



Single Parenting: Custody Issues

Custody decisions are often difficult. When considering custody arrangements, think about how you really feel about being responsible for the day-to-day care of your children and whether you can provide for your children's various needs.

You are not alone

Custody issues affect many children. Divorce rates have remained steady since the early 1980s. About 50 percent of all marriages end in divorce. Nearly six of every ten first marriages end in divorce.

Divorce is a long process that affects children in different ways. Recent studies found that children's adjustment to divorce depends on many factors. If there's no serious conflict or problem within the family, such as violence, child abuse or substance abuse, children generally benefit by having relationships with both parents.



What does custody mean?

Custody arrangements involve legal custody and physical custody. Legal custody has to do with who makes important decisions about the children, such as educational, medical and religious decisions. Physical custody involves where children live most of the time.

When parents are married, they share joint legal and physical custody. When divorced, usually both parents share legal custody. One parent may have physical custody, while the other parent has visitation rights and pays child support. If parents never married, child support and custody decisions are treated as if the parents had been married.

How are custody decisions made?

Parents usually decide about custody arrangements. The parent who provides the most child care may have physical custody. If the parents can't agree, custody arrangements may be decided by going to court or through mediation. Mediation may be preferable, since the court process is typically slow and may be hard for children and parents.

Mediation involves a series of meetings between parents and a trained mediator. Mediators have knowledge about family law, child psychology and how to resolve conflicts. The mediator works with the parents and possibly the children. Together, they develop a custody plan that is in the best interests of all family members. Common issues that mediators handle are child custody and child support. Some families also like to have an attorney to help them understand legal questions.

Mediation is generally a short-term, nonthreatening option for families, yet it may not be appropriate for all families. Mediation would not be appropriate if there is a history of family violence, mental illness or substance abuse. Some families find mediation helpful because it encourages parents to cooperate. Emotional issues get discussed and new roles are defined. The goals of mediation are:

- to help decide a custody arrangement.
- to improve satisfaction with the custody process.
- to avoid a custody hearing.
- to ease the transition to family life after the divorce.

Sometimes parents can't agree on custody or visitation by themselves or through mediation. They may decide to take their case to court. Court cases are usually long, involved and expensive. In New Hampshire, a typical court case may take 9 to 12 months. Usually the court process increases parental conflict. Often parents distrust each other and the legal system.

At times, a neutral person, called a "guardian ad litem" is appointed to represent a child. The guardian ad litem spends time with a family and recommends to the court what is best for the child. Custody can be granted to someone who is not a biological or adoptive parent, such as a grandparent or stepparent. In most court cases, however, the judge awards joint legal custody to parents, unless there is a history of abuse in the family.

Children's role in custody decisions

Although a child's relationships, interests, and wishes are often considered, adults, not children, actually make custody decisions. Most adults feel it's unfair to put children in the role of choosing between their parents.

Older children, however, can have more say in custody arrangements. The New Hampshire Supreme Court allows the custody preferences of children around 14 years-of-age to be given "substantial weight."

Regardless of how custody arrangements were agreed upon (through mediation or court), recent studies find that custody arrangements often change over time. Decisions about custody arrangements are ongoing. The goal is always to work toward the best interest of children.

Benefits

Studies show that joint custody arrangements have the following benefits:

- Children feel secure and gain comfort from involvement with both parents.
- Parents are more satisfied and grow to value the role their former spouses play in raising their children.
- Parents are more likely to provide financial support when involved in their children's lives.
- Parents may be able to share babysitting on a regular or emergency basis.
- Parents are less likely to experience stress since they have some time for themselves.

Examples of custody arrangements

Custody arrangements will depend on your family's particular situation. Research shows that children's adjustment depends on the amount of quality time parents spend with their children. The type of family structure is not as important. To help you in your thinking, here are some typical visitation arrangements:

1. ***Split week arrangement.*** One parent has the children Sunday through Tuesday, the other Wednesday through Saturday. This arrangement means parents must live close to each other within the same school district. This structure may help children feel secure because they truly have two parents and two homes. Yet, going back and forth between two homes might be difficult for children and parents. This arrangement is better suited for children seven years of age and older. It doesn't usually work for young children. The specific temperament, age, and needs of the child also should be considered. Children must have the flexibility and resiliency to make frequent transitions. The split week arrangement is best for cooperative former spouses. It is not the best arrangement if there is a lot of parental conflict. Studies show that this arrangement has been overprescribed and many couples have been pressured to adopt it. It is important to think about how well parents handle their differences and the needs of the children.

2. ***Children visit their nonresidential parent every other weekend.*** This is a common arrangement because children don't move very often. Still, it may be difficult for children to wait long periods of time to see a parent. It also may be difficult for the noncustodial parent to maintain a sense of providing a real home. Remaining involved in children's day to day life may be difficult. It is helpful to encourage telephone, letter, and/or e-mail contact during the week. Some parents have found that a long weekend works well. The child stays with the nonresidential parent every other weekend starting after school Thursday until Monday morning.

3. ***One parent has the children during the school year, the other parent has them during the summer.*** This arrangement may be ideal for parents who don't live near each other. Yet it may be difficult for children to wait long periods of time to see a parent. Parents who see their children only in the summer have little involvement in their children's routine during the school year. The visit during the summer may seem more like a vacation than a time to develop close parent-child relationships.



What to consider for a parenting plan

Parents have many issues to consider when they divorce, including:

- visitation schedules (overnights, midweek visits, summers, holidays, and special events).
- education and college expenses
- medical and dental care insurance; mental health care
- life insurance
- car insurance if a child drives
- child care – including pick up and drop off instructions
- religious training

- parenting education
- contact with extended family
- children's activities
- moving – parents living in different communities
- transportation
- access to school and other records
- tax deductions

Guidelines for helping children

The following guidelines may contribute to your child's adjustment to your divorce. Think about how you can work on each of these so you can help your child adjust to change.

- **Regularity** of schedule. Children do best when there is a regular or predictable schedule – the same things happen each day at approximately the same time.
- **Consistency** with babysitters, neighbors, schools. Keep children's lives as consistent as possible as they cope with parental divorce and the effects of custody arrangements.
- **Familiarity**. Children should have their own space in each home.
- **Frequent** visits with nonresidential parent. Children generally benefit when they are in frequent contact with both parents.
- **Reassurance**. Sometimes children need to be told it is okay to feel close to both parents.
- **Communication**. Parents should openly acknowledge children's difficult feelings about coming and going between two homes.
- **Flexibility**. Children cope better when they feel they have some control over when they see their parents. This flexibility helps children overcome feelings of helplessness and powerlessness.

If one parent is not fulfilling his or her financial responsibilities, what should the other parent do? Some parents deny their ex-partners time with the children if they haven't followed through with financial commitments. This arrangement usually is not good for the children. If talking with your former spouse won't resolve the issue, contact your lawyer, the county court or community health center. Talk with a mediation counselor. If mediation doesn't work, go to court to obtain the child support payments. Don't take your anger out on your children by denying them the opportunity to see their other parent.

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