

**Custody Arrangement Decision Making Process among
Parents Who Share Custody after Divorce**

Jaimee L. Hartenstein, Ph.D.
University of Central Missouri

Melinda Stafford Markham
Kansas State University

Kali Summers
Fort Riley Child & Youth Services

ABSTRACT. This grounded theory study examines how parents make decisions about custody arrangements of their children following divorce. Eleven divorced parents who shared physical and legal custody of their children were interviewed. Eleven factors influenced the custody arrangement decisions of divorcing parents: former partner, children, work, new partner, use of a lawyer, role of family, parenting role, place of residence, finances, divorce, and adolescent input. Parents weighed perceived costs and rewards when determining their custody arrangements. Custody arrangement decisions involve complexities that parents face. Several factors are considered; the custody arrangement decision making process varies for families.

Keywords: divorce, custody, adolescents

Direct Correspondence to Jaimee L. Hartenstein at hartenstein@ucmo.edu

Custody Arrangement Decision Making Process among Parents Who Share Custody after Divorce

Divorce is estimated to occur in almost 50% of first marriages and 60% of second marriages in the United States (Copen, Daniels, Vespa, & Mosher, 2012). Approximately 1.2 million children experience the divorce of their parents each year (Kreider & Ellis, 2011). When a divorce occurs and children are involved, a custody arrangement is implemented. Although national data on custody arrangements following divorce are not available, research from the state of Wisconsin shows that shared legal custody is the norm and shared physical custody is becoming increasingly common (Cancian, Meyer, Brown, & Cook, 2014). The purpose of this study was to investigate how divorcing parents determine custody arrangements for their children.

Types of Custody Arrangements

Various custody arrangements that are available to divorced parents establish “the parameters of each parent’s relationship with the children” (Anderson & Sabatelli, 2011, p. 295). Custody arrangements outline “who is responsible for child care, who makes decisions about the children’s welfare, where children will live, and how much time each parent will have with the children” (Anderson & Sabatelli, 2011, p. 295). Each custody arrangement can be divided into physical or residential custody arrangements, which involve where the child lives or resides, and legal custody arrangements, which involve who has the right to make major decisions regarding the child (Braver, Ellman, Votruba, & Fabricius, 2011).

This study focuses on shared physical and legal custody arrangements. Shared physical custody means both parents have significant periods of time with the child, typically defined as a dual residence with between 33 and 50% time with one parent, and the rest of the time with the other parent (Kelly, 2007). Shared physical custody is becoming increasingly common (Cancian et al., 2014). Shared legal custody occurs when both parents are involved in and responsible for making decisions for the child regarding education, medical care and needs, daily care, emotional and moral development, and religious training. Shared legal custody is quite prevalent and a vast majority of divorcing parents use it (Kelly, 2007).

Custody Arrangements in the Legal System

Determination of custody arrangements within the legal system has changed over time. There is variation in the standards and guidelines of each state and judge that are used when determining custody arrangements for children after divorce (Demo & Fine, 2010). In the past, custody arrangements were influenced by the parents’ genders. Initially, fathers were more often granted custody as children were considered their property. The “tender years” doctrine was then enacted, favoring mothers for custody of children under the age of 7 (Kelly, 1994).

Currently, the child's best interest is the standard used in determining custody arrangements (Demo & Fine, 2010). This focuses on the needs of the child to ensure their best interests are at the forefront of the decision. Continued contact with both parents after a divorce or separation is considered to be in the best interest of the child (Fabricius, Braver, Diaz, & Velez, 2010; Kelly, 2012; Maccoby, Depner, & Mnookin, 1990).

Custody Arrangements Made among Parents

Parents may also determine custody arrangements outside the legal system through private agreements, mediation, or a "do your own divorce" approach (Kelly, 1994). Compared to litigation, divorce mediation has been found to decrease the adversarial nature of the divorce process, encouraging cooperation (Arditti, 1992) and involvement of both parents with the child (Amato, 2000; Emery, 2012; Emery, Laumann-Billings, Waldron, Sbarra, & Dillon, 2001; Maccoby & Mnookin, 1992), and promoting consideration of various options instead of the traditional custody arrangements (Arditti, 1992).

Characteristics Related to Custody Arrangements

Researchers have identified parental characteristics associated with different custody arrangements, and found that parents' income, education, and age are related to shared physical custody arrangements (Juby, Le Bourdais, & Marcil-Gratton, 2005). Parents with higher income and education are more likely to have shared physical custody arrangements than are lower income families and parents with lower educational attainment. Mothers aged 33 years or older and mothers younger than 20 are more likely to share physical custody than are mothers in their 20s and early 30s (Juby et al., 2005). Mothers who have opportunities for advancement within their careers are also more likely to seek shared custody arrangements that will allow them to pursue those opportunities (Melli & Brown, 2008).

Child Input in Custody Arrangement Decisions

There are mixed views regarding how involved children should be in the custody arrangement decision making process. Many children want to provide input in custody arrangement decisions determined by their parents or the courts, due to their concerns for how such decisions will affect their futures (Birnbaum & Bala, 2009; Birnbaum, Bala, & Cyr, 2011; Birnbaum & Saini, 2012; Cashmore & Parkinson, 2008; Fotheringham, Dunbar, & Hensley, 2013). However, children's desires are rarely taken into consideration (Kelly, 2002). The more adolescents felt they were involved in the arrangements, the more likely they were to express they were happy with the arrangements (Parkinson, Cashmore, & Single, 2005).

Heated debates have transpired among judges, lawyers, child advocates, and mental health professionals regarding the voices of children in decision making following parental separation (Platt, 2016). It has been argued that children should not be brought into the discussion because they are forced to choose sides, while others feel that children are affected by

custody decisions and should have a say in what occurs (Kelly, 1994). Receiving the children's input on the type of living arrangement that will occur in the years following their parents' separation and/or divorce has been supported by some divorce professionals. Children should not, however, be expected or forced to choose between parents (Kelly, 2007).

The Present Study

Research examining adolescents' involvement in the custody arrangement decision making process is limited. Little is known about why some parents seek out input from their adolescent children, while others do not. Researchers have examined characteristics associated with custody arrangements, but little is known about what influences parents' custody decisions following divorce. The purpose of this study, therefore, was to investigate how divorcing parents determine custody arrangements for their children. The study was guided by this research question: How do parents decide on the custody arrangements for their children?

Theoretical Sensitivity

While grounded theory methods were used for analyzing data in this study, social exchange theory provided a framework that aided development of some interview questions. According to Nye (1978), social exchange theory has four basic assumptions: (a) self-interest motivates individuals, (b) choices individuals make can restrict them, (c) individuals are rational beings, and (d) interdependence is a characteristic of social relationships. With these in mind, we asked parents about rewards and costs of custody arrangements, the ways in which parents weighed these costs and rewards to determine the best arrangements for them, and the role coparenting and parent-adolescent relationships played in the decision making process.

Methods

Grounded theory methods (Corbin & Strauss, 2008) were used for gaining understanding of how parents determine custody arrangements for their children following divorce. An integrated set of concepts were developed to create a theoretical explanation of how parents determined their custody arrangements for their children in the process of divorce.

Participants

Various methods were used for recruiting potential participants: posting flyers on a college campus and in the surrounding community; circulating study information through email listservs, including through the National Council on Family Relations; sending study information to adolescents and parents in six area school districts; Facebook postings; and, snowball sampling (Patton, 2002). Snowball sampling was conducted by asking participants to share the study information with people whom they knew might fit the eligibility criteria.

Males and females who fit the following criteria were recruited to participate in the study: (a) divorced from the fathers/mothers of their children, (b) had at least one adolescent child between 12- and 17-years-old, and (c) had shared physical and legal custody arrangements. Shared physical custody was operationally defined in this study as when a child resides with one parent a minimum of 33% of the time, and a maximum of 66% of the time with the other parent. Shared legal custody was defined as both parents having the rights and authority to make decisions for the child regarding education, health and medical needs, and religious training. A total of 27 parents contacted the first author, but 16 did not meet the eligibility criteria.

The sample consisted of seven mothers and four fathers. All participants were divorced and located in the United States. The mothers were, on average, 40-years-old (range = 30 - 53) and the fathers were, on average, 41.5-years-old (range = 36 - 47). Eight participants were White, two were Black, and one was Hispanic. All participants had graduated from high school, 18% had Associate's degrees, 36% had Bachelor's degrees, and 36% had advanced degrees. Participants were married an average of 13.51 years (range = 1.5 - 23 years) and divorced an average of 5.41 years (range = 1 - 13 years). Participants had an average of three children (range = 1 - 4) aged 13.8-years-old (range = 3 - 24 years).

Procedures

Interviews with participants who met the eligibility criteria were scheduled. Consent to participate in the study was received from participants prior to beginning the interviews, which lasted between 45 and 90 minutes. Interviews were conducted face-to-face and through Skype, FaceTime, and telephone. Participants were interviewed once; after data were collected and analyzed, follow-up interviews were conducted with nine participants to verify the data and findings that emerged from the data analysis process.

A semi-structured interview guide was used for discussing custody arrangements among divorced parents. Topics covered in the interview process included how the custody arrangement was determined, involvement of the adolescent in the custody arrangement decision, and what resources were used in determining the custody arrangement. For example, participants were asked: How did you decide on the arrangement?, What was the custody arrangement decision making process like for you?, What individuals were involved in your custody arrangement decision?, and What factors influenced your custody arrangement decision? Demographic data were also collected from participants. Each participant was compensated with \$10 for each interview. Interviews were transcribed verbatim using Microsoft Word. NVivo was used to help in organizing and analyzing the data.

In grounded theory, a researcher seeks to obtain a sample that has variation among participants in order to have a broad range of data to use when developing theory (Patton, 2002). We sought variation in the sample by including both mothers and fathers from an array of socioeconomic statuses and participants, with a variety of shared physical custody arrangements.

Participants were recruited and interviewed until saturation was reached, the point at which no new or substantial data emerged and each of the established categories was thoroughly

developed (Corbin & Strauss, 2008). To reach theoretical saturation, follow-up interviews were conducted with nine of the parent participants and two additional parents were interviewed. In these interviews, additional questions were asked about factors identified as being influential in parents' custody arrangement decisions (e.g., work, former partner, children, etc.). It was determined that these categories were well developed and we reached the point where additional data provided no new insights.

Data Analysis

Data analysis started after the transcript of the first interview was complete. Each author read the first transcript and documented ideas, codes, and questions. All three authors met to discuss the transcripts and potential codes. A codebook emerged from the consensus of the authors. The remaining transcripts were coded independently by each author; then, the authors met as a group to establish consensus on the codes and codebook.

Open, axial, and selective coding procedures were used. Open coding was used for gaining new insights into examining the data. In the axial phase, concepts and categories were linked and related to one another (Corbin & Strauss, 2008). Selective coding was used when categories were combined and identified under one central category (Glaser, 1998). The following analytic tools were employed in the data analysis phase: memoing, use of questioning, and additional analysts. Each author used memoing, which started at the beginning of the interviews and continued well into data analysis. Memos were used to track ideas and thoughts throughout data analysis (Corbin & Strauss, 2008).

Results

Parents described numerous factors that influenced their initial custody arrangement determinations as well as changes they made to the custody arrangement over time. As parents considered various custody arrangements, they weighed rewards and costs of their custody arrangement prior to reaching a decision.

Influential Factors

Eleven factors emerged from the data in this study that influenced the custody arrangement decisions of parents in the divorce process: former partner, children, work, the use of a lawyer, new partners, extended family, their parenting role, place of residence, finances, divorce, and adolescent input. Pseudonyms will be used for each of the participants.

Former partner. Former partners influenced the custody arrangement decisions of all 11 participants. The influence of the former partner for some participants was negative while it was positive for others. Nancy indicated that her poor relationship with her former partner influenced the initial custody arrangement decisions as well as changes made to the custody arrangement.

I think it impacted it a lot because I think a lot of it was done out of spite. I think a lot of it was done out of anger, and like I said, a great part of his decision to split custody the way that we did was based on his desire to reduce the amount of child support that he has to pay to take care of his children.

Donald described how his relationship had a positive influence on the way he and his former partner treated each other during the custody arrangement decision making process. "I mean-- we've always treated each other, even in spite of the pain we've caused each other, with general respect and care. And so all that went into the conversation about custody." William explained that he wanted a cordial and somewhat friendly relationship with his former partner as he felt that would make things easier as they moved forward.

It makes it a lot easier. When people get along you can pretty much get any situation worked out... I think it impacts it quite a bit because there's that line of communication so if something doesn't work out, you can discuss it with the other person and come to other arrangements. It is not black and white. I guess that's the best way to put it.

Participants' former partners influenced their initial custody arrangements and continued to influence the ways they made adjustments to their custody arrangements over time.

Children. Children influenced participants' custody arrangement decisions in several ways, including the best interests of the child, children's schedules, and children's gender. Some participants explained that it was not only important to them, but also to their former partner, to do what was best for their children. Barbara stated,

I did think he wanted what was best for the girls and what I felt was best for the girls. I'm not about to try to take a child from their parent. I thought it was best for them to have a dad in their life. If he wanted to be there, then I needed to give him that opportunity.

The children's schedules, and ensuring that their children would be able to keep participating in their activities, were influential factors in the custody decision making process for some participants. Nancy explained, "They're girls, they're busy. They have social lives and activities, they have hair, shopping, you know, all of those girl things that people do."

One participant described how her child's gender influenced the custody arrangement. He's a daddy's boy. He really is, tried and true, really tight with his father. The fact that he's a boy, I really think that he needs to spend as much time with his dad as possible cause his dad teaches him how to be a man so that played a huge role as well.

While the ways children influenced the parents' custody arrangement decisions varied, it was evident that this was an important factor for the participants.

Work. Work schedules of participants and their former partners influenced the custody arrangement decisions. For most participants, work schedules and flexibility, or lack thereof, helped shape the initial custody arrangement. Both Robert and his former partner's work schedules influenced their initial custody arrangement decisions.

I wanted the kids more than just the Wednesday and every other weekend, so that's why I did Tuesday, Thursday...She works at two different [locations] and she's the school counselor where the kids go to school...And then she's also an Licensed Professional Counselor (LPC) where she has partners and sees clients on Tuesdays and Thursdays...So I decided on that with her because that fit with her schedule...It gave me time to be with the kids more. It does do a little bouncing back thing, but the kids have been very adaptable with it. And to be able to aggregate those days and pull them all together instead of splitting up. It is just extremely difficult for me considering my profession and travel demands.

Reviewing their work schedules enabled parents to identify custody arrangements that worked well for them logistically.

Use of a lawyer. A vast majority of the participants used a lawyer when determining their custody arrangements. Some participants described how their lawyers discussed their previous experiences with the judge and their other custody cases, which influenced their custody arrangement determinations. Nancy said:

He [the lawyer] tried to fight for the best interest of the girls. But at the same time, he said that because of their father's work schedule, it was very hard to get-- and his knowledge of the judge-- very hard to get the full custody arrangement that I was requesting, because she was going to allow the father to have some time with them.

Laura explained that she used her lawyer as a sounding board.

She [my lawyer] was very helpful. I bounced stuff off of her. I said, "This is what I think it should look like," and she played a big role in it like, "Ok, I think we should do this. What do you think?" I mean we kinda figured it out together, her and I.

New partners. The participants' and their former partners' new partners were both influential factors in custody arrangement decisions of parents. New partners were more influential later on, when adjustments were made to the custody arrangement, rather than in the initial custody arrangement determination during the divorce process.

Former partner's new partner. The former partner's new partner was a positive influence for some and a negative influence for others. Participants who viewed the new partner positively felt the new partner was a good caregiver to the child(ren). Jennifer shared that her former partner's longtime girlfriend is one reason she is okay with her son spending time with her former partner. She stated the following: "I actually felt like he'd be watched and parented...I would say that she [my former partner's new partner] is in a female caregiver role."

Those who viewed their former partner's new partner negatively worked to minimize the time their children were with the new partner. For example, Nancy said, "She's crazy. Part of me felt like she didn't have custody of her own children, so why would you then trust her with the custody of your children? So limiting their exposure to her was also important to me." The participants' perception of the former partner's new partner influenced the custody arrangement.

Participant's new partner. The participants' new partners were influential as future arrangements and changes were made to the custody arrangements. Barbara shared that her new partner was very involved with the custody arrangement regarding her children. "He'll do whatever works. Very easy going. He's divorced himself and has a very good relationship with his ex and they do the same thing we do." Laura said, "My new husband does weigh in on the decisions. I do talk to him." Because new romantic partners are affected by custody arrangements, they may be consulted in the decision making process.

Extended Family. The participants' or their former partners' extended family influenced the custody arrangement decisions of the parents in two ways: (a) family backgrounds of the participants and their former partners and (b) the role extended family members played in their children's lives.

Family backgrounds. Eight participants and four participants' former partners experienced a parental divorce as a child. The experience of a parental divorce by the participant or their former partner influenced the determination of custody arrangements. Participants who experienced a parental divorce spoke of not wanting their children to have the same experience. For example, Sarah's father was not a part of her life growing up. Because of this experience, she wanted her former partner involved as much as he wanted to be in their child's life.

I would say that I didn't have a lot of interaction with my dad as a kid, and so I didn't want that for [my son]. So I definitely wanted him to have him as often as he wanted to, 'cause I knew that was important. So I would just say the lack of contact with my father as a child made me really even bend over and my mom always says, "What, you don't have your kids again?" and I'm like, "They want to be with their dad. Nothing I can do about it." So, I think that's the biggest piece.

Role of extended family in children's lives. The role extended family members played in the children's lives was also an influential factor. Barbara and her former partner consulted their parents prior to making a decision because they knew they would need their parents' assistance and support with caring for the children. "Then grandparents to a degree because we knew that they'd be helping out with watching the kids and not that we asked their opinions, but we considered when were they off from work, when were they not." Donald stated:

There was always the belief that grandparents needed to still be involved, regardless, and so if there was a family reunion or grandparents passing through town, or my mom lives here locally where we are now, there was always the expectation that extended family would still be involved. Initially, there was always discussions that we'd still attend each other's family reunions together, under the idea that, like, for my family reunion for example, if my children are invited then their mother is also. And some of my extended family didn't really understand that, or like that, or appreciate that, but I didn't care. This was about my kids.

There were several ways family played into the custody arrangement decision as many participants wanted extend family relationships to be maintained following the divorce.

Parenting role. The majority of participants recognized the importance of the role they and their former partners fulfilled for their children, and discussed both the distinct roles each parent held and the quality of parenting as contributing to their custody arrangement determinations. Nancy felt that her former partner was a good dad and cared for his children, which played a role in her custody arrangement decisions.

He's a good dad. He makes some questionable decisions, but, you know, we all do. He loves his daughters, and I knew that. And that was one of the things that I told my attorney is, you know, whatever happens, I know that he loves them. Now, does that mean that they need to be with him all the time? Probably not. But he does need to have a significant amount of time with them because I know that he does love them.

Laura did not believe her ex-partner was a good father and because of her concerns regarding his parenting, she tried to minimize the time her children spent with their father.

I thought he was lousy at it [parenting]. I just thought he doesn't do the dad thing well so I just, you know again, I didn't trust him so I really limited how much time I wanted him to have them. He's not good at providing needs or any of that so...

A couple of male participants felt it was important for them to fulfill the father role for their children and this influenced their custody arrangement decisions. Donald said:

I've done a lot of exploration of the role and importance of fathers. And so that was a big deal to me, to know the impact of father absence. So that was a big part...and also because I wanted to. I wanted to be with my kids; they're my life. But, I also wanted them to have their dad, I know that that's a big deal. Not that the mom's not important, but just for my role, it was very important for me to be a consistent part of their live.

Place of residence. Place of residence influenced parents' custody arrangement decisions in three primary ways: (a) living within close proximity to their former partner, (b) home environment, and (c) location of where a parent resides.

Close proximity. Some participants lived in close proximity to their former partners, anywhere from one block to a few miles from each other. Living in close proximity provided parents the opportunity to utilize custody arrangements different from what would be possible if they lived far away from one another. Karen explained:

I think because both Dad and I are in the area, it was reasonable and possible to do every other weekend and like I said, if we were in a different state, every other weekend would not be possible. So, it would probably be 50% of the summer and maybe a week between Christmas and New Year's.

Home environment. A number of participants discussed how living and sleeping arrangements, as well as whether or not their former partner had a stable home for their children to live in, was influential in the custody arrangement decision. Laura had concerns regarding her former partner's home and sought for the children to reside more often with her.

I needed to keep them most of the time, because I had the space. He did not have the space... He didn't even have beds for them really. They slept on the couch and I don't know. It was terrible. He only had a one-bedroom apartment.

Because of Laura's concerns for her children's sleeping space, she advocated for her children to reside with her most weeknights.

Location where a parent resides. A deciding factor for some participants was the location where they lived. William first wanted the children to reside primarily with him, but he quickly changed his mind so that his children would be able to attend a better school in a better neighborhood. "Honestly she was in a better area, better school district, so that influenced it." Barbara moved out of the family home so her children would want to go home to see their dad.

I let him keep the house. And my lawyer thought that was very odd. He said, "You gotta go fight for that house," and I said, "No because he's gonna have a really hard time having a relationship with these kids 'cause that's not his strong suit and they're not close with him. They need to be comfortable when they're with him and if they're going to Daddy's in some apartment or some other place, they're not comfortable there." So I told him, "I want you to keep the house."

Finances. The financial status of a couple of participants influenced their custody arrangement decisions. Because of financial reasons, they were unable to pay the costs involved to return to court to receive the custody arrangement they desired. Ashley explained:

It [finances] has affected it since [the divorce was finalized] because there has been enough combativeness with him with regards to my daughter's medical care and her health care. I would take him back to court today if I had the money. To press for full legal custody 'cause now I have enough evidence for a judge to say "Ok yes, this is what needs to take place," but I can't 'cause I can't afford it.

The court costs associated with the custody arrangement was a barrier for these participants. They felt they had to settle for a custody arrangement that was less than desirable due to finances.

Divorce. Some participants stated the reasons or issues surrounding the divorce were influential factors. The negative aspects surrounding Ashley's divorce influenced her decision to seek shared custody with her former partner.

The divorce itself was really ugly and there was a lot of parental alienation on their father's part... There was a lot of ugliness going on and so the divorce itself, the way that it went down and the way that it was impacting the kids. I guess that somewhat

influenced my decision to go with the joint custody. Also again because I thought that it would be best for them to have their own experience and their own knowledge [of their father and his behavior] to base their own decisions and judgments.

While issues surrounding the divorce influenced the custody arrangement decision process for some, several other participants specifically described how they did not allow factors regarding their divorce to affect their custody arrangement decisions. Robert said:

We didn't allow any of that to happen and to be honest, I mean, we were both unfaithful...Regardless of whose feelings were hurt, and both of our feelings were hurt, I own what I did and I can't speak for her on anything, but we tried our best to keep that between us and not the kids.

The issues surrounding the divorce were influential for some participants and not for others. Some parents made a conscious effort to not let the reason for the divorce affect how they made decisions regarding their custody arrangement.

Adolescent Input. Adolescent input was a factor considered by parents when determining their custody arrangement. Parents believed their adolescents' input should be considered because the decision would affect their lives. For Nancy, receiving input was important to her for the following reason:

Because it's her life. And part of the problem was that she always felt like she didn't know whose house she was supposed to be at. She couldn't make plans with her friends because she didn't know who was responsible for her, she didn't know who to ask for permission to do things. And so you know it was...it was kind of...it was sad, and it was tragic, and I felt horrible that I was putting her and her sister through this whole process 'cause it certainly wasn't ever my intention. But at the same time I just...you know I know what they've been through and I know what he says to them about me. So I just kinda felt like maybe they needed to feel like they had a voice in this. Everybody's arguing about them but nobody's asking them what they want.

Laura provided insight on how her adolescent was influential in the custody arrangement decision after her divorce.

Well, I think for the most part I was a little on edge at first 'cause, I'm kinda like that's adult decision making, this should be decisions between adults, but his fathers like, he's 16-years-old, he should be able to have a say in what's going on in his life, and I was like well, okay. So, a little weary, but kind of understanding the process.

William spoke of the importance of considering the input of an adolescent as well as having a discussion with the adolescent to try to provide the parent perspective.

It's very important to at least like hear them out and discuss it with them and try to explain some of the adult perspective, why certain decisions have to be made even if they don't necessarily agree with them. But hearing them out and letting them know that their concerns are important, and once they're being of a particular age that we can revisit this. So they understand that their feelings and their perception of everything is still really important. I don't think it'd be good to just blockade them, and say 'well this is just how this period goes.' End of story, don't discuss it. You know, I think it's very important to be able to sit down and, like, talk with your kids about how they feel, why they feel that way, and let them know that their feelings matter. But just like any other case where the parent has to make a rule about something, you still have to, have that upper hand and say, 'this is why, because this is what's best for you.'

Parents will often consider the input of the adolescent when determining a custody arrangement because many parents feel the child will be affected by the outcome and therefore, their thoughts and feelings should be heard.

Weighing Costs and Rewards

After parents considered the influencing factors, they described weighing the costs and rewards of different custody arrangements to make a decision. Similar to the assumptions of social exchange theory, participants reported weighing the costs and rewards of the custody arrangements. Some participants considered and weighed the costs and rewards for themselves, while others did so for themselves and for their children. Michael explained that he started to weigh the costs and rewards for himself when his former partner asked for a divorce.

When I was approached by my ex-wife and she asked for a divorce, I agreed that we should divorce. You know my first thought of the parenting time. I'm the man and the husband and typically the husband ends up with the least amount of time with the children. So I was trying, I was preparing myself mentally to deal with that aspect that I wouldn't be as hands on with our son as I was.

As time went on, Michael's former partner requested less time with their son and wanted their son to stay with Michael more often while she regularly visited their son. With this change, Michael perceived increased rewards. "I was able to have more time with my son and more influence in his life, and be able to watch him grow up more than just kinda short visits and short time frames with him." Many participants weighed the costs and rewards from their perspectives and looked at how the decision would affect them and their lives. Most participants were willing to endure a cost in order for their children to reap the rewards of the custody arrangement.

Costs. Time was a cost that participants discussed frequently. Participants viewed time as a cost in two ways: (a) giving up time with the child, and (b) having the children the majority of the time and how this affected participants' social lives.

The time parents gave up with their children was a cost that several participants addressed. Laura described the costs she endured: “The time that I had to give up with [my children]. We came to a head to give up the inconvenience of [scheduling activities]. That’s still an issue. If I wanna plan something and then it falls on his weekend.”

Time was also viewed as a cost in that custody arrangements affected parents’ social life. Donald said:

Weighing the costs and benefits. I set myself up to have my kids every weekend without a break, and so one of the costs of that is I knew that when it came time to dating, that was going to be very difficult, ‘cause I wasn’t going to have custody or have my time with my kids and then put them with a babysitter when I went out on a date. I wouldn’t wanna do that. So, I knew very much a huge cost that I agreed to with that arrangement, but it was important to me for them to be raised in the faith.

Rewards. Many participants described their perceived rewards of the custody arrangements. Karen liked the consistency in that her children could look at the calendar and know when they would be spending time with each parent.

This [custody arrangement] currently [is] the same every week, well except with the alternating weekends. Let’s say the kids were with Dad Monday, Wednesday, Friday one week and then Tuesday/Thursday the other...So, it’s predictable. The kids can look on the calendar and say okay, “That’s Dad’s weekend, Mom’s weekend.”

The custody arrangement decision making process is multifaceted and parents often weigh the costs and rewards as they determine custody arrangements for their children. Ultimately, parents try to maximize the rewards of the custody arrangement for themselves and their children.

Discussion

Research regarding the custody arrangement decision making process is limited. This study illuminates the variability of factors that influence parents’ custody arrangement determinations in the divorce process, including former partner, children, work, use of a lawyer, new partners, role of family, parenting role, place of residence, finances, divorce, and adolescent input. Parents weigh the cost and rewards of the custody arrangement decision after considering the influential factors. Parents not only weigh the costs and rewards for themselves, but also for their children.

A primary motivation in determining custody arrangements is the consideration of what is best for the children. Maintaining contact with both parents following a divorce is considered to be best for children (Demo & Fine, 2010). In this study, parents focus on their children when determining their custody arrangements. For some participants, focusing on their children enables them to manage interactions with their former partner, which may ultimately benefit the children. Conflict between parents has been linked to an increase in children’s emotional

distress, poor peer relations, and academic performance, as well as to difficulties with physical health (Grych, Harold, & Miles, 2003).

In this study, parents' work schedules are often used to determine the custody arrangement for the family. Melli and Brown (2008) also found work to be influential in custody arrangement determinations. Mothers with careers that have advancement opportunities are more willing to seek a shared custody arrangement in order to pursue those opportunities (Melli & Brown, 2008). In this study, parents' work schedules are a driving factor in the custody arrangement decision. Parents' availability influences the type of arrangement determined to ensure the parents are available and active during their time with the child.

The use of a lawyer also affects the custody arrangements in this study, as well as in others where fathers viewed the legal system as a barrier to their physical involvement with their children (Troilo & Coleman, 2013). When examined in terms of divorced couples, money and finances are often viewed as conflictual. In this study, however, parents discuss money and finances differently. Participants discuss the expense and cost of using the legal system and lawyers. In a few cases, participants are unable to afford and seek the custody arrangement the parent desires.

Similar to previous research that has found a link between the divorce process and the ongoing coparenting relationship (Baum, 2003), this study's findings indicate that the divorce process may also influence parents' custody arrangement decisions. Parents may experience overwhelming feelings and emotions connected to their divorce. These emotions influence custody arrangement decisions.

A frequent assumption is that conflict and difficulties are experienced when a new partner is introduced into a divorced family. Whether the introduction of new partners was done pre- versus post-divorce can be a powerful influence on the relationships between parents and children as well as on former partner relationships (Walzer & Oles, 2003). Women often report continued anger, resentment, and competitiveness towards the new partner when a former partner remarries (Hetherington & Kelly, 2002). In this study, however, the new partner, especially their former partner's new partner, is a positive experience for several families. Female participants report feeling more comfortable knowing their former partner's new partner is providing care for their children. This interesting dynamic is not often considered among divorced families, especially in regard to determination of custody arrangements. People often assume there is conflict and tension when new partners enter the picture after divorce. However, mothers may feel a sense of comfort when a new partner is brought into the family.

Not all participants have good relationships with their former partner's new partner, however. The most commonly reported cause of divorce is infidelity (Amato & Previti, 2003; Amato & Rogers, 1997). Five participants in this study experienced infidelity by their former partner; three of these participants expressed dislike for their former partner's new partner. Experiencing infidelity helps explain the difficulties between the participant and the former partner's new partner. The difficulties might stem from how or when the former partner's new partner entered into a relationship with the former partner.

Extended family plays a role in the lives of divorced couples and their children. Divorced mothers may seek help from their parents following a divorce. Sometimes this is for economic assistance and in some cases mothers live with their parents at some point following a divorce (Hetherington & Kelly, 2002). Residential mothers and fathers may also seek the support of their family of origin for child care and emotional support (Cherlin & Furstenberg, 1994). Similarly, a number of participants in this study use their parents when making custody arrangement decisions as their parents, the grandparents of the children, help provide care for their children.

Geographic location or relocation are often investigated in regard to custody arrangements. Melli and Brown (2008) examined families post-divorce and found residential adequacy (i.e., the quality of living arrangement following a divorce) was related to living conditions of the shared physical custody families. This is similar to the home environment factor found in this study, but the aspects of close proximity and the location where a parent resides are unique findings. In this study, former partners who live in close proximity to one another have more flexibility with their custody arrangement. Parents also consider school districts in their custody arrangement decisions.

Parents will consider their adolescents' input when determining their custody arrangement because the adolescent is affected by the custody arrangement. Adolescents will not make the final determination of the custody arrangement, but instead will be able to voice their thoughts, opinions, and ideas for consideration by their parents as they determine the custody arrangement. Similar to previous studies, parents express support for the importance of child inclusion in custody arrangement decisions and for allowing children to speak their minds in safe spaces (Quigley & Cyr, 2017). Parents will consider the input of their adolescents, but ultimately parents have the final say in custody arrangement decisions.

Parents consider implications of these eleven factors, then weigh the costs and rewards of potential custody arrangements. For example, if a sole custody arrangement is determined, then this will affect the parents' social life, work, finances, and other aspects. Parents weigh costs and rewards not only for themselves, but in some cases parents also examine costs and rewards for their children. Some parents are willing to endure costs for themselves (i.e., less time with their child) in order for their child to receive rewards (i.e., relationship with other parent) from the custody arrangement. This finding does not align with assumptions of social exchange theory as it is assumed the individual is seeking to maximize their own profit, rather than maximizing profit for their child. Parents may use a child-centered parenting approach, focusing on the needs of their children rather than on their own (Damaske, 2013). Parents may want to have their children with them all the time, but recognize the child's need to spend time and build a relationship with both parents. Therefore, parents opt for a shared physical and legal custody arrangement in order for their child to reap the rewards.

Theoretical Propositions

From the findings of this study, the following theoretical propositions were developed: (a) several factors influence custody arrangement decisions of parents in varying degrees; (b) parents weigh the costs and rewards when making custody arrangement decisions not only for themselves, but also for their children; (c) parents will endure a cost in order for their child(ren) to benefit from the custody arrangement; (d) what is considered a reward in one family may be considered a cost in another family; and (e) parents have the final say in determination of the custody arrangement (see Figure 1).



Figure 1. Custody arrangements decision making model.

Implications

This study provides valuable information for practitioners working with families following divorce. Family life educators (FLEs), mediators, and lawyers could share information from the custody arrangement decision-making model with divorcing parents in order to facilitate conversations regarding the 10 potentially influential factors, and how they may affect their custody arrangement decisions. Family practitioners could help parents focus on factors appropriate for their family to consider in the decision making process. For example, they could help parents consider what factors relating to their children, former partners, work schedules, and their places of residence need to be considered in order to identify a custody arrangement that will work well for their unique family situations.

FLEs can work with parents to address their concerns about adolescent involvement in the custody arrangement decision making process. FLEs can also provide guidance to parents on how to seek the input of an adolescent regarding their custody arrangement decision, including questions or topics parents can raise with their children in the divorce process to have an open discussion surrounding the custody arrangement. Finally, FLEs can share with parents the importance of listening to their adolescents' views on the custody arrangement, not pressuring

their children to choose sides, and discussing the final custody arrangement determination with the adolescent.

Limitations and Suggestions for Future Research

While this study provides valuable insights into the custody arrangement decision making process for divorcing parents and addresses gaps in the research, there are limitations. All participants in the study were married, heterosexual parents. In the future, research needs to examine parents who have never been married, cohabitating parents, and gay and lesbian parents. In addition, only parents with shared custody arrangements were included in the study. The 11 influencing factors that the researchers found may or may not be influential in sole custody arrangement decisions. It would also be beneficial to gain multiple perspectives from both parents and multiple children. Gaining multiple perspectives from family members would provide a more detailed picture of what occurs as the family navigates the divorce and custody arrangement decision-making process.

Conclusion

Decisions surrounding custody arrangements in the process of divorce are complex. Parents are influenced by numerous factors and weigh the costs and rewards of decisions. Adolescent input may be considered; however, parents should often consider the age and maturity of the adolescent. Parents will make the final decisions on the custody arrangements after considering the influencing factors and weighing costs and rewards. Gaining understanding of how parents determine their custody arrangements is helpful to practitioners as they help families with these arrangements following a divorce or separation.

Jaimee L. Hartenstein is an Assistant Professor in the Department of Child and Family Development at the University of Central Missouri.

Melinda Stafford Markham is an Associate Professor in the Department of Family Studies and Human Services at Kansas State University.

Kali Summers is an Instructional Programs Specialist & Outreach Services Assistant Director at Fort Riley Child & Youth Services in Kansas.

References

- Amato, P. R. (2000). The consequences of divorce for adults and children. *Journal of Marriage & the Family*, 62, 1269-1288.
- Amato, P. R., & Previti, D. (2003). People's reasons for divorcing: Gender, social class, the life course, and adjustment. *Journal of Family Issues*, 24(5), 602-626. doi: 10.1177/0192513X03254507
- Amato, P. R., & Rogers, S. J. (1997). A longitudinal study of marital problems and subsequent divorce. *Journal of Marriage & Family*, 59, 612-624.
- Anderson, S. A., & Sabatelli, R. M. (2011). *Family interaction: A multigenerational developmental perspective* (5th Edition). Boston, MA: Allyn & Bacon.
- Arditti, J. (1992). Factors related to custody, visitation, and child support for divorced fathers: An exploratory analysis. *Journal of Divorce & Remarriage*, 17, 23-41.
- Baum, N. (2003). Divorce process variables and the co-parental relationship and parental role fulfillment of divorced parents. *Family Process*, 42(1), 117-131.
- Birnbaum, R., & Bala, N. (2009). The child's perspective on legal representation: Young adults report on their experiences with child lawyers. *Canadian Journal of Family Law*, 25, 11-71.
- Birnbaum, R., Bala, N., & Cyr, F. (2011). Children's experiences with family justice professionals in Ontario and Ohio. *Journal of Law, Policy and the Family*, 25, 398-422.
- Birnbaum, R., & Saini, M. (2012). A qualitative synthesis of children's participation in custody disputes. *Research on Social Work Practices*, 22, 400-409.
- Braver, S. L., Ellman, I. R., Votruba, A. M., & Fabricius, W. V. (2011). Lay judgments about child custody after divorce. *Psychology, Public Policy, and Law*, 17, 212-240. doi: 10.1037/a0023194
- Cancian, M., Meyer, D. R., Brown, P. R., & Cook, S. T. (2014). Who gets custody now? Dramatic changes in children's living arrangements after divorce. *Demography*, 51(4), 1381-1396.
- Cashmore, J., & Parkinson, P. (2008). Children's and parents' perception of children's participation in decision making after separation and divorce. *Family Court Review*, 46, 91-104. doi:10.1111/j.1744-1617.2007.00185.x
- Cherlin, A. J., & Furstenberg, F. F. (1994). Stepfamilies in the United States. *Review of Sociology*, 20, 359-381.

- Copen, C., Daniels, K., Vespa, J., & Mosher, W. (2012). First marriages in the United States: Data from the 2006-2010 National Survey of Family Growth. National health statistics reports; no. 49. Hyattsville, MD: National Center for Health Statistics, 2012
- Corbin, J., & Strauss, A. (2008). *Basics of qualitative research: Techniques and procedures for developing grounded theory* (3rd Edition). Los Angeles, CA: Sage Publications.
- Damaske, S. (2013). Work, family, and accounts of mothers' lives: Using language to navigate intensive mothering ideals and workplace realities. *Sociology Compass*, 7, 436-444. doi:10.1111/soc4.12043
- Demo, D. H., & Fine, M. A. (2010). *Beyond the average divorce*. Los Angeles, CA: Sage Publications, Inc.
- Emery, R. E., Laumann-Billings, L., Waldron, M. C., Sbarra, D. A., & Dillon, P. (2001). Child custody mediation and litigation: Custody, contact, and coparenting 12 years after initial dispute resolution. *Journal of Consulting and Clinical Psychology*, 69, 323-332. doi: 10.1037//0022-006X.69.2.323
- Emery, R. E. (2012). *Renegotiating family relationships: Divorce, child custody, and mediation*. New York: Guilford Press.
- Fabricius, W. V., Braver, S. L., Diaz, P., & Velez, C. E. (2010). Custody and parenting time: Links to family relationships and well-being after divorce. In M. E. Lamb (Eds.), *The role of the father in child development* (5th Ed.), (pp. 201-240). Hoboken, NJ: Wiley & Sons, Inc.
- Fotheringham, S., Dunbar, J., & Hensley, D. (2013). Speaking for themselves: Hope for children caught in high conflict custody and access disputes involving domestic violence. *Journal of Family Violence*, 28, 311-324. doi:10.1007/s10896-013-9511-3
- Glaser, B. G. (1998). *Doing grounded theory: Issues and discussions*. Mill Valley, CA: Sociology Press.
- Grych, J. H., Harold, G. T., & Miles, C. J. (2003). A prospective investigation of appraisals as mediators of the link between interparental conflict and child adjustment. *Child Development*, 74, 1176-1193
- Hetherington, E. M., & Kelly, J. (2002). *For better or for worse: Divorce reconsidered*. New York: Norton.
- Juby, H., Le Bourdais, C., & Marcil-Gratton, N. (2005). Sharing roles, sharing custody? Couples' characteristics and children's living arrangements at separation. *Journal of Marriage and Family*, 67, 157-172.
- Kelly, J. B. (1994). The determination of child custody. *Children and Divorce*, 4(1), 121-142.

- Kelly, J. B. (2002). Psychological and legal interventions for parents and children in custody and access disputes: Current research and practice. *Virginia Journal of Social Policy & the Law*, *10*, 129-163.
- Kelly, J. B. (2007). Children's living arrangements following separation and divorce: Insights from empirical and clinical research. *Family Process*, *46*, 35-52.
- Kelly, J. B. (2012). Risk and protective factors for children of divorce. In *Parenting plan evaluations: Applied research for the family court* (Kuehnle, K., and Drozd, L., Eds.) pp. 145-173, Oxford University Press, New York.
- Kreider, R. M., & Ellis, R. (2011). *Living arrangements of children: 2009*. Current Populations Reports, 70-126. Washington, DC: U.S. Census Bureau.
- Maccoby, E.E., Depner, C.E., & Mnookin, R.H. (1990). Coparenting in the second year after divorce. *Journal of Marriage and the Family*, *52*, 141-155.
- Maccoby, E. E., & Mnookin, R. H. (1992). *Dividing the child: Social and legal dilemmas of custody*. Cambridge, MA: Harvard University Press.
- Melli, M., & Brown, P. (2008). Exploring a new family form: The shared time family. *International Journal of Law, Policy, and Family*, *22*, 231-269.
- Nye, F. I. (1978). Is choice and exchange theory the key? *Journal of Marriage and Family*, *40*(2), 219-233.
- Parkinson, P., Cashmore, J., & Single, J. (2005). Adolescents' views on the fairness of parenting and financial arrangements after separation. *Family Court Review*, *43*(3), 429-444.
- Platt, S. (2016). Children, parents, and the elderly: Set another place at the table: Child participation in family separation cases. *Cardozo Journal of Conflict Resolution*, *17*, 749-1071.
- Quigley, C., & Cyr, F. (2017). The voice of the child in parenting coordination: Views of children, parents, and parenting coordinators. *Journal of Divorce & Remarriage*, *59*(6), 501-527. doi:10.1080/10502556.2017.1403823
- Troilo, J., & Coleman, M. (2013). "I don't know how much more I can take": How divorced nonresidential fathers manage barriers to involvement. *Fathering*, *11*, 159-178. doi: 10.3149/fth.1102.159
- Walzer, S., & Oles, T. P. (2003). Managing conflict after marriages end: A qualitative study of narratives of ex-spouses. *Families in Society*, *84*, 192-200.