigating contact and child support issues, they also offer useful insights into some of the “hows, when’s and why’s” of shared care.

The focus groups

This paper draws on qualitative data derived from a series of focus groups (see Smyth, Caruana and Ferro (2003) for a description of the full methodology). Participants were recruited through a story in a Melbourne newspaper combined with snowball sampling.

The following analysis is based on the responses of 12 separated or divorced parents (seven fathers in one focus group, five mothers in another), each of whom had an equal (or near-equal) shared care arrangement. Half of the parents had re-partnered. Only two of the 12 parents were from the same former union.

All of the parents lived relatively close to their former partner. Seven of the 12 parents reported getting along well with their former partner, three said that they didn’t get along too well, and two had little or no communication. All except three of the participants made their own parenting arrangements without involvement in the legal system. All of the men had reduced or relatively flexible work arrangements; all of the women were in paid work.

Parents in the 50:50 care focus groups appear to be a relatively distinct subgroup of separated parents. Their profiles shed light on some of the basic conditions conducive to shared parenting: proximity, work flexibility, a degree of financial independence, and a cooperative co-parenting style – which perhaps largely explains why most of these parents did not seek legal interventions. Interestingly, two of the three parents (one male, one female) who did go to court are the same two parents who reported avoiding their former partners in their parenting patterns but nonetheless managed 50:50 care.

While this profile is informative in its own right, we now turn to the qualitative data to try to get underneath the family dynamics of 50:50 care.

Family dynamics of shared care

Findings are structured in two parts. First, three case studies are offered. Second, key themes that emerged from the interviews are presented. Given the micro-scale of the design and samples, the following observations are framed as “insights” rather than findings.

Two caveats should be noted. First, the richness and depth of respondents’ individual stories can never be fully represented by any form of data display. Second, the groups of separated men and women are very small, and they were not drawn randomly from the general population of separated or divorced parents. Thus no claim is made that the responses are representative of shared care parents or generalise to that population. Qualitative data are not used to draw inferences about a particular population at large. Rather, they provide in-depth information about context, diversity and process.

Case studies

As mentioned earlier, little is known in Australia about how parents who opt for shared care split their time with their children. Responses from the focus groups point to great diversity. What follows are three brief case studies that illustrate a range of 50:50 contact schedules, and the family dynamics around these schedules.

They have two boys and a teenage daughter. Rod has repartnered but Sally has not. They have an extremely cooperative relationship and are happy with their shared parenting arrangement (see Figure 1). The complexity of their arrangement appears to be a function of each family member’s need to have frequent contact with one another.

According to Sally:

“We have a very informal arrangement which we just arrived at ourselves and we’ve stuck with that since . . . I think we’ve been separated about four and a half years now. So we have stuck to that for the sake of the children. And we do a little bit like what you were saying . . . the children are with me Sunday night, Mon-



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Simon

Simon is 30, and has been separated for about four years. He has repartnered, and has had a “week about” arrangement almost from the outset, with changeovers occurring on Fridays (see Figure 1). Simon is a strong advocate of shared care, and personifies engaged fatherhood:

“I have two daughters: one who’s seven and the other’s just turned nine. And they’re awesome kids. I love hanging out with them. They never cease to amaze me, and they’re always entertaining. We just love hanging out.”

Simon’s dealings with his former partner are not always cordial and cooperative. He does not define his arrangement as “co-parenting” but rather sees it as two parents each doing their own thing (that is, “parallel parenting”). Nonetheless he was one of the most enthusiastic advocates of the joys of shared care:

“I was actually rapt when I heard about it [the possibility of shared parenting] because it’s an enormous opportunity for me. It’s been a great experience. When I went to court to get the divorce the Magistrate said to me: ‘How’s it going? I haven’t seen many people in your situation.’ I said, ‘It’s been going fantastic!’ She was amazed, and hadn’t heard much of that.”

Simon continues:

“A lot of guys who have just separated don’t realise that it’s an option. They think ‘standard care’ is all there is out there”.

Sally and Rod

Sally (aged 45) and Rod (aged 49) are from the same former union. They have been separated for four and a half years.

day night, Tuesday night – with Rod Wednesday night, Thursday night. And on the weekends we swap, so whoever’s weekend it is has them on the Friday night and then the other person has them on the Saturday night and the Sunday and then they come back to me on the Sunday night. It sounds mucky – it works for us. None of us wanted to not see them for very long. I don’t know how you do the-week-without-them thing. Neither Rod nor I would agree to that for a minute. We might now that they’re at secondary school, but I couldn’t have managed that personally when they were young.”

Sally and Rod’s schedule is very child-focused in that the children’s activities act as anchor points for changeover. For instance, on Saturdays, the boys play basketball. One parent arrives with the children. Both parents watch the game, after which the other parent takes the children. The weekend rotation means that weekend time (often viewed as “quality” leisure time by parents) is shared so that Friday and Saturday night care is alternated, allowing both parents to have a social life.

In passing it is noteworthy that Sally and Rod had discussions this year with their children about changing the pattern of care. They were concerned that their teenage daughter might have wanted something a little different from her younger brothers. To both parents’ surprise, all three children wanted to keep the pattern as it was.

Kathy

Kathy is aged 40. She and her former husband have shared the care of their ten-year-old son and six-year-old daughter for five years. Kathy’s arrangements (see Figure 1) and perceptions differ markedly in some ways from those of Sally and Rod. This may be because Kathy and her former

partner have little contact with each other. Essentially they “parallel parent”. They have been involved in extensive litigation regarding the children and have an extremely detailed order.

Kathy says:

“Well mine’s [her arrangement] very rigid and we don’t deviate or else I end up back in court. The children’s changeover is predominantly after school, so Monday night they go to their dad’s, then they get picked up from school. Tuesday they’re at their dad’s. Wednesday I pick them up from school. Then they’re with me Wednesday night and Thursday night. Weekends alternate and on his weekend he brings them back to me on the Sunday night.

The kids adjusted to it. They get annoyed at times and say, ‘I wish I didn’t have to go’ or ‘I wish I didn’t have to do this!’ Because it’s not an amicable situation there’s lots of games being played of socks not being returned and toys can’t be transferred, and things like that. We have issues around their possessions and then they’re manipulated as part of a power struggle. So that becomes quite difficult. But in relation to the children, they know the routine. It’s been that way basically since – what, we’ve been split now five years and it was probably six months after the split, this was the arrangement. And so it hasn’t been any different. But how they like it, I don’t really know at this stage because they just know that’s what the judge said so that’s the arrangement.”



It is interesting to note that one of the anchor points in both Sally and Kathy’s schedules is Sunday night, whereby the children start the school week with their mother. On this point, Kathy is clear:

“I agreed to allow him access because he was their father at the end of the day. But given that Patrick was about to start school I stipulated that I wanted them on the Sunday night so at least I knew that he would go to bed at a reasonable hour and he would be ready for school. Yeah, so that’s basically how we set it up. He said ‘I want 50:50’ and I said ‘well not quite’ because at least at the beginning of the week I know they’ve gone to bed, and as I said they were only really little. And he was entitled to be a father still. But there have been a lot of pitfalls because it hasn’t been like yours [like Sally’s], as in amicable. There were egos that we had to contend with as well as access. And quite often he forgets that the actions that he’s taking are ultimately affecting them – they will affect me but I can get over it because I can see through it, whereas they are the ones that have to wear it and live with it, and that’s where it’s really hard.”

Some of Kathy’s reflections allude to the children being “caught in the middle”. As pointed out by Ricci (1997),

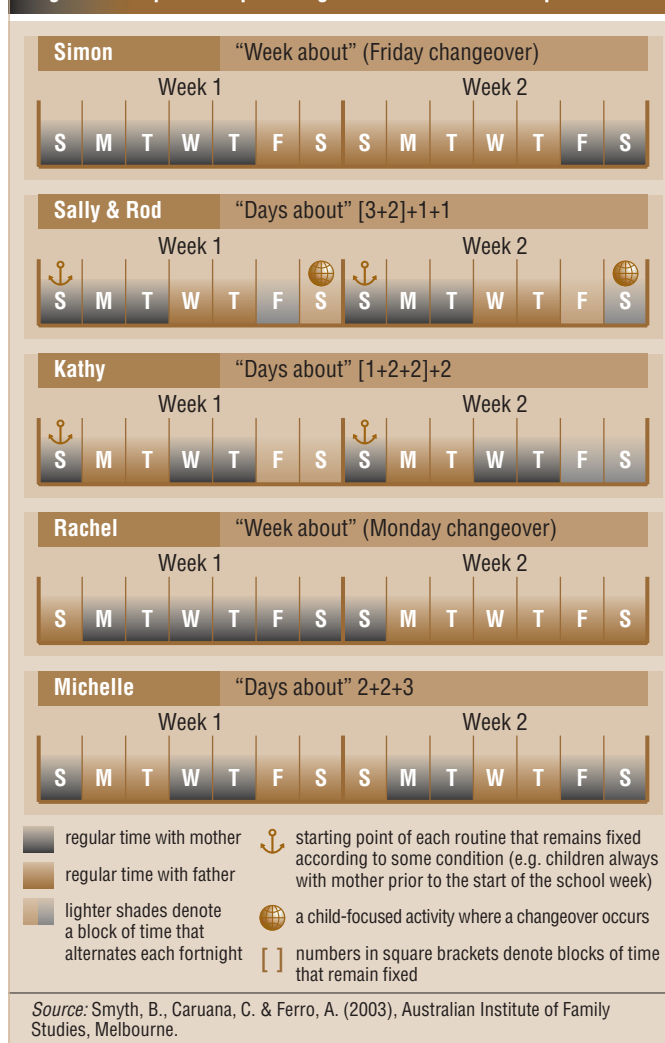
a good legal agreement does not guarantee a good outcome for children.

It is important to note that other 50:50 timeshare schedules were operating outside of those described above, with “week about” being the most common arrangement. However, even in this pattern, there were differences in the day on which handover occurred (such as Friday or Monday) (see Figure 1). On this point, a common theme among participants was a strong desire for guidance by way of information or services to assist in (a) ensuring that a shared care arrangement was suitable for their particular circumstances, and (b) helping to develop a schedule that would fit those circumstances.

For instance, Kathy was happy to try a 50:50 care arrangement but was keen to have some information about how to set up a schedule. She pressed a Family Court mediator but to no avail:

“When I put it on the mediator – not so much to give me the answers but to give me and my ex ideas on the variables that you need to consider in this model – they weren’t forthcoming. It was an answer like: ‘You have to work it out. You’re an individual group and you need to do it.’ Which made it really difficult because then it looked like I was dictating terms to which he [her former spouse] repelled straight away.”

Figure 1 Equal time parenting schedules: some examples



The preceding three case studies suggest the first insight:

Insight 1 Which split?

There appears to be much diversity in how parents with 50:50 care divide their time with their children. Even in the most common pattern of shared care in the groups, “week about”, parents differed on the day (and way) that the weekly changeovers occurred.

50:50 care may be “fair” but it is not simple, and parents have little information to guide them. Several questions for parents suggest themselves: Which time split? What works? What if we can’t agree?

Key themes

Six key themes emerged from the data: parents’ motives; work and money issues; quality time versus quantity of time; paternal competence; logistical challenges; and a child-focused mindset. These themes are punctuated by some interpretive commentary framed as “insights”.

Parental motives

One of the transition questions that we asked, “Why this pattern of contact?”, sought to identify the thinking behind different patterns of care. When we asked, “Why shared care?” to the co-parents in the 50:50 arrangements, some gender differences emerged.

Fathers’ sense of their own rights as parents appeared to be a key motivating factor:

For Conrad, the 50:50 split appeared to be a compromise:

“I was after full custody. The best I got was custody of one, and shared care of the other.” [Conrad 58; son 17, daughter 19, two teenage stepsons]

Rod’s motives appeared to be based on his own parenting rights:

“I was quite adamant that I wanted 50 per cent on that because a male has got as much to give as a female, and the children were only very young. And I’ve got as much experience at bringing up children as my wife has, because it was her first experience as well.” [Rod 53; three children – two boys and a teenage girl]

Andrew appeared to gain a split arrangement by default:

“My ex wanted to spend time with her new man, and I don’t think she felt capable so she gave me the kid half time. Just because it was easier for her.” [Andrew 43; daughter aged six]

Simon’s arrangement seems to have grown out of both default and his own sense of parenting rights:

“My ex is very busy. And also *she* left *me* so she had to go and find a place. So of course I was left with full custody of the kids until she found a new place. And also there was no way I was going to give up any more than 50 per cent, and she knew that I’d take that as far as I had to.” [Simon 30; two daughters aged seven and nine]

Unlike the other fathers, Paul’s motives were more child-focused and in that regard were more in line with the mother’s views (see below):

“In my case it was that my own level of maternal drive, and also the fact that mum knew I was very

involved from day one, and would do that anyway. And just the principle that it’s fair that the child needs to see the mother and the father.” [Paul 46; daughter aged 13]

Mothers voiced two dominant motivations for 50:50 care. First, they felt that a high degree of father involvement was in their children’s best interests. Second, they believed that fathers were entitled to maintain a key role in their children’s lives.

Camille says:

“I thought it was crucial . . . the girls adored their dad and despite his failings, and my failings as well, in our relationship, I wasn’t going to let that cloud my judgment with him being a role model for them in the future. It just wasn’t an option . . . And it’s been fabulous for the girls and their relationship with their dad. He takes them fishing, camping. He does more now than he did when we were married. Which is awesome. I just love it. It’s



great for the kids.” [Camille, about 35; two daughters aged 10 and 13]

Kathy recalls:

“Mine was because he was entitled to have them and I felt they were entitled to have their father so I wasn’t going to deny them any access to him, but that was his agenda . . . But there have been a lot of pitfalls because it hasn’t been . . . amicable.” [Kathy 40; daughter aged six, son aged ten]

For Sally:

“There just never seemed to be any option for us. We both wanted them and the kids wanted to be with both of us. So we just came to the best arrangement that we could. And there was no reason for them to be with me more than with him. There was just no question ever and there hasn’t been ever since. And the kids run out the door when he arrives – I could never imagine it being any other way really for us.” [Sally 45; two sons and a teenage daughter]

Rachel's motivation for a 50:50 arrangement appears to have derived from a strong moral position on the equal rights of parents – strong enough, it seems, to have overcome some serious concerns she initially had about her former partner (a Family Court counsellor advised Rachel not to leave the children in their father's care):

“You can't choose someone to father your children and then decide that it's not right to have anything other than equal access to your children. So it was a philosophical point of view. In practice, for many years I was worried I'd made a terrible mistake, and I think I'm nearly at the point where I think it's worked out well. But I believe I took a very big risk.” [Rachel 43; two teenage daughters]

Andrew says:

“I run a small business . . . I just always put my daughter first and the business second . . . If I show up on occasions with a kid in tow, clients don't mind. It works really well.” [Andrew 43; daughter aged six]

Stephen adds:

“I work in the community sector and I work four days a week, and they're very flexible about it. The week that I haven't got the kids I work extra hours and when I do have them, I finish at school time.” [Stephen, 42; three children aged 8, 11 and 13]

Mothers, on the other hand, found that paid employment gave them the ability to make choices for themselves and their children.

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According to Rachel, money is a critical factor:

“I could imagine that money would be an extremely constraining factor in many arrangements like this [50:50 shared care]. I'm grateful that that's not been a big issue for us, but I'm certain it must be very difficult if you've not got good choices available to you.” [Rachel 43; two teenage daughters]

Rachel's comment alludes to the economic pressures that are likely to face *either* parent in opting for shared care.

Insight 3 The work-family balance

Parents who spend equal time with their children need access to family-friendly work patterns. Both mothers and fathers who opt for shared care generally appear to be in a financial position that allows them to make choices about their work-family balance.

Insight 2 Motives – his and hers?

A range of motives for 50:50 care is evident:

- For many of the fathers, their own need to be involved as parents appears to have been a key motivating factor for 50:50 care.
- By contrast, mothers appeared to be motivated by the rights of both the child and the father to continue their relationship.
- It may well be that as fathers become embedded in their children's lives, they become more child-focused.

Work and money

One of the most conspicuous features of the mothers and fathers in the 50:50 care groups was that all were in paid employment. In the case of fathers, all had some degree of flexibility in their work hours – indeed, some had chosen to work a four-day week or less, while others had changed jobs (or stayed in jobs) to give them this flexibility. All of the fathers appeared to have framed their work patterns to care for their children.

Quality time versus quantity of time

A defining feature of the fathers with shared care was the way in which they viewed contact. In asking them about the sorts of things that they did with their children, and which (if any) dimensions of contact (for example, quantity, quality, predictability, or flexibility) were more important than others, fathers spoke of how time gave them a chance to do simple everyday things with children – quality things.

Andrew reflects:

“For me . . . basically it's quantity of time. Spending a lot of time together, just wandering around . . . with her on my shoulders when she was little enough to stay up there without killing me. Eating together . . . watching TV together – the day-to-day boring stuff.” [Andrew 43; daughter aged six]

Nigel expressed many of the fathers' thoughts on this issue:

“What do I do with the kids? I'd say: I'm *around* them.” [Nigel 55; four teenage children]

Insight 4 *It's about time*

50:50 care affords parents the chance to spend time with their children, from which "quality time" can flow. Time allows fathers to embed themselves in their children's lives – "being" rather than "doing".

Paternal competence

Many of the fathers had found shared care to be an extremely rewarding experience. This did not mean, of course, that they found it easy learning how to be a primary carer.

Andrew provided a sharp image of his own growth in this regard at three different points in the focused group interview:

- "I felt *terribly* alone after the separation. Me and a 15-month-old baby and a broken heart, and a pile of nappies. Bloody traumatic. Just you and the kid. There's no mother, sisters, health care nurses. Nothin'."

Specifically, a number of conditions – relational and structural – appear conducive to making shared care a viable option for separated parents.

- "But something that I found really interesting was that apparently nature's built all sorts of nurturing instincts in men that nuclear families have kind of forgotten about. It's all just there waiting to be discovered. And it's terrific to find it in yourself, to go for it . . . It's wonderful!"
- "I found one of the hardest things was getting in touch with my gut instinct, and then just having confidence in it." [Andrew 43; daughter aged six]

Insight 5 *The road less travelled*

Parental separation is a major life transition. Some fathers may benefit from practical and emotional support – especially in managing role transitions and/or caring for very young children.

Logistical challenges

Shared parenting involving a 50:50 split is probably the most logistically complex parenting arrangement possible. It can place huge demands on children and parents (Benjamin and Irving 1995). The complexity of shared care became abundantly clear during one interchange between two fathers, Rod and Nigel:

Rod: "We see each other all the time. Clothes? . . . I'm forever driving here and dropping off school clothes there . . ."

Nigel: "We have three sets of everything – one in each household and one set lost somewhere in-between. And it's kind of true that stuff gravitates one way and you've got to say: 'Hey! I'm out of this!' or 'Where are all my towels?'"

Rod: "Or you do a big wash and say 'I've got everything!'"

Nigel: "That really depends in my case on reasonable relations with my ex-wife. Reasonable relations make so much possible."

[Rod 49; two sons and a teenage daughter. Nigel 53; four teenage children]

Insight 6 *Reasonable relations*

Shared care involves many logistical challenges. Parental cooperation can help to overcome these challenges.

Putting kids first

Nigel's final comment that "reasonable relations make so much possible" embodies a key insight that Ricci (1997) and others (for example, Funder 1993; Reynolds 2001) have previously articulated: the way that parents relate to each other after separation is crucial.

This, of course, is one of the key challenges for all parents who separate: being able to disentangle their



prior intimate relationship from their parenting. It seems reasonable to assume that in Nigel's case, "reasonable relations" is his way of describing a structured business-like working relationship with his former partner for the sake of their children. The child-focused flavour of this working relationship was indeed a common thread that ran through many of the comments of mothers and fathers in the 50:50 care focus groups.

Camille reflects:

"Yes it's amicable. We just take our egos out of the equation and do what's best for the kids basically. All the time." [Camille, about 35; two daughters aged 10 and 13]

Nigel is adamant on this point:

"We never use the kids as pawns . . . or as ammunition, or say: 'Who do you want to live with?'" [Nigel 55; four teenage children]

And Andrew appears to be very committed to a cooperative parenting pattern:

"We keep a good working relationship . . . there's a lot of generosity towards each other, and we both remember that it's about the kids, and that's important." [Andrew 43; daughter aged six]

Parents who opt for 50:50 care typically get along with each other, and work hard to put their children's needs above their own issues.

Conclusions

This paper has examined the arrangements, motives, and reflections of a small group of separated parents who share equally in the care of their children. It is important to note that no claim is made that participants' responses are representative of shared care parents or generalise to that population. They do, however, provide unique insights into a range of contextual issues about sharing the care of children following parental separation.

The data suggest that parents' arrangements may often be logistically complex, and that those who opt for 50:50 care appear to share a number of common characteristics.



Specifically, a number of conditions – relational and structural – appear conducive to making shared care a viable option for separated parents. These conditions include: geographical proximity; the ability of parents to get along and, at minimum, to maintain a “business-like” working relationship as parents (with children kept “out of the middle”); child-focused arrangements (with children's activities forming an integral part of the way in which the parenting schedule is developed); a commitment by everyone to make shared care work; family-friendly work practices, especially for fathers; a degree of financial

independence, especially for mothers; and a degree of paternal competence.

This is not to say that all of these conditions must be met. Indeed, parents in at least two of the families did not get along and appeared to have some difficulty keeping children out of their bad feelings for each other. To what extent these arrangements, although “functioning” in legal and technical terms, were nonetheless exacting a toll on the children is unclear. However, destructive patterns of family dynamics were not the norm in this small group. Virtually all of the parents adopted a shared care arrangement from the

outset, and most had established this arrangement without any involvement with the legal system.

The insights presented in this article may be worth bearing in mind in any consideration of a legal presumption of joint residence. Significantly, it should be noted that these insights are based on the views of *parents*. Little is known about *children's* views on shared care arrangements. Moreover, scant information is available on the long-term outcomes for children and parents with these arrangements. The collection of such data would represent a crucial plank of knowledge required to fully answer the question: How well does 50:50 care work?

The last words go to Andrew, who ended the fathers' focus group with the following insights:

“I notice that the one thing about the group as a whole is that all of us are here because we're putting the kids' welfare first, and most of us are getting on well with the ex's because the kids are more important than the ex or whatever . . . There are so many things where you just have to throw away the remote control and worry about the things that you *can* do.”

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Bruce Smyth, Catherine Caruana and Anna Ferro are researchers at the Australian Institute of Family Studies, working on the *Caring for Children After Separation* project. This project which is part of the Institute's Family and Marriage research program.

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