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Parenting Plans following Separation/Divorce: Developmental Considerations

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Introduction

A central dilemma for separating/divorcing parents and the family courts is how to support both parents' roles in their child's life without splitting the child's time and life arbitrarily in half. Solving this dilemma requires that parents maintain a shared focus on their child's well-being while deciding how major decisions will get made (e.g., health care, education), how parental responsibilities and time spent with the children will be divided, and how conflicts will be resolved as they arise.

Issue

Although parenting plans are required in parental disputes and divorces in most states, states have typically developed their own age-specific guidelines for how much time and on what schedule children will spend with their caregivers. As a result, parenting plan development is often fraught with the parents' different desires, perceptions and beliefs about which structure and content of arrangements would best serve their child's interests.

What can research teach us about how to craft developmentally-sound parenting plans?

Research results offer guidance in creating a plan that achieves a balance between stability and dual parent involvement by attending to the child's stage of development.

Research Context

A number of U.S. states have guidelines based on research that span all age levels, suggesting possible parenting plans that mental health and legal professionals have agreed upon as options for families in differing circumstances. These can be found online, with some examples being Arizona, Oregon, Indiana, Alberta (CAN), and custodyXchange.com which offers information tailored to most jurisdictions. Moreover, many countries, states and jurisdictions are trying to determine whether their laws and policies regarding shared parenting are working well for families. A prime example is Australia's decision in 2006 to promote equal parenting responsibility and substantial and significant parenting time.[1] A follow up study found that most parents considered their arrangements to be flexible and working well.[2]

Infants, toddlers and preschoolers

Attachment theory is central to divorce-related research pertaining to children's early stages of development. Children develop secure attachments to caregivers who meet their needs in a consistent and sensitive manner. It was previously believed that babies formed an exclusive attachment to one primary caregiver; we now know that babies develop several meaningful relationships simultaneously, e.g., with a second parent, a grandparent, or other caregiver. In fact, children may prefer one parent over another at varying ages as developmental concerns specific to the subsequent stage of development emerge (e.g., autonomy).[2]

Similarly, attachment is an overarching theme in parenting plans for infants and toddlers.[3] Babies respond optimally to predictable schedules and responsive parenting that take their temperaments into account. Parents have more latitude for plans that include multiple transitions when their children have easy, flexible temperaments and parents cooperate well with each other or, at least, prioritize the babies' needs more than their own conflicts. Children need frequent contact with both parents, as their sense of time and memory is narrow, limiting their capacity to feel connected to an absent parent.[3] Frequent access, daily if possible, helps non-residential parents stay current with children's evolving routines. Parental cooperation about feeding and sleeping routines, and support during transitions to the other parent, help the child develop

internal regulation and skills related to autonomy and exploration. Although shared parenting with children living in both parents' houses is becoming more common across countries, still relatively few children under three years of age spend more than a third of their time in the less-seen parent's home.[1,4]

A key question addressed in plans for children under age 3 is at what age to begin overnights with the non-residential parent. Relevant research is hotly debated and frequently misquoted in legal contexts. Most professionals agree that parents' emotional sensitivity, especially around transitions, helps facilitate children's adjustment. When parental conflict and poor communication are evident, overnights are more likely to be associated with dysregulation in infants and toddlers. There were five studies early on that directly examined overnights and/or attachment for the youngest children; these tended toward concerns about frequent overnights, but limitations in the data collection or methods that are typical of ground-breaking studies on new topics also indicate caution in overinterpreting the results. These studies are summarized elsewhere.[5] Clinical researchers with much experience in this field developed a tool that covers a series of factors to consider regarding overnights - beginning with safety, trust, and then moving on to parenting quality, children's health and development, the child's adjustment, the coparental relationship, pragmatic considerations (such as proximity of caregivers' homes) and family and situational factors (adults' work schedules, availability of extended family).[5,6] In a study of how overnights impacted family relationships years later, college students and their divorced parents reported more positive parent-child relationships when the students had begun overnights as infants growing up. Fathers reported this more strongly than mothers, but both endorsed the connection.[7]

Most research indicates that by age 4, children with overnights show better behavioural adjustment and closer father-child relationships. This holds cross-culturally. As one example of many, parents in Sweden are more likely than U.S. parents to share parenting after they separate. No Swedish studies have found children's health to be compromised in shared parenting arrangements from child age three and beyond.[8]

School-age children

School-age children want to belong to peer groups and have a strong drive toward competition and mastery of intellectual/cognitive, physical and social challenges. Rules and fairness are highly valued. Children are especially prone to taking sides and experiencing loyalty conflicts at this age.[9] The development of morality occurs as children learn right from wrong.

Parenting plans at this age facilitate optimal development when they include both parents to the greatest extent possible, support children's school and after-school activities without undue complications from switching houses or parenting time, and keep children out of the middle of parental conflicts through which the child might be tempted or encouraged to take sides. It is important that parents maintain civility, so that children feel secure in relationships with both parents, and schedule consistency so children can make plans with their peers and see their activities through on a consistent basis. Even when children are diagnosed with common diagnoses such as attention deficit/hyperactivity, depression, and autistic spectrum disorders, shared parenting can work well with risk and protective disorders carefully weighed.[10]

Adolescence

As adolescent identity emerges and becomes consolidated, youth are eager to belong, to be different and to be accepted at the same time. Peers are the reference group for daily decisions/activities, yet parents remain vital influences on behaviours such as academics, development of healthy or unhealthy peer influences, activities, time usage and values.

Parenting plans at this stage work best when the child has access to both parents, especially if one parent's mental health or authoritative disciplining is compromised. Adolescents often choose to move more fluidly between houses than other age groups,[11] and this can work to their developmental benefit when it isn't a ploy to duck parental authority and controls.

Shared parenting considerations

Beyond shared decision making and time spent with the child, additional components of co-parenting broaden the opportunities to establish developmentally-sensitive parenting plans. Important components include (a) valuing the other parent's contributions to child rearing; (b) recognizing gender, cultural and personality differences that lead partners to think, feel and behave in distinct ways with respect to child rearing; and (c) creating a "team" that backs each other up and presents a united front,[12] for example with experimenting teens. Co-parenting, when it functions as an alliance, can counteract compromised parenting and enhance the quality of parent-child relationships,[13] thereby supporting the child's disrupted sense of security from the transition to separate households and family units.[14]

Children whose parents share joint custody, whether defined as a decision-making arrangement (joint legal custody) or a shared living arrangement (joint physical custody), tend to be better

adjusted after separation/divorce than their sole custody counterparts. Indeed, their parents report less conflict,[15] though shared parenting splits with substantial time in both households work easiest for everybody when parents cooperate.[16,17] It is notable, however, that the benefits of joint custody held in one study even when both parents did not agree on the arrangement.[18] Further studies are needed that examine this with larger data sets and over longer time periods.

Nonresidential father involvement

Because fathers make unique contributions to healthy child development[19] and involving men early in co-parenting helps them stay involved for the long haul,[20] parenting plans should reinforce fathers' involvement in their children's lives after separation/divorce. A father's involvement with his children is often contingent upon the mother's attitude towards, and expectations of, support from him.[21] Therefore, parenting plans based on an assessment of the extent to which maternal gatekeeping[22,23,24,25] is occurring and for what reasons are less likely to destabilize over time. Cohesive coparenting, including maternal promotion of the father-child relationship, as well as how close fathers live to their children, both contribute to children's adjustment to separation and fewer behavioural problems and difficulties with peers.[26] One researcher found that positive behavioural and social adjustment were most significant for children who spent at least 40% of their time with each parent.[27]

Research Gaps

It is the quality of time and parenting – not the quantity – that is more highly related to closeness between parent and child. While some quantity is needed to establish and maintain closeness, the minimum point has not been found through research. That is, how much time must children and parents spend together under different conditions (age of child, parental conflict, quality of parenting) before they create a positive connection that can withstand distance and lost chances to know each other on a daily basis. Similarly, although coparenting has been shown to be beneficial to children in general, individual and family dynamics always matter, as individual circumstances alter the potential benefits and drawbacks of different arrangements. Quality of parenting and parent-child relationships emerge across studies as unassailable factors affecting child development, and the particulars of parenting plans provide less useful information than the family context in which co-parenting occurs.

Conclusions

The absolute amount of parenting time should be emphasized less than a plan that allows for a schedule that enables both parents to feel and act engaged and responsible. When children are young, their ability to regularize their sleeping and eating, and become trusting that their needs will be met, are to be emphasized. These needs will become more flexible as the child gets older. The benefits of dual parent involvement are evident across development, though whether involvement means overnights, frequent transitions, and extended time in two households takes on different significance as children develop and focus on the tasks of growing up outside the family. The key is a parenting plan that promotes the child's sense of security without sacrificing the relationship between the child and the non-resident parent (e.g., father). Achieving this balance requires attending to, but may also challenge, what we think of as optimal living situations for minor age children.

Implications

Parenting plans are mandated in most states. They are detailed descriptions of where and when children will live with each parent, how parents will make decisions separately or together regarding children's education, medical needs, activities and welfare, and how conflicts or developmental changes that necessitate changes in the plan will be handled in the future. With most young children and with older children whose mother has taken on the primary parenting role, it is easier for mothers and children to maintain their relationship after divorce than it is for fathers/other caregivers and children. Parenting plans help sustain ample access by all non-residential parents/caregivers.

Many parents construct parenting plans themselves, often with guidance from mediators or other professionals trained to help them negotiate and reach agreements. When this is not the case, perhaps because the parents' conflict is high, the worry about the other parent's capacity to care for the children adequately is strong, or the presence of domestic violence or abuse renders the negotiations unfair, imbalanced or unsafe, then the court will intervene and determine the final arrangements by judicial decree. In this latter instance, parents should not proceed without professional or judicial support and intervention. When plans are reached through mediation instead of the court, they last longer and facilitate better child adjustment and closer father-child relationships over the life span.[28] Over time, alterations to the plan should be made as children mature and their needs change. When problems arise, returning to a mediator or engaging a parent coordinator,[29,30] therapist, or other professional to help support parents in making their own decisions and making changes to the parenting plan is beneficial before seeking court

intervention.

Divorce creates a loss of time and experience that parents, especially fathers and other non-residential or less-seen parents, mourn. Yet change toward a more balanced access plan may take time. When possible, shared parenting should be given preference.[31] If each parent has opportunity to nurture, educate, play, discipline, and know the child intimately, the exact amount of time will not matter in the long run to the child's development. Even the best parenting plans cannot remain permanent. Such thinking ignores the cardinal rule of child development: children mature rapidly and unpredictably, and every experience matters.

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