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# INDIVIDUAL, CHILD, AND SOCIOECONOMIC FACTORS: EFFECTS ON CUSTODY LITIGATION

NATALIE E. FISCHER

51 Pages

Given that the United States has one of the highest divorce rates in the world, it is imperative to determine affects it may have on the population, as well as associated events linked to the divorce process (Kennedy & Ruggles, 2014; Kreider & Fields, 2002). One such event is that of custody decisions in the divorcing family, as children's time and placements need to be secured amidst the change. Although there are many different custody arrangement types, one of the most discussed is that of physical custody and how it is determined by courts. There are many variables considered by the legal system, however, this study sought to determine if individual parental factors (i.e., age and petitioner status), child factors (i.e., number of children, age, and sex), and socioeconomic factors (i.e., parent employment status and income) together were associated with certain types of physical custody arrangements (i.e., shared, sole maternal, or sole paternal arrangements). To investigate how these factors contribute to physical custody decisions, I conducted a multinomial logistic regression analysis of a secondary data source from the Parenting After Divorce Study that took place from 2013 to 2014 (Ferraro et al., 2016). This data included both mothers and fathers who were undergoing divorce and custody proceedings in a southeastern U.S. state. Results indicated that only the main effect of petitioner and, after an exploratory analysis, the total number of children in a family are associated with physical

custody outcomes. Findings are discussed in the context of extant literature, as well as limitations and future research directions.

**KEYWORDS:** Divorce, Custody, Physical Custody

INDIVIDUAL, CHILD, AND SOCIOECONOMIC FACTORS: EFFECTS ON CUSTODY  
LITIGATION

NATALIE E. FISCHER

A Thesis Submitted in Partial  
Fulfillment of the Requirements  
for the Degree of

MASTER OF SCIENCE

Department of Psychology

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2022

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INDIVIDUAL, CHILD, AND SOCIOECONOMIC FACTORS: EFFECTS ON CUSTODY  
LITIGATION

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N. E. F.

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## CHAPTER I: INTRODUCTION

### **Marriage and Divorce Statistical Overview**

The United States is known to have one of the highest divorce rates in the world, however, these trends tend to waver given varying economic conditions, social norms, and cultural attitudes (Kennedy & Ruggles, 2014; Kreider & Fields, 2002). The variance in environmental conditions continuously affects the duration, timing, and number of marriages, as well as multiple family characteristics (Mayol-García et al., 2021). In 1980 for example, the US saw a large shift in divorce laws such that couples were no longer required to provide a reason for divorce. Due to this “pent up” desire for divorce, the highest divorce rates the nation were observed at 22.6 per 1000 people. These numbers have decreased and stabilized ever since, sitting at 14.0 in 2020 (Westrick-Payne, 2022).

Additionally, divorce rates are naturally dependent on marriage rates: the fewer marriages, the fewer divorces that can occur. For example, in 2008, the marriage rate for women in the US was at 17.9, but more recently in 2018, the rate was 16.6. The matching divorce rates follow this decrease, with a divorce rate of 10.5 in 2008 to 7.7 in 2018 (United States Census Bureau, 2020). Not only does this show a decrease in the number of divorces occurring, but it demonstrates less of the population is getting married. In fact, in 2020, 33% of adults aged 15 and over had never been married, compared to 1950, in which 23% had not (United States Census Bureau, 2020). Further, the populace is, on average, delaying marriage until they are older, demonstrated by an increased median age of men and women entering marriage. In the 1970’s, women were 20 years old on average, while men were 23 on average. In 2016, this number had raised seven years to 28 years old for women and 30 for men (Mayol-García et al.,

2021). Even more recently in 2020, women were 28.1 years of age and men at 30.5 on average (United States Census Bureau, 2020).

In terms of previous marriages, in 2016 of those married, 48% of men and 52% of women had married only once; 12% of men and 13% of women had married twice, 3% of men and 4% of women had married three or more times (Mayol-García et al., 2021). Further, in all ever-married adults, 33% of men and 34% of women have only been divorced once. Thus, it is most common to only be married once, and divorced only once. Interestingly, premarital pregnancies and premarital cohabitation have also be used to predict divorce, as both have been found to increase the chance of divorce (Gibson-Davis & Rackin, 2014; Schneider et al., 2018, Bumpass & Raley, 2007; Raley & Sweeney, 2020). The length of each of these marriages can also determine the likelihood of divorce, with the shorter the marriage length, the more susceptible these couples are to divorce; however, this is only applicable to couples married less than five years. Further, any remarriage is less stable than a first marriage (Gibson-Davis & Rackin, 2014; Schneider et al., 2018; Bumpass & Raley, 2007).

Based on the commonality of divorce in the daily lives of the U.S. population, it is important to investigate the affects it has on those involved. One way divorce can impact the population is through families and its members' lived experiences. More specifically, divorce is a stressful event that may impact the psychological wellbeing of these family members, and in turn, may lead to maladjustment in their daily lives.

## **Psychological Outcomes of Divorce**

### **Divorce Stress Adjustment Model**

Given the possible differences in adjustment to divorce, as well as differing stress levels, it is necessary to understand what may alter them, so family members have the most positive

experience possible. Many ways of seeking to understand how divorce stress impacts the psychological condition have been developed, include the Divorce Stress Adjustment Model by Amato (2000). This theory begins with the idea that marital disruption is a stressful life event that unfolds over time and is cause for numerous stressful events that require significant adjustment. The model postulates that the relationship between divorce process and psychological adjustment is mediated by multiple factors within both the parents and the children involved. Additionally, the relationship between these mediators and psychological outcomes is moderated by protective factors such as resources, definition and meaning of divorce to the individual, and demographic characteristics.

To begin, the relationship between divorce and psychological adjustment, according to Amato (2000) is mediated by factors within the parent specific experience and the child specific experience. Mediators for children include the decline of parental support and effective control; possible/less contact with one parent; continuing exposure to conflict between parents; economic decline; and other stressful divorce related events, such as moving, changing schools, and additional marriages and family members. Mediators for parents include obtaining sole parenting responsibility/loss of children; loss of emotional support from individuals like in-laws, married friends, neighbors, etc.; continuing conflict with their ex-spouse, such as visitation disagreements, child support litigation, custody decisions, etc.; economic decline; and other stressful divorce related events, such as moving. It is also interesting to note that some of these mediators can be outcomes themselves. For example, single mothers with less income may result in a lessening of standard of living, financial security, child nutrition, opportunities for children, etc. Thus, listed mediators are short-term outcomes that can have additional long-term consequences.

Regarding protective moderators between the relationship of the model's mediators and psychological adjustments, Amato provides three: resources, definition and meaning of divorce, and demographic characteristics. Amato hypothesizes three areas underneath resources: individual assets, interpersonal relationships, and structural resources. Individual assets refer to traits about the self, such as self-efficacy, coping skills, social skills, etc. that one uses to interpret their situation. Examples of interpersonal relationships include social support, such as friends, family, and other important individuals that one relies on to process with. Lastly, structural resources include positions like employment, community services, supportive government policy, etc. that maintain the individual's surrounding context. Next, the meaning of divorce has implications on one's psychological adjustment to divorce. For an individual who views divorce as a personal tragedy versus personal growth versus escaping abuse, their adjustment may be entirely different. Additionally, a family member's demographic characteristics, such as age and sex, may alter the relationship between one's mediators and their psychological adjustment.

Lastly, all these mediating and moderating components culminate in a person's psychological adjustment to divorce. Psychological adjustment refers to severity and duration of psychological, behavioral, and health problems; functioning in new roles; and identity and lifestyle not tied to former marriage. There are two competing models of how these factors culminate to affect the individual: the short-term crisis model and the long-term chronic strain model. In the short-term crisis model, aforementioned mediators and moderators determine the speed at which adjustment occurs and with time, most return to pre-divorce levels of functioning. Within the long-term chronic strain model, mediators and moderators of divorce have persistent strains that do not diminish, such as economic change, loneliness, parenting responsibilities, etc.

that continue indefinitely with no return to pre-divorce functioning levels. Below offers more detailed research regarding specific psychological outcomes of divorce for both children and parents to supplement Amato's (2000) model.

## **Children**

By far, the most well-researched divorce outcomes have been on children of divorce and most often, psychological outcomes are presented in terms of stress individuals in the family undergo. Researchers consistently describe certain child, marriage, and family characteristics impact how divorce related stress is experienced by children. First, the age of a child at the time of divorce can alter stress levels, with younger children demonstrating worse reactions to divorce, especially if the child is under five years of age due to developmental stage disruptions (Lowery & Settle, 1985). Additionally, sex of the child alters stress, with boys being found to have worse adjustment including increased aggression, disobedience, and developmental regression (Lowery & Settle, 1985). Also, parent-child relationships modify the effects of divorce, where increased relationship quality before divorce is linked to better reactions post-divorce; they also show healthier visitation patterns (Lowery & Settle, 1985; Amato & Keith, 1991). Unfortunately, it is hard to maintain these relationships after divorce, as parents must work longer hours for comparable income and have less time for their children. Moreover, decreased post-divorce stability, determined by factors such as income and parental age (with younger parents seen as less stable), can worsen stress patterns and subsequent outcomes in children (Lowery & Settle, 1985; Amato & Keith, 1991). In fact, the change in income often puts families below the poverty line leading to lower education achievement, as there are less resources to do well in school and an increased pressure to begin work earlier to assist in income (Duncan & Hoffman, 1985; Weitzman, 1985). Increased amount of change in the environment,

such as moving, also worsens childhood outcomes (Lowery & Settle, 1985; Wolchik et al., 1985). Lastly, the type of custody arrangement decided after divorce has been associated with childhood outcomes, with sex consistency (i.e., mother-daughter, father-son) tending to be less stressful, as well as shared custody (rather than sole custody) showing better childhood outcomes (Lowery & Settle, 1985).

Unsurprisingly, the type of custody awarded to parents impacts childhood outcomes of divorce as well, however, there is disagreement on how much. Commonly, it is believed that sole custody arrangements are associated with worse outcomes because there tends to be a lack of resources, a loss of an entire parent relationship (usually the father), and another overworked and stressed parent (Steinbach, 2019). On the contrary, shared is thought to be the best arrangement since parent resources are pooled and the child can have an ongoing relationship with both parents, hence better parent-child relationships and better adjustment (Steinbach, 2019). When compared, shared custody has been linked with no or slightly higher rates of risky behavior in children compared with intact families, and more importantly, significantly lower rates when compared to sole custody arrangements (Carlsund et al., 2013; Jablonska & Lindberg, 2007). Additionally, when shared custody was compared to other custody types, these children had equal or fewer communication problems with their parents and demonstrated equal or nonsignificant lower life satisfaction to those of intact families (Bjarnason & Arnarsson, 2011; Bjarnason et al., 2012; Bergström et al., 2013).

## **Parents**

Despite divorce being rated the number one life stressor, there is much more limited research on parental outcomes of divorce (Holmes & Rahe, 1967; Dohrenwend & Dohrenwend, 1974). Generally, it is thought that the more stress one experiences, the more likely it is to have



negative psychological outcomes (Braver et al., 2006). Unfortunately, for those who experience increased amounts of stress as a result of divorce, their adjustment becomes a picture of higher risk of physical and mental illness, suicide, motor vehicle accidents, alcoholism, homicide, and overall early mortality (Hemstrom, 1996; Joung et al., 1997). Additional complications include higher levels of anxiety, depression, and unhappiness (Lorenz et al., 1997; Simon & Marcussen, 1999).

The amount of stress parents experience in divorce differs based on certain parental variables, such as the sex of the parent, initiator vs. non-initiator of divorce, and custody arrangement. These variables tend to overlap; for example, mothers are generally awarded custody and are typically the partner to initiate the divorce (Braver et al., 2006). Thus, women tend to have greater psychological adjustment due to reduced stress levels over the situation, as they more commonly have control over the breakup (Gray & Silver, 1990). Moreover, a child awarded in custody decisions is considered a form of support for the parent; the non-custodial parent loses the child, but also loses them as a person in their support system (Blankenhorn, 1995; McKenry & Price, 1991). Interestingly, the parent with the child (again, usually the mother), must “hold it together” for the child, whereas the non-custodial parent (again, usually the father) does not have that grounding responsibility (Blankenhorn, 1995).

More specific differences between men and women in divorce are coping, time that divorce stress is experienced, and outlook/attitude towards the divorce. In terms of coping, women fair better as they have greater social support networks that they can turn to, whereas men have been found to heavily rely on their spouse for their support (Umberson et al., 1996; Stone, 2002). In this way, women may find themselves with better emotional adjustment and recovery than that of men (Ahrons & Rodgers, 1987; Braver & O’Connell, 1998). Further, men

are more likely to use harmful or ineffective coping methods, such as alcohol or drug use (Baum, 2003; Umberson & Williams, 1993). On a different note, men and women experience the stress of divorce at differing times; it has been shown that women experience the greatest distress before the decision of divorce, whereas men experience peak stress after filing for divorce (Albrecht, 1980; Bloom & Caldwell, 1981). This may lead to women beginning to adjust to the divorce far sooner than men. Lastly, men and women tend to have differing outlooks on divorce. Women are more likely to have the “second chance” mindset about the event and report improved work opportunities, social lives, happiness, and self-confidence (Acock & Demo, 1994). Women also adopt higher statuses within family roles, like being the head of the household (Braver & O’Connell, 1998; Umberson & Williams, 1993). Even further, women experience more divorce settlement satisfaction, as most settlements lend themselves to maternal custody, increased financial gain, control over visitation, and inheriting property. In fact, this may be the first and only situation where women do not experience gender discrimination under the legal system (Braver & O’Connell, 1998; Umberson & Williams, 1993; Sheets & Braver, 1996). Conversely, men receive a lowering in status by having to gain domestic roles and for the first time, experience gender discrimination, and report greater confusion and frustration in the role of non-custodial parent (Braver & O’Connell, 1998; Umberson & Williams, 1993; Sheets & Braver, 1996).

Although the data above contains information relevant to sole custody, different custody types, namely shared custody, can buffer both parents from negative psychological outcomes of divorce. There is one caveat to this statement however: the level of contention between parents. Scholars have had a hard time disseminating whether constant levels of high disagreement between parents outweigh the benefits of shared custody (Bauserman, 2012). For example,

parents have certain obligations when shared custody is considered, such as the need for constant coordination on childcare; increased costs due to needing dual sets of items; and needing to live somewhat close to one another (Bauserman, 2012). Despite these setbacks, there are nearly as many benefits, such as increased financial resources, better health, greater freedom, and a reduction in workload stress, all while having a continued parental role (Breivik & Olweus, 2006; Bauserman, 2012). Indeed, most parents have been shown to express satisfaction with shared custody arrangements; feel less time pressure; have more leisure time, feel better able to participate in the labor force, and report better physical and emotional health (Bergström et al., 2014).

Among divorce cases then, the process of awarding custody, as well as the type of custody that families and courts agree upon, produces clear psychological outcomes for family members. Thus, a brief description on how courts decide custody is discussed, as well as a clearer picture of what each type of custody means under law. Additionally, clarification is needed to understand parent, child, and other family members' influences in the arrangement.

### **The Process of Custody Awards**

According to the American Bar Association's Center in Children and the Law (2008), in the process of custody decisions, the majority of power resides with the judge. Judges are tasked with balancing information presented in trial, through expert testimony, with their own opinion to make informed decisions. Expert testimony may be gathered through interviews, home visits, and school, criminal, and/or employment records. Judges must also be well privy to the children's grief process, temperament, resilience and special/developmental challenges. Additionally, they are encouraged to understand developmental periods and implications of them on the case. Beyond children involved, judges are also empowered to observe parenting

considerations, including assessing the parent-child relationship, the parents' grief process, attachment concerns, stepparents/significant others, gender, religion, culture, ethnicity, sexual orientation, socioeconomic status, mental illness, domestic violence, substance abuse, and the coparenting relationship. In this way, judges are supposed to weigh complex legal, social, cultural, economic, psychological, and other related issues within the family. It, unlike other legal precedents, also requires judges to predict likely future behaviors and outcomes of family members. Doing so is to minimize the negative impact of divorce and separation on family members. This minimization is the current legal precedent, dubbed “the best interests of the child,” which states that cases are to be decided in a way that ensures the well-being of the children involved. However, although the law is clear on what should happen, judges' opinions are also included. This has the possibility of being problematic because opinions may be biased, and it has been found that some judges still tend to rely on gender norms and stereotypes for custody decisions (Donohue, 2020). Judges who rely on personal values and observations may fall prey to heuristics and latent prejudices, which in turn, create blind spots in some areas with a hyperfocus on others (Donohue, 2020). Given the difficult task of weighing this heavy information, many different custody outcomes may be appropriate depending on the family. The various possible arrangements are described in detail below.

### **Types of Custody Arrangements**

By legal definition, custody refers to, “The care, control, and maintenance of a child awarded by a court to a responsible adult” where an award of custody grants both legal and physical custody (Garner, 2016). But what is the difference between legal and physical custody, and what about other types of custody not mentioned? Below offers a summary of custody types and what each means for both the children and the parents, according to Garner (2016). *Legal*

*custody* refers to the authority to make legal decisions for the child, which includes topics like education, religion, and healthcare. This can be considered, in short, “decision-making authority” over the child. Where legal custody refers to decision-making authority, *physical/residential custody* refers to caregiving authority. This is where the children will reside the majority of time. There are three types of physical/residential custody: sole, divided, or shared custody. *Sole custody* pertains to the arrangement where one parent has all legal and physical rights at the exclusion of the other parent. This custody type, especially in women, is becoming more uncommon as research finds children benefit from the presence of both parents. *Divided custody* is when one parent maintains all legal and physical custody, while the other parent is only awarded visitation rights. *Split custody* literally splits the children between parents; one parent takes exclusive physical and legal custody of one or more children, while the other parent takes exclusive physical and legal custody of the remaining children. This arrangement is uncommon, as most jurisdictions prefer keeping siblings together. Finally, *joint/shared custody* refers to an arrangement in which both parents have legal and physical custody. In this way, both parents share responsibility and authority over the children at all times, although one may have primary physical custody. This form of custody is rapidly increasing given research promotes the involvement of both parents, and can be split into three types, determined by the number of overnight stays, also known as “primary placement”. The first type is shared custody with mother as the primary physical custody placement or having the majority of overnights with the child. The second is shared custody with father as the primary physical custody placement, with the father having the majority of overnight stays with the child. The final type of shared custody is equal custody with no primary physical custody placement and equal number of overnights with both parents (Meyer et al., 2017). The current study will be focusing on physical custody

awards with three central types: sole maternal, sole paternal, or shared. It is important to note that all types of custody in a case do not need to be awarded to the same parent and may be divided between parents (i.e., one parent may have legal custody while the other may have physical custody)

### **Factors Associated with Divorce and Custody Arrangements**

Due to these different types of custody and their psychological impacts on family members, it is necessary to investigate factors which contribute to decisions on custody. In this way, researchers may be able to prevent/undo stress on parents and children, as well as finding the best arrangement possible for them. Besides blatant reasons to not place children with a certain parent (abuse, neglect, inability to care for the child, etc.), other possible explanations may include legal perspectives, such as the judge and attorneys hired, the quality of lawyer a parent can hire (if at all), etc. Beyond legal process factors, individual parental factors such as age, sex, previous or current partnerships, divorce plaintiff, etc. may play a part in determining what type of custody is in the best interests of the child (Cancian & Meyer, 1998; Donnelly & Finkelhor, 1993; Leclair et al., 2019; Teachman & Polonko, 1990; Zilincikova, 2021). Further, characteristics about children, such as the number of children, age, sex, step- or half-siblings etc. may contribute to where a child is placed (Coenen, 2018; Cooksey & Fondell, 1996; Fox & Kelly, 1995; Juby et al., 2005; Maccoby & Mnookin, 1992; Sodermans et al., 2013). Finally, contributing socioeconomic factors of the family, such as income, employment status, home ownership, etc. may play a role in this process (Mcintosh 2009; Selzer, 1990; Raub et al., 2013; Shiller 1986; Yeung et al., 2001). This study will focus on individual characteristics of parents (i.e., age and petitioner) and children (i.e., number, age, and sex), as well as the socioeconomic indicators (i.e., employment status and income) using a secondary data source. Extant research

on the associations between these individual, child and socioeconomic factors and custody decisions described below.

## **Individual Factors**

### ***Age of Parent***

In terms of divorce, the younger the couple is, the more likely their marriage is to end in divorce (Mayol-García et al., 2021). However, regarding custody decisions, the data is limited to how the age of each parent may influence physical custody type. Some have found that the age of the mother is associated with an increased likelihood of receiving sole custody, however, other findings have contradicted this statement (Teachman & Polonko, 1990; Zilincikova, 2021). For example, Cancian and Meyer (1998) explored various factors predicting three types of physical custody: sole maternal custody, sole paternal custody, or shared custody. The researchers used Wisconsin Court Record data to sample 21 Wisconsin counties, totaling 4,073 participants. Using a multinomial model, the authors found that parental age gap, length of marriage, and paternal age, did not influence the type of physical custody awarded, unless observing maternal age. Specifically, increased maternal age was significantly associated with decreases in sole paternal custody. Additionally, other studies have found that when mothers turn 33, the probability of sole custody decreases and the likelihood of shared custody increases (Leclair et al., 2019). Notably, to my knowledge, no study has specifically investigated father age as a determinant of physical custody. Cancian and Meyer (1998) tangentially explore paternal age by assessing the ways the age gap between parents in relation to sole or shared custody awards. However, in their sample, fathers that were on average 11 or more years older than the mothers were not found to predict physical custody type.

### *Divorce Petitioner*

A limited body of research also suggests that whichever parent initiates a divorce may have consequences on the course of the divorce as well as associated custody decisions. For example, in addition to examining parent age, Cancian and Meyer (1998) investigated the relationship between which parent petitioned and shared versus sole custody decisions. They found that that if mothers were the petitioner for divorce, shared custody and sole father custody decreased. However, if the father was plaintiff and petitioned for divorce, only the likelihood of shared custody decreased. In other words, his chances of obtaining sole custody were not affected. Nevertheless, other studies have contradicted this finding. For example, Sodermans et al. (2013) conducted a study on 2,207 couples from a project called The Divorce in Flanders Project. The project was a large-scale survey taken from 1971 to 2010 and used multinomial logistic regression to determine the likelihood of different physical custody arrangements based on various divorce considerations, such as parental conflict, mediator presence, children involved, parental education, which partner petitioned for divorce, etc. The study found that when a father initiates a divorce, the likelihood of him receiving sole custody is decreased, as well as a decreased occurrence of shared custody. There was no effect for the mother being the petitioner of divorce. Further, Soderman and colleagues (2013) found that if both parents mutually decide to end their marriage, the likelihood of shared custody increases.

In total, the literature on individual parental factors is mixed; the age of each parent and which parent petitions for divorce seem to influence the type of physical custody decided in divorce cases, but it remains unclear how. Additional work is needed in this area to determine more about how these factors impact physical custody awards. Thus, this current study seeks to add clarification in this area.



## **Children Factors**

### ***Number of Children***

Some scholars assert that because families with multiple households are more expensive, the number of children couples produce may lead to differing custody outcomes. For that reason, shared custody with many children may be unrealistic (Juby et al., 2005). This assertion is supported by Maccoby and Mnookin (1992), where shared custody was determined to be more common in one child families as opposed to larger families. Additionally, it has been demonstrated that there is an inverse relationship between the number of children a family has and shared custody appointments (Leclair et al., 2019). In this study, Leclair and colleagues used data from The National Longitudinal Survey of Children and Youth in Canada, which recorded various demographic variables among school aged children and their households. Among the sample of 758 families, researchers used multinomial logistic regression to observe how family factors such as ethnicity, conflict, and average child age; number of children; and other factors contributed to custody outcomes. They found that if a family has three or more children, sole custody placement becomes more common compared to cases where families had a single child. However, there are mixed results, as other studies have found no association between family size and custody arrangement (Sodermans et al., 2013; Cancian & Meyer 1998; Teachman & Polonko, 1990). For example, Teachman and Polonko (1990) used data from The National Longitudinal Study of The High School Class of 1972, which followed random high school seniors from private, public, and church affiliated schools throughout the U.S. Follow ups for these individuals were conducted from 1973 to 1986 at various points in time, and the data for this study consisted of 14,500 respondents in the final data gathering round of the project. Researchers surveyed respondents in areas such as child support, physical custody type,

visitation, property settlement, economic resources, race, age of children, number of children, etc. With this data, the researchers determined that the number of children at time of divorce did not influence the type of custody awarded. However, having a child under the age of six did, leading to the age of children being associated with the appointment of physical custody, which is explored next.

### ***Age of Children***

As previously stated, the age of the child when divorce is experienced has consequences on psychological outcomes, but it may also influence the type of custody awarded by courts. Like much of the literature on custody decisions previously described, the literature about the association between child age and custody outcomes is mixed. Some studies put forth a U-shaped relationship between child age and physical custody type. For example, Sodermans and colleagues (2013) found between the ages of four and twelve, shared custody was most common and when children are younger or older than this range, sole custody types became more common. Others have restricted this shape to a narrower age range, with Maccoby and Mnookin (1992) finding shared custody likelihood to increase between the ages of two and nine. Further still, other studies have found a more complicated relationship between child age and physical custody, with the probability of shared physical custody increasing with child age until age four, stabilizing until age ten, then beginning to rise again in adolescence (Leclair et al., 2019). Custody type patterns relating to child age may also be moderated by parent sex, where fathers are more likely to obtain sole custody only when the child is older (Fox & Kelly, 1995; Maccoby & Mnookin, 1992; Seltzer, 1990). Seltzer (1990) utilized data from The Court Record Database in Wisconsin that maintains information on divorce cases specifically involving children. The author used five cross sectional samples of divorcing families between 1980 and 1985, having a

total sample of 4,038 cases. This study recorded demographic characteristics of families as well as court actions (temporary versus final orders, reasons for filing, settlements, etc.). With this data, Seltzer performed a multinomial logit analysis to compare occurrences of different physical and legal custody arrangements. It was found that when fathers have physical custody, the youngest child is on average between 6.4 and 7 years old, whereas maternal physical custody placed the youngest child at, on average, 5 years old. This is supported by Leclair et al. (2019), who found that as the age of the youngest child increased, sole paternal custody became increasingly likely. Additionally, sole father custody decreased when the child was under three years of age. However, others have also found no relationship between child age and custody type (Cancian & Meyer, 1998), highlighting the mixed nature of this literature.

### ***Sex of Children***

Although extant literature is mixed, the sex of a child may alter custody decisions. For example, studies have found fathers to be more involved when their children are male, and sole paternal custody was found to be more likely with male children (Cancian & Meyer, 1998; Cooksey & Fondell, 1996; Yeung et al., 2001; Fox & Kelly 1995; Maccoby & Mnookin, 1992; Seltzer, 1990). For example, Fox and Kelly (1995) sampled 509 divorce cases from a Michigan county in 1982. Questionnaires were sent to perspective participants and inquired about spouse age, ethnicity, education, employment, occupation, income, marital history, health, etc. The researchers also gathered detailed information on the couple's children, including number, age, sex, physical custody type, and oldest child age and sex. This study found that probability of fathers receiving physical custody was linked with the interaction between age and sex of the eldest child. If the eldest child was a female, the probability of receiving physical custody was significantly lessened. It is important to note this trend was only shown in the eldest child; no

other children in the family demonstrated significant differences in custody type when considering sex. This is thought to be largely due to family preference rather than court influenced or due to traditional gender roles and division of labor before divorce. If fathers are more involved in their son's lives than daughter's pre-divorce, they may have more motivation to continue this involvement with better known children. Cancian and Meyer (1998) also suggest this may be due to mother's comfortability or a child's preference and has nothing to do with court imposition. Despite this, further studies have found that the sex of the child does not predict physical custody outcomes, even if the family has all female or all male children (Sodermans et al., 2013).

In conclusion, child factors in divorce cases clearly influence physical custody placement, however, the literature is unclear on how so. Previous results are mixed, and more research needs to be done in the area to fully understand this complicated relationship. This study will observe these factors to add to the mixed literature and add clarity.

## **Socioeconomic Factors**

### ***Education***

Parental education, employment, and income play a large role in whether a couple will maintain a marriage, as well as how well these individuals may fare afterwards. For example, individuals with some college have the highest divorce rate at 24%, closely followed by high school educated at 22%, then individuals with less than a high school education at 21%, then finally those with a bachelor's degree or higher at 16%. Additionally, those who marry tend to have a higher level of educational attainment; while 18% of all people 15 years and over had a bachelor's degree, 23% of men and 25% percent of women who married in the past 12 months had a bachelor's degree. Ten percent of all adults had a graduate or professional degree, 11% of

men and 13% of women who married in the past 12 months had these same credentials (Mayol-García et al., 2021). Not surprisingly then, extant literature suggests these socioeconomic factors may also contribute to custody decisions.

When considering custody outcomes, research on the education of involved parents has largely produced mixed results. Regardless of parent, studies have found that increased education increases the likelihood of shared custody (Cancian & Meyer, 1998; Fox & Kelly, 1995; Shiller, 1986; Sodermans et al., 2013; McIntosh, 2009). For example, Shiller (1986) observed 40 families, 20 with shared physical custody and 20 with sole maternal custody; participating families were recruited through advertisements and referral by other subjects. The researchers wanted to determine if there were characteristics about the parents that lead to specific custody outcomes, both in terms of actual arrangement and child adjustment. They found that descriptively, parents with shared custody arrangements tended to have some graduate or professional training, while in sole custody arrangements, the average education level was a bachelor's degree. Some scholars suggest this is because as education increases, parents become more aware of different custody types and their advantages and disadvantages (Donnelly & Finkelhor, 1993). When comparing parents to each other in terms of education, if both ex-spouses are highly educated, the odds of shared custody versus mother sole custody are higher than middle-educated parents (Sodermans et al., 2013). However, if both spouses are low-educated, shared custody becomes less likely.

When mothers are more educated than the father, sole maternal custody becomes more likely and shared custody decreases (Juby et al., 2005; Raub et al., 2013; Sodermans et al., 2013). However, other studies have found that maternal education does not predict custody type (Leclair et al., 2019). Regarding paternal education, if fathers are more educated than the mother,

some have found a higher likelihood of shared physical custody over sole custody types (Juby et al., 2005). However, this is contrasted by others, who have found that higher-educated fathers have increased rates of sole paternal custody and decreased shared custody (Leclair et al., 2019; Raub et al., 2013; Sodermans et al., 2013). To further demonstrate, Raub and colleagues (2013) set to determine parental factors, such as income, education, arrest history, family protective services involvement, previous mental health treatment, and psychiatric hospitalizations, may be considered in physical custody decisions. The authors did so by exploring 202 custody and visitation cases that ran through a court clinic in the northeast United States between 1999 and 2009. The clinic documented intakes of both parents, which included information on satisfaction with the current custody arrangement, co-parenting communication, characterization of divorce, and sociodemographic information, etc. Results from multivariate logistic regression revealed that the probability of sole paternal physical custody increases when maternal education is lesser in comparison.

### ***Class, Income, and Employment***

The financial impact of divorce between men and women differs. For example, 76% of men and 74% of women maintain employment after divorce, however, recently divorced women are more financially strained in this situation, as 28% of women are on public assistance as opposed to 19% of men. Additionally, 20% post-divorce women live in poverty compared to 11% of men (Mayol-García et al., 2021). Again, it is understandable then why these factors may alter custody decisions.

Regarding custody then, multiple households are more expensive to run, so custody type may be dependent on whether a family can afford the arrangement; thus, upper-class households undergoing divorce may have an over-representation in shared custody outcomes (Donnelly &

Finkelhor, 1993; Fehlberg et al., 2011; Johnston, 1995; Juby et al., 2005; Kitterød & Lyngstad, 2012; Strohschein, 2005; Wolchik et al., 1985). Moreover, low-income families may not have the appropriate skills and resources to manage shared custody as demonstrated by Donnelly and Finkelhor (1993). In their study, researchers gathered responses from 320 participants who were reported caretakers for children under The National Incidence Study of Missing, Abducted, Runaway, and Thrownaway Children from 1988 to 1989. The authors investigated how education and income affected custody decisions while controlling for child age, child sex, child race, and number of children in the household. It was found that income and education are significant predictors of shared custody such that increased education and income are associated with an increase in shared custody arrangements. Uniquely, this study's sample included race and geographic area as predictors of physical custody type, and interestingly, white families and suburban or rural families were significantly less likely to have shared custody. The authors believed that this was due to differences in family structure and modeling. Specifically, minoritized families were believed to have a more flexible family structure, and those in metropolitan areas were surrounded by more people who utilize and model shared custody as an option.

Findings in education and income are further supported when observing parental work patterns; if both parents are in the labor force, shared custody decisions increase, presumably due to higher income to support this custody arrangement (Leclair et al., 2019). Additionally, the courts may view income as a determinant of the household(s) that represent the best interests of the child; it can be an indication of responsibility, lifestyle, and division of labor prior to divorce (Coenen, 2018). In support of this, Cancian and Meyer (1998) found that when observing individual parental income, patterns followed power distributions of parents when they were still

married. For example, if parents contributed equal to the total income of the household, this equivalent power is more likely to hold in custody decisions (shared custody/power of children), or if one parent contributed more to the household income, they may be more likely to have sole custody.

However, findings on parental income's affects are mixed and may be moderated by parental sex. For example, some have found that a lower maternal income is associated with less sole custody awards to mothers (Sodermans et al., 2013). In contrast, others have found that the income of a father increases their likelihood to gain sole custody while increasing maternal income does not influence custody decisions at all (Fox & Kelly, 1995; Seltzer, 1990). However, it has also been found that an increase in father's income may lessen awards of physical custody (Fox & Kelly, 1995). The working hours of each parent may also be a factor, with Leclair and colleagues (2019) finding that shared custody was less likely if the father works evenings or weekends, while a mother's work schedule did not influence custody arrangement. Lastly, others have found no effect of economic resources of either parent on physical custody (Maccoby & Mnookin, 1992).

Given previous research in this area, socioeconomic determinants, such as education, income, and employment status are associated with physical custody allocations. Nonetheless, it remains unclear how these factors influence the type of physical custody. This study aims to provide clarity in the research by adding to the literature.

### **Present Study**

Previous studies have informed the field that individual parental, child, and socioeconomic factors may play a role in determining custody placements of children. However, results are inconsistent and contrast often. Additionally, previous studies incompletely assessed these



factors simultaneously. This study proposed to rectify these limitations, supplying additional clarifying information by investigating the determinants of custody arrangements in a sample of families gained from secondary archival data. In this way, the study contributed to a more complete understanding of physical custody. Additionally, many of the previous studies cited are dated. I proposed to add to the literature by bringing such information into the 21<sup>st</sup> century. Although divorce law may not have altered drastically since older publications, societal views and culture values have shifted immensely. Using the Parenting After Divorce Study (Ferraro et al., 2016), a secondary data source from 2013-2014, allowed me to observe more recent social shifts in divorce attitudes. Newer data is important, given past research suggests custody is associated with psychological outcomes of family members in divorce. With possible newer changes in custody arrangements comes newer psychological adjustment opportunities. I stipulated the following hypotheses:

*Hypothesis 1:* Even with the literature on maternal age being mixed, the strength of the Cancian and Meyer (1998) study led me to hypothesize that as the age of a mother increases, the occurrence of shared custody would decrease, the likelihood of sole paternal custody would decrease, and probability of sole maternal custody would increase. Paternal age is hypothesized to have no effect on physical custody outcome (Cancian & Meyer, 1998).

*Hypothesis 2:* Due to previous data suggesting multiple households with more children are harder to maintain, I expected that as the number of children in a family increase, the occurrence of shared physical custody would decrease, and the odds of either or both maternal and paternal sole custody would increase (Leclair et al., 2019; Maccoby & Mnookin, 1992).

*Hypothesis 3:* As the majority of current literature agrees, the age of the children in the family may influence the custody type awarded. However, studies do not agree on the age nor

direction of the age affect (Maccoby & Mnookin, 1992; Sodermans et al., 2013). Given my dataset, I expected that if a focal child is younger than four or older than ten, sole custody arrangements would become more common. If a focal child falls between the ages of four to ten, shared custody was hypothesized to be more common.

*Hypothesis 4:* With previous studies taken into consideration, sex seems to have a clear influence on custody type such that when child and parent sex align, they are more likely to be assigned together. Given this, I hypothesized that when a focal child was male, sole paternal custody was predicted to increase (Cancian & Meyer, 1998; Cooksey & Fondell, 1996; Yeung et al., 2001; Fox & Kelly, 1995; Maccoby & Mnookin, 1992; Seltzer 1990). If the focal child was female, sole maternal custody would be more likely to occur (Cancian & Meyer, 1998; Cooksey & Fondell, 1996; Yeung et al., 2001; Fox & Kelly, 1995; Maccoby & Mnookin, 1992; Seltzer 1990).

*Hypothesis 5:* Although employment research is mixed and tied to sex of the parent, the current research leans towards the idea that employment indicates income, which indicates resources the child will have access to. Thus, if the mother was employed, her likelihood of sole physical custody would increase, while the occurrence of shared and sole paternal custody would decrease (Fox & Kelly, 1995; Sodermans et al., 2013). If the father was employed, his likelihood of sole physical custody would increase, while shared custody and sole maternal custody would decrease (Fox & Kelly, 1995; Sodermans et al., 2013).

*Hypothesis 6:* Due to extant research finding income an indicator of ability to care for a child, I expected that as maternal income increased after divorce, so too did her likelihood of being awarded sole physical custody, while the chances of sole paternal physical custody or shared physical custody would decrease (Fox & Kelly, 1995; Sodermans et al., 2013). As a

father's income increased post-divorce, sole paternal custody would increase, while sole maternal physical custody and shared physical custody appointments would decrease (Fox & Kelly, 1995; Sodermans et al., 2013).

Additionally, based on the lack of clear direction in current studies observing the association between petitioner and physical custody, a hypothesis was not formed in this area and remained exploratory (Cancian & Meyer, 1998; Sodermans et al., 2013).

## CHAPTER II: METHOD

### Participants

This project used a secondary data source. Specifically, data were collected by original researchers as part of short-term longitudinal study called the Parenting After Divorce Study that took place from 2013 to 2014 (Ferraro et al., 2016). Participants included both mothers and fathers identified through court records in four different counties in a southeastern U.S. state and were included based on three criteria: obtained a divorce in the prior three months, had filed/had a spouse file within six months before the divorce, and had at least one shared minor child with the former spouse. Ages of participants ranged from 22 to 64 ( $M = 40.09$ ,  $SD = 7.85$ ) and over half were female (60.54%). Additionally, the ethnic makeup of the study was 59.51% White, 15.14% Black, 20.07% Hispanic, 2.46% Asian, and 2.82% other. Of the respondents, 3.52% had less than a high school education. 10.21% had a high school diploma or GED, 8.45% had trade or technical school education. 35.92% had some college education, 22.54% had a bachelor's degree, and 19.37% had higher than a bachelor's degree.

### Individual Parental Factors

The parent age was taken by a survey question for respondent birth year. The authors then calculated the respondent age in 2013 or 2014 based on the day the data was collected. The petitioner was taken by a survey question asking if the spouse of the respondent was the petitioner (coded as a 1) or if the respondent was the petitioner (coded as a 0).

### Children Factors

Respondents were asked to report information on a focal child in the family; this child was the youngest child in the household of shared children between the couple. Respondents reported the age (coded 0 for below age four and above age ten and 1 for between four and ten) and sex

(coded 0 for males and 1 for females) of this child, as well as the number of siblings the focal child had. The number of children in the family was calculated by adding the number of siblings to the focal child themselves.

### **Employment and Income**

For respondent employment status, participants were asked to report whether they were employed at the time of data collection, coded as a 1 for unemployed and a 0 if they were employed. The respondent income was recorded as change in income associated with the divorce in U.S. dollars, where -1 was coded as a decrease in income, 0 was coded for no change in income, and a 1 for an income increase due to divorce.

### **Physical Custody**

Physical custody, the outcome variable, was coded into three possible outcomes: sole maternal custody (coded as a 0), and sole paternal custody (coded as a 1), or shared physical custody (coded as a 2)

### **Procedure**

Original researchers used archival data extracted from files and documents at four large county courthouses in a southern state. Final judgements, parenting plans, child support worksheets, and assorted affidavits were used to locate parents. From this, if contact information could be extracted, researchers contacted the parents to make initial contact. Accordingly, a survey was sent via the mail and included a contact letter, a copy of the survey, a return envelope, and a small incentive. Of the potential 1,540 participants, 1,307 had mailable addresses and 294 participants responded (178 women, 116 men). Data was collected prior to same sex marriages in the United States, so such couples were not included in analysis.

### CHAPTER III: ANALYTIC STRATEGY

In this study, I ran descriptive statistics on the secondary data source to obtain percentages of participants in various categories, determine minimum and maximum values, the mean, and the standard deviation for relevant variables. Then, a multinomial logistic regression analysis was performed to examine associations between individual parental factors, child factors, and socioeconomic factors and the likelihood of children being placed in one of the three custody type arrangements: maternal sole custody (0), sole paternal custody (1), and shared custody (2). Maternal sole custody was used as the reference category. Additionally, in this model, interactions between a variable indicating the respondent sex (0=female; 1=male and (a) respondent age, (b) employment status, and (c) income was analyzed, to pull apart the unique ways these factors contribute to custody decisions for mothers and fathers. Reported statistics included unstandardized coefficients and Relative Risk Ratios (RRR), which indicate the “risk” or likelihood to end up in certain categories over possible others. A negative number indicates movement away from an outcome or being less likely, while a positive number indicates movement toward a particular outcome or being more likely. Analyses were conducted in SPSS version 27 and Stata version 15.

## CHAPTER IV: RESULTS

Table 1 displays variable distributions across the sample. In general, more mothers were participants than fathers and they were more likely to petition for divorce. Fathers were older than mothers on average, both being in their late 30's and early 40's, respectively. Further, families tended to have more than one child, and the focal child studied was often within the four to ten age range; more than half of the children were male. Parents in this sample were highly educated, as well as having high rates of employment. Moreover, both maternal and paternal incomes tended to stay the same or decrease after divorce. In terms of physical custody outcomes, mothers gained sole custody children at a higher rate than fathers, where 194 (66.00%) cases ended in sole maternal custody while 24 (8.16%) ended in paternal sole custody. Shared custody was obtained in 71 (24.15%) cases in this sample. This excludes cases where other arrangements were ordered ( $n = 3$ , 1.02%), such as living with a relative, which were not included in the current analyses.

**Table 1***Descriptive Statistics of Data*

Factors	<i>M(SD)/%</i>
<b>Individual Parental Factors</b>	
Number of Mothers	60.54%
Number of Fathers	39.46%
Maternal Age	38.06(6.83)
Paternal Age	43.21(8.30)
Maternal Petitioner	73.55%
Paternal Petitioner	26.45%
<b>Child Factors</b>	
Number of Children	2.33(1.17)
Focal Child Age	8.27(4.58)
Focal Child Male	53.06%
Focal Child Female	46.60%
<b>Socioeconomic Factors</b>	
Maternal Unemployment	30.68%
Paternal Unemployment	21.74%
Maternal Income Change	
Decrease	36.36%
Stayed the Same	40.91%
Increase	22.73%
Paternal Income Change	
Decrease	34.78%
Stayed the Same	41.74%
Increase	23.48%

Results of the multinomial logistic regression analysis shown in Table 2 display most factors explored had no statistically significant relationship with the type of physical custody received. Between sole maternal and sole paternal custody positions and within parental factors, only the petitioner variable was significantly associated with the physical custody outcome. More specifically, the main effect of petitioner was significant such that being the petitioner, compared



to the respondent, was associated with an increased likelihood of paternal custody compared to maternal custody. However, given both mothers and fathers responded to the survey, the interaction between petitioner status and parental sex was explored. The interaction was not statistically significant which indicated that there was not an observed association between maternal petitioner status or paternal petitioner status and physical custody. Further, parent age, parent sex, and the interaction between the two were also not statistically significantly associated with sole physical custody arrangements.

Within children factors, when comparing maternal and paternal custody types, as the total number of children in a family increased, sole custody was significantly more likely to be awarded to the father compared to the mother. However, the focal child's age and sex were not statistically significantly associated with sole physical custody placements.

Turning to the associations between socioeconomic factors and sole physical custody placements, the main effects of parent employment status, income change, and employment status were not statistically significantly associated with physical custody arrangements. Additionally, the interaction between parent sex and employment status, as well as the interaction between parent sex and income change were not associated with sole physical custody arrangement.

When comparing sole maternal physical custody with shared physical custody, none of the parental, child, or socioeconomic factors were associated with whether custody was awarded solely to mothers or in a shared agreement. Further, the interactions between parent age and parent sex, parent sex and petitioner, parent employment and parent sex, and income change and parent sex were not statistically significant.

**Table 2*****Multinomial Regression Analysis***

Physical Custody Type	Relative Risk			
	<i>b</i>	Ratios	<i>SE</i>	<i>p</i>
<b>Father Custody</b>				
Parent age (PA)	0.07	1.07	0.05	0.132
Parent Sex (PS)	-11.06	0.00	1204.32	0.993
PAxPS	-0.11	0.90	0.11	0.337
Petitioner (PT)	1.42	4.14	0.71	0.045*
PTxPS	13.08	479989.80	1204.31	0.991
Total Children	0.51	1.67	0.25	0.040*
Child Age (<4, >10)	0.14	1.15	0.61	0.818
Child Sex	-0.78	0.46	0.65	0.227
Parent Employment (PE)	0.26	1.30	0.79	0.739
PExPS	-15.6	0.00	1025.35	0.988
Income Change (IC)	0.09	1.09	0.46	0.853
ICxPS	-0.84	0.43	1.00	0.400
<b>Shared Custody</b>				
Parent age (PA)	0.02	1.02	0.03	0.451
Parent Sex (PS)	-2.37	0.09	2.04	0.245
PAxPS	0.04	1.04	0.05	0.367
Petitioner (PT)	0.87	2.38	0.53	0.100
PTxPS	-1.29	0.27	0.72	0.074
Total Children	-0.26	0.77	0.17	0.121
Child Age (<4, >10)	0.29	1.33	0.35	0.407
Child Sex	-0.24	0.78	0.34	0.482
Parent Employment (PE)	-0.42	0.66	0.64	0.506
PExPS	0.50	1.64	0.80	0.360
Income Change (IC)	0.13	1.14	0.33	0.691
ICxPS	-0.41	0.66	0.46	0.369

*Note.* Data presented in comparison to sole maternal custody.

\* $p < .05$ .

An exploratory analysis was conducted by changing the reference group from sole maternal custody to shared physical custody. This was done to compare maternal sole custody and

paternal sole custody to the shared physical custody outcome. In this way, a comparison between paternal sole custody and shared custody placements was possible. None of the individual parent or socioeconomic factors were significant. Of the children factors, only the total number of children were significantly associated with differing physical custody outcomes such that when the total number of children increased, paternal sole custody became more likely ( $RRR = 2.17, p = 0.004$ ). No other child factor nor interactions were significant.

Additionally, given I observed some inflation of an RRR (see Table 2) and with the limited number of sole paternal custody cases ( $n = 24$ ), I conducted an exploratory logistic regression model between sole maternal custody (0) placements and shared custody placements (1) while excluding all sole father placements. In this model, no parent, child, socioeconomic factor, or interactions between parental or socioeconomic factors and parent sex significantly predicted whether a child was placed with a mother versus shared in physical custody.

## CHAPTER V: DISCUSSION

The goal of this study was to clarify the conflicting findings in the literature of the associations between parental, child, and socioeconomic status factors and physical custody arrangements. I also provided a more modern and comprehensive analysis of these associations given extant research is dated and generally does not consider the diverse range of parental, child, and socioeconomic factors that may work together in these processes. Further, this study included three custody types, splitting and comparing maternal and paternal sole physical custody types. Lastly, there are not many large datasets of sole paternal custody and paternal information is difficult to collect, lending to another strength of this study. Interestingly, results both align and contradict current literature and offer new insights into the ways that these factors are associated with physical custody type.

### **Individual, Child, and Socioeconomic Factors**

#### **Individual Factors**

Within parental factors, age of the mother was hypothesized to increase the likelihood of sole maternal custody while paternal age would not change physical custody placements. Results of this study, however, indicate that neither parent's age was associated with on physical custody placements awarded. Although this contradicts some past literature (e.g., Cancian & Meyer, 1998; Leclair et al., 2019), it also supports others that found that age does not modify physical custody awards (Teachman & Polonko, 1990; Zilincikova, 2021). Worth noting is the average age of parents in the sample was relatively high. Given this, it may be that parents passed an age where it would be noteworthy to consider between sole custody placements. For example, previous studies have indicated that age, more specifically maternal age past 33, increases shared custody placements and lowers sole custody placements (Leclair et al., 2019). In my sample, the

average age of mothers was 38.06, past this age limit. Courts may find that past a certain age, parents grow in their parenting knowledge and parental role equally, causing age to not be an advantage or disadvantage in sole custody consideration in comparison to the other spouse.

Regarding the role of petitioner status on physical custody placements, I found that the status of petitioner increased the likelihood of sole paternal custody placements as opposed to sole maternal placements. However, and more importantly, there was no significant interaction between parent sex and petitioner status which suggests that the sex of the petitioner was not associated physical custody outcomes. There was no effect of petitioner on shared custody placements. As with parental age, this finding contradicts those who have found other or no relationships between petition status and physical custody outcomes, especially those who found an interaction between parental sex and petitioner status (Cancian & Meyer 1998; Sodermans et al., 2013). Given the limited literature in this area, any of these possibilities may be likely, and more data is needed to determine a clear direction of association.

### **Children Factors**

Moving to children factors, I hypothesized that increasing numbers of children in a household would increase the likelihood of either sole custody placement and decrease the likelihood of shared physical custody. Results of this study indicated that the number of children did not significantly change shared custody arrangements but was associated with type of physical custody. More specifically, when there were more children in a family, paternal sole custody became more likely than shared or maternal custody. These align with past studies that found no relation between the number of children in a family and shared physical custody (Sodermans et al., 2013; Cancian & Meyer, 1998; Teachman & Polonko, 1990), they also contradict literature that have found that shared physical custody becomes more common as the

number of children increases (Maccoby & Mnookin, 1992; Leclair et al., 2019). However, no previous literature has found similar results regarding an increase in paternal custody when the number of children increases. It is possible these results may have been due to the small number of fathers who were awarded sole custody out of the sample. For example, this small amount of sole paternal custody cases may not represent the larger population of fathers with sole custody in the general population. Moreover, there may be reasons to why these fathers received custody besides possessing strength as a parent, such as in the case of maternal substance use or mental illness (ABA Center on Children and the Law, 2008; Dane & Rosen, 2016). Future studies may benefit by investigating additional factors about the other spouse in comparison to the focal spouse to determine the other side of case.

As for children's age and its possible impacts on physical custody placement, I hypothesized that if a child was younger than four or older than ten, sole custody placements would become more likely due to developmental period effects. Despite this, results indicate no relationship between the age of the focal child and physical custody type. This supports previous literature finding no relationship between child age and physical custody outcomes (Cancian & Meyer, 1998), but contradicts a larger literature (Sodermans et al., 2013; Maccoby & Mnookin, 1992; Leclair et al., 2019). This finding may be a result of using a focal child instead of considering all children and their ages; an examination with all children's ages may have produced a different result, as age was only considered for the youngest child. It is possible that a middle child or eldest child may see a different pattern depending on their age. Further still, it may be that where most children fall within a developmental period plays a role in court decisions. For example, if three of four children are adolescents versus three being infants, many of the family's needs may

vary thus change optimal physical custody arrangement. Future research could serve to parse this relationship out by considering the age and developmental level of all children in a family.

I also hypothesized that child sex may alter where a child may be placed, such that sole physical custody placements with a congruent parent sex would become more likely than other possibilities. For example, if the focal child was male, then sole paternal custody would increase in likelihood. Results from this study do not support this hypothesis, as there was no change in focal child sex on physical custody placement. There is limited support in extant literature (Sodermans et al., 2013), and contradicts a larger body that does find an association between child sex and physical custody placement (Sodermans et al., 2013; Maccoby & Mnookin, 1992; Leclair et al., 2019). Given that most extant research in this area comes from the 1990's-2000's (e.g., Cancian & Meyer, 1998; Cooksey & Fondell, 1996; Yeung et al., 2001; Fox & Kelly 1995; Maccoby & Mnookin, 1992; Seltzer, 1990), there may have been a cultural shift such that sex of children used to be more central in custody litigation decisions but has since tapered off. As the precedent of "best interest of the child" becomes more rooted in court decisions (ABA Center on Children and the Law, 2008), sex may no longer be a solid placement indicator to courts. Additionally, results may be limited by using a focal child, as siblings and their sex may matter more to courts or to parents. If all children in a family are female, for example, it may be that courts and parents prefer a maternal sole placement for care and similarity purposes. Future studies may include all children to determine the relationship more clearly.

### **Socioeconomic Factors**

Turning to socioeconomic factors, I hypothesized that when the mother was employed, her likelihood of sole physical custody would increase and when the father was employed, his likelihood of sole physical custody would increase. Shared custody would become less common

when one or more parents were employed. Results in this study indicate no relationship between parental employment and physical custody placements. There was also no effect of parent sex and employment when considered together. Having no relationship between employment and physical custody outcomes has limited support in extant literature (e.g. Maccoby & Mnookin, 1992), as most past studies have indicated a relationship between employment, parental sex and employment, and resulting custody decisions (Cancian & Meyer, 1998; Donnelly & Finkelhor, 1993; Fox & Kelly, 1995; Leclair et al., 2019; Sodermans et al., 2013; Fox & Kelly, 1995; Seltzer, 1990). Despite this, perhaps a shifting cultural value of not considering employment status as indicative of ability to care for a child may be taking shape. Again, due to the age of referenced research, time might be an explanation for limited results. Alternatively, it is possible that type of employment may play a role. This study did not consider various types of employment available to parents; for example, it may be possible that part time employment has a different effect on physical custody than full time employment. Additionally, the type of job a parent holds may play a role, such as considering a business degree versus a factory position, as these may play a role in parenting and family processes. For example, there are hints to this in previous literature with working hours and gender role division of labor in mind (e.g. Cancian & Meyer, 1998; Coenen, 2018). However, future studies should examine employment type and work hours to more completely understand the role employment plays in custody decisions.

Lastly, given the income of a parent, I hypothesized that post-divorce increases in income would increase the likelihood of obtaining sole physical custody in mothers and fathers while decreasing the likelihood for shared custody placements. Results indicated no effect of income on any physical custody arrangement. Additionally, there was no interaction between parent sex and income on physical custody, thus the relationship between income and custody was not



dependent on parental sex. In extant literature, there are few studies supporting the idea that income and physical custody are not linked (Maccoby & Mnookin, 1992), but the majority of the literature does, especially given parent sex (Cancian & Meyer, 1998; Donnelly & Finkelhor, 1993; Fox & Kelly, 1995; Leclair et al., 2019; Sodermans et al., 2013; Seltzer, 1990). It may be possible that income is no longer being considered by the courts as an indication of the best interests of children, and instead, courts are choosing to observe quality of life factors over parental earnings (ABA Center on Children and the Law, 2008; Dane & Rosen, 2016). For example, according to Dane and Rosen (2016), a movement towards more in-depth observation of mental health factors into the best interests of the child is in motion. Further, judges are to consider the parent and child's wishes, the relationship between the parent and the child, child adjustment, and the mental health of those involved when determining best interests (Dane & Rosen, 2016). A parent's income may not be a strong indicator of whether they will be a good parent, and this shift in thinking may be a cultural change currently observed by the difference between the age of extant literature and this study (Cancian & Meyer, 1998; Donnelly & Finkelhor, 1993; Fox & Kelly, 1995; Seltzer, 1990). Additionally, however, this study was not able to gather an exact income for parents, instead working off a change in income due to divorce. Although income and income change may be related, income change has less indication of a parent's true income available. Future studies may benefit from observing a parent's salary to truly determine income effects on the custody process.

### **Interpretation**

Taken together, results from this study posits that most parental, children, and socioeconomic factors do not alter the type of physical custody awarded. However, this may be a positive outcome, as this means courts are relying less on demographic information and more on

controllable factors. Families may be able to have a larger input on what is best for the child, regardless of traits beyond their control. Moreover, courts may be interpreting custody as something more flexible to each family and are possibly considering the strength of relationships between members, child preferences, mental state of parents, etc. (ABA Center on Children and the Law, 2008; Dane & Rosen, 2016). Even though it was not assessed in this study, judge bias may also play a part in the results given their large role in court rulings (Donohue, 2020). Since it has been found that judge bias based on demographic factors is present in the physical custody decision process, results may indicate that judges are less likely to stereotype in their decisions (Donohue, 2020). Additionally, it is possible they have become more open to interpretation on a case-to-case basis, or possibly, may be losing the ability to use their own discretion, lessening the likelihood of personal bias leading the decision. It is important to note that these results should be tempered by the limited number of sole paternity custody placements

### **Limitations and Future Directions**

This study had the strengths of considering multiple parental, child, and socioeconomic factors and their possible influence on physical custody arrangement, as well as providing a comprehensive model. However, there are limitations that must be considered. One limitation was the data source location. Although four counties in a southeastern state may be representative of that geographical area, it may not be representative of the rest of the United States population. Also, state law varies wildly in divorce litigation, making standardization between states near impossible. Future studies may benefit from comparing different county courthouses from multiple states to find variations in patterns based on state. Additionally, there was a small sample size of fathers awarded sole physical custody, lending the model to less power. Future studies with a larger population of sole paternal custody may allow for a stronger

investigation of the role of parent, children, and socioeconomic factors on physical custody type. Future researchers may also benefit from observing judicial factors within the process to explore more on judicial bias and decision practices (Donohue, 2020). It may be interesting for future literature to explore family well-being in addition to individual, parental, and socioeconomic factors to make a stronger link between judicial bias, custody decisions, and resulting psychological wellbeing (ABA Center on Children and the Law, 2008). Examples of areas to explore include mental and physical health of both parents and children, substance abuse, parental crime/arrests, prior or new marriages, child support, and parental conflict (Cancian & Meyer, 1998; Dane & Rosen, 2016; Fox & Kelly, 1995; Horvath et al., 2002; Nielson, 2017; Philips et al., 2004; Raub et al., 2013; Spanier & Glick, 1981). This would also allow studies to understand how the psychology and background variables of different family members behave throughout the custody process, and whether this changes physical custody placements. Additionally, it may allow for determining if and how judicial bias has been eliminated or altered in a way that this study's factors suggest. Finally, future studies may also find benefit in observing how divorce practices have changed given the legalization of same sex marriage and more inclusion of sexual minorities.

This study investigated associations between individual parental, children, and socioeconomic factors and physical custody of placements in divorce. Results both contradict and support the wider literature. Future studies may include more in-depth measures of factors utilized, as well as including psychological functioning of family members and/or judge influences. Including data from other states and resources may help make future research more generalizable. More research in this area is vital to improve the lives of both children and parents undergoing divorce, as well as creating a legal process that does not work against these ideals.

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