

Joint physical custody of children in Europe: A growing phenomenon

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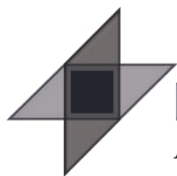
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Descriptive Finding

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Joint physical custody of children in Europe: A growing phenomenon

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Abstract

BACKGROUND

Large-scale cross-country comparisons of children's physical custody (which parent the child lives with after separation) are dated and limited in the age range of children considered.

OBJECTIVE

We document the level of sole and joint physical custody (JPC, both equal and unequal) for children in European countries using data from 2021.

METHODS

This article uses a new module on the living arrangements of children from the European Union Statistics on Income and Living Conditions survey. Our final sample comprises 9,102 children from 17 European countries. Analysis is descriptive.

RESULTS

One in eight children in separated families has equal JPC arrangements; another 8.2% spend at least one-third of their time with each parent (but not exactly half-time), so 20.7% have some type of JPC. Direct comparisons with previous estimates show a doubling of the prevalence of JPC in less than 20 years. Substantial cross-national variation exists: In the Northern European countries, Belgium, France, Slovenia, and

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Spain, children are most likely to have JPC. Children in the age groups 6–10 and 11–15 are more likely to have JPC than younger or older children.

CONCLUSIONS

Compared to previous studies with data from 2002–2010, there has been an increase in JPC for children from separated families in Europe. Cross-country differences are large, but growth is not limited to a few countries. This paper improves on previous cross-national analyses by using more recent data, incorporating all ages of children, and considering unequal and well as equal time.

1. Introduction

Children are increasingly experiencing their parents' divorces or separations (Andersson 2002; Andersson, Thomson, and Duntava 2017). When parents do not live together, the living arrangements of children (physical custody) need to be determined either by the parents themselves or by a family court. For much of the last century in Europe, physical custody was awarded based on the best interest of the child and was typically awarded solely to the mother, with some fathers being awarded limited scheduled visits. Policies changed toward the end of the last century to give fathers more time with their children and to give parents the possibility of joint physical custody (JPC, also known as shared care). Now children can live primarily with their mother or father (an arrangement called sole physical custody, or SPC) or can spend substantial time with both (JPC). Although some consider JPC to be only an arrangement in which a child spends exactly half their time with each parent, we use a broader definition here and consider JPC to be an arrangement in which a child spends at least one-third of their time with each parent.

As an increasing number of children worldwide are seeing their parents' relationships dissolve, the living arrangements of these children are an important issue. Practicing JPC has been linked to several positive outcomes for children and parents, though causality is difficult to determine. For example, JPC has been found to be related to both better co-parenting and fewer inter-parental conflicts (Augustijn 2023). JPC is associated with children's better socio-emotional and psychological well-being (e.g., Nielsen 2018; Steinbach 2019), as well as lower levels of children's stress (Turunen 2017). In addition, some studies indicate that mother's well-being and life satisfaction are higher under JPC than under SPC (e.g., Augustijn 2023; Riser et al. 2022).

Although there are several cross-national estimates of the prevalence of children whose parents do not live together (e.g., Andersson, Thomson, and Duntava 2017; Bjarnason and Arnarsson 2011; Nieuwenhuis 2021), the existing body of research provides only a few country-specific and cross-national estimates of the prevalence of

various physical custody arrangements among these families (e.g., Nieuwenhuis 2021; Smyth 2017). Nevertheless, few measures of the prevalence of JPC are done the same way across countries; nor are there official statistics on how common these arrangements among children are. Bjarnason and Arnarsson (2011), using the 2005–2006 Health Behaviour in School-aged Children (HBSC) study⁶ and a random sample of 11-, 13-, and 15-year-old schoolchildren from 36 European and North American countries, presented the very first comparative estimates of the prevalence of JPC. They reported that overall, fewer than 1% of children lived in JPC arrangements. However, substantial variation existed across countries: JPC arrangements were quite uncommon in many Southern and Eastern European countries (applying to less than 0.5% of children in eight of these countries), but they were more common in Belgium, Denmark, Iceland, and Sweden (3%–4%). Using the same data source and sample but combining HBSC surveys conducted in 2002, 2006, and 2010, Steinbach and her colleagues (2021) focused only on children in separated families in 37 European and North American countries. In total, 5.7% of children not living with both parents spent equal time with each parent. Shares varied substantially across countries, from less than 2% in eight countries to 6%–10% in seven countries to almost 12% in Belgium and Iceland and 22% in Sweden (Steinbach, Augustijn, and Corkadi 2021). Zilincikova (2021)⁷ also provided a cross-national overview of the physical custody arrangements of children from nine European countries using data from the first wave of the Generations and Gender Survey (from 2004 to 2010 except in Sweden, where the date was 2012–2013). Similar to the earlier work, her results revealed that JPC was marginal in the Eastern Europe and German-speaking countries (Austria and Germany) compared to Sweden.

The previous comparative studies have many limitations. First, the data used are now relatively old (with some data from 2002 and no data since 2013), especially considering that JPC is a demographic phenomenon that has been increasing in some countries (Meyer, Carlson, and Alam 2022; Vanassche et al. 2017). Second, HBSC data include only 11-, 13-, and 15-year-old adolescents, providing no information on younger (or older) children, whose experiences may differ. (In particular, young children have been found in some single-country studies to be less likely to have JPC, though the record is mixed [e.g., Zilincikova 2021]). Third, HBSC-based studies capture only a subset of all JPC arrangements, as the data record only equal time spent with both parents. In

⁶ The study measured JPC by asking if the child had another home or another family and how often he or she stayed there (“half the time,” “regularly but less than half the time,” “sometimes,” “hardly ever”). Those who stayed half the time were considered to have JPC.

⁷ Child living arrangement was measured by the question, “With whom did your child mainly stay in the first year after you broke up?” (“with me,” “with my ex-partner,” “with both of us on a time-shared basis,” “with relatives,” “with others,” “at a children’s home,” “child started to live independently,” “child was already living independently,” “other”). Those who answered “with both of us on a time-shared basis” were considered to have JPC.

research and practice, children spending 25% to 50% of their time with both parents have been considered to be in JPC, even though the time shared between parents is not exactly equal (Bernardi and Mortelmans 2021; Smyth 2017).

In this article we analyse descriptively the overall level of JPC in Europe as well as cross-national variation in children's physical custody arrangements using European Union Statistics on Income and Living Conditions (EU-SILC) survey data. Compared to earlier studies, we make three new contributions. First, our data are much more recent than those of the previous studies. Even though our analyses will not perfectly match the earlier analyses of HBSC, by making our definition of JPC and our analysis sample consistent with the HBSC studies, we can infer whether JPC is growing. Second, we provide data on children of all ages, not just the 11- to 15-year-olds of some previous comparative work. Third, we are able to include both equal and unequal JPC, a novel contribution in the comparative literature.

2. Data, measures, and methods

We use microdata from the ad hoc subject module "Living Arrangements and Conditions of Children in Separated and Blended Families," which was collected in 2021 as part of the EU-SILC survey provided by Eurostat (Eurostat 2022). The EU-SILC survey collects annual information on income, poverty, social exclusion, and living conditions on an individual and household level using national probability samples. (For more information, see Wirth and Pforr 2022.) Country-specific surveys were conducted using precise instructions so that data would be comparable across countries. Data were initially released in December 2022, and the released version contains information from 25 countries.⁸ Our unit of analysis is the child, and our sample includes all children aged 0–17 who are household members but have a parent residing outside the household.⁹ We excluded eight countries due to large amounts of missing or discrepant information.¹⁰ Our final sample includes 9,102 children from 17 European countries. Because previous research has shown regional patterns, we group countries by region: Eastern European countries are the Czech Republic (CZ), Estonia (EE), Croatia (HR), Hungary (HU), Lithuania (LT), Romania (RO), and Slovenia (SI); Northern European countries are Denmark (DK), Finland (FI), and Sweden (SE); Southern European countries are Cyprus

⁸ The initial release did not contain data from Iceland, Norway, Poland, Slovakia, Switzerland, or Serbia.

⁹ The module also has a question about children who do not live in the household but who do have one parent in the household. Information on these nonresident children is available in only one country and is not used here.

¹⁰ Germany, Luxembourg, and Latvia do not have information on overnights in the released data, and Bulgaria, Ireland, Malta, Netherlands, and Portugal have inconsistencies in the information on overnights.

(CY), Greece (EL), Spain (ES), and Italy (IT); and Western European countries are Austria (AT), Belgium (BE), and France (FR).

The physical custody variable indicates how many nights the child stayed in the household during a typical month.¹¹ In the analyses, we use a three-category variable, separating children who are in: (1) sole physical custody (0 to 9 nights per month with the parent residing outside the household), (2) unequal joint physical custody (10 to 14 nights per month, or 16 to 20 nights per month with the parent residing outside the household), or (3) equal joint physical custody (15 nights with both parents). Thus the criterion for unequal joint physical custody is set to 33% of nights and for equal joint physical custody is set to 50% of nights. The threshold for defining JPC varies depending on the jurisdiction and context in which it is being used. JPC may be defined as any arrangement in which both parents share significant physical care and responsibility for their children following separation or divorce. There is diversity in the practices of how a child's time is divided between households. Many empirical studies on JPC use the threshold of 25 or 30%–50% time with each parent to distinguish JPC from SPC (Smyth 2017; Steinbach 2019).¹²

As methods, we use weighted descriptive statistics and cross-tabulation analysis; we also report total (unweighted) sample sizes. In the analysis we use cross-sectional weights provided by Eurostat that adjust the sample for the probability of non-response and selection of units, and for the distribution of households and persons in the national sample.¹³

3. Results

Figure 1 shows child's physical custody arrangements divided into sole physical custody and unequal/equal JPC. Across Europe, 12.5% of children in separated families live in equal JPC arrangements, 8.2% live in unequal JPC arrangements, and 79.3% live in the more traditional sole physical custody arrangement.

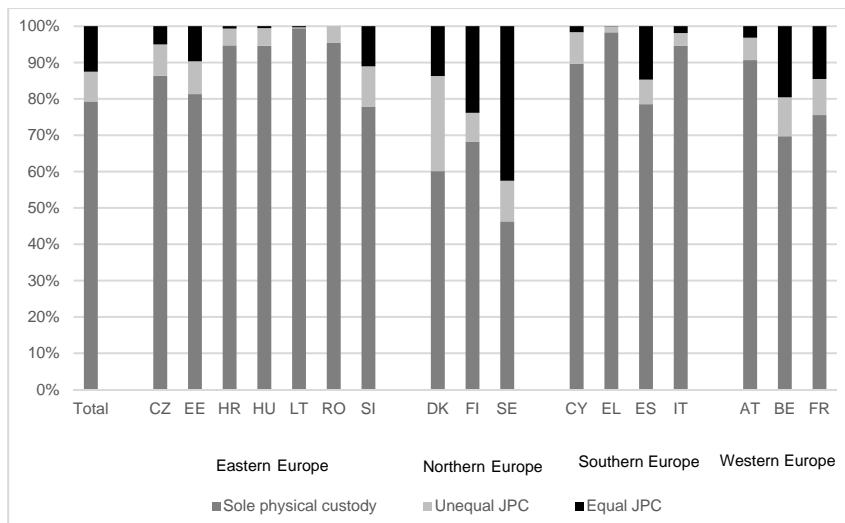
¹¹ The number of overnights is a common threshold in determining child support obligations, although some countries use the number of days with each parent and others consider the percent of time (Claessens and Mortelmans 2018; Hakovirta and Skinner 2021; Oldham and Venohr 2020).

¹² Changing the threshold changes the prevalence but does not substantially change the rank ordering of countries or our conclusion. For example, in the results shown in this paper, with the 33% threshold, the four countries in which unequal JPC is most common are Denmark (26.2%), Sweden (11.2%), Slovenia (11.1%), and Belgium (10.7%). Using a 40% threshold, with one exception the same countries have the highest prevalence: Denmark (16.1%), Sweden (6.8%), Belgium (6.3%), and the Czech Republic (5.7%).

¹³ However, as information on the prevalence of children with JPC is still lacking, weights provided by Eurostat might be insufficient in adjusting the sample, especially for the selection and the non-response probability of children living in two households. More information about the weighting procedure in EU-SILC is at https://ec.europa.eu/eurostat/documents/203647/16195750/2021_Doc65_EUSILC_User_Guide.pdf.

Considerable cross-country variation exists. In Sweden, 42.5% of children have equal JPC,¹⁴ followed by Finland (23.8%) and Belgium (19.6%). More than one in ten children in Slovenia, Denmark, Spain, and France have this type of arrangement. On the other hand, 5% or less have equal JPC in nine countries (CZ, HR, HU, LT, RO, CY, EL, IT, AT). Unequal JPC arrangements are most common in Denmark (26.2%), followed by Sweden (11.2%), Slovenia (11.1%), and Belgium (10.7%). Generally, the countries with low levels of equal JPC also have relatively low levels of unequal JPC: The nine countries with 5% or less equal JPC are all among the 11 countries with the lowest levels of unequal JPC. Sole physical custody remains the predominant arrangement in all countries except Sweden, with the highest prevalence in some Eastern European (LT, RO, HR, HU) and Southern European (EL, IT) countries.

Figure 1: Physical custody arrangements of children in separated families in European countries¹ 2021, weighted %



Note: ¹ Sample sizes (unweighted): AT 307; BE 847; CY 249; CZ 552; DK 441; EE 370; EL 319; ES 1,495; FI 665; FR 1,338; HR 85; HU 396; IT 766; LT 220; RO 103; SE 667; SI 282.

¹⁴ Swedish statistics from 2019 show that 27% of children of divorced or separated parents are living in equal JPC (SCB 2023). However, the researchers measured JPC differently by asking parents about their children's living arrangements: "Does [CHILD'S NAME] live with you part of the time or all of the time? If part of the time, does [CHILD'S NAME] live with you more than half the time, about half the time, or less than half the time?" About half-time was considered JPC. Results differing from our current results likely stem from a different sampling structure and weighting procedure used by Statistics Sweden in 2019. See more information at <https://www.scb.se/hitta-statistik/statistik-efter-amne/levnadsforhallanden/levnadsforhallanden/undersokningarna-av-levnadsforhallanden-ulf-silc/>.

To examine age differences, we divide children into four age groups: 0–5, 6–10, 11–15, and 16–17. These age groups are chosen to provide comparisons with the Steinbach, Augustijn, and Corkadi (2021) study, which examined children between 11 and 15 years old. The first panel of Table 1 shows the variation of physical custody arrangements according to the age of the child. Age differences are relatively modest. Still, sole physical custody is most common for those aged 0–5 (84.8%), and unequal and equal JPC are most common for those aged 6–10 (9.5% and 15.8%, respectively). Equal and unequal JPC show a slight inverted U shape with age: They are least common among the youngest and oldest and most common among the two middle age groups.

Table 1: Physical custody arrangements of children in separated families based on child's age 2021, weighted % (unweighted total)

	Sole physical custody	Unequal JPC	Equal JPC	Total
Total (17 countries)				
0–5 years old	84.8	6.2	9.0	100 (1,375)
6–10 years old	74.7	9.5	15.8	100 (2,462)
11–15 years old	78.6	8.4	13.0	100 (3,620)
16–17 years old	82.5	7.7	9.8	100 (1,645)
Eastern European countries				
Czech Republic				
0–5 years old	91.3	5.6	3.1	100 (101)
6–10 years old	87.5	9.7	2.8	100 (146)
11–15 years old	79.7	11.7	8.6	100 (223)
16–17 years old	94.0	3.6	2.4	100 (82)
Estonia				
0–5 years old	82.2	10.7	7.1	100 (52)
6–10 years old	79.6	8.5	11.9	100 (109)
11–15 years old	81.2	8.6	10.2	100 (155)
16–17 years old	85.1	9.6	5.3	100 (54)
Hungary				
0–5 years old	88.7	9.7	1.4	100 (59)
6–10 years old	94.8	4.6	0.6	100 (64)
11–15 years old	96.4	3.3	0.3	100 (187)
16–17 years old	95.1			100 (56)
Northern European countries				
Denmark				
0–5 years old	67.2	31.8	1.0	100 (51)
6–10 years old	53.0	31.1	16.9	100 (135)
11–15 years old	58.7	24.2	17.1	100 (183)
16–17 years old	75.2	17.0	7.8	100 (72)
Finland				
0–5 years old	79.2	6.8	14.0	100 (64)
6–10 years old	61.2	10.8	28.0	100 (175)
11–15 years old	65.8	7.6	26.6	100 (261)
16–17 years old	76.4	5.2	18.4	100 (165)
Sweden				
0–5 years old	52.0	10.0	38.0	100 (93)
6–10 years old	40.6	13.5	45.9	100 (174)
11–15 years old	42.5	10.2	47.3	100 (281)
16–17 years old	61.1	10.4	28.5	100 (119)

Table 1: (Continued)

	Sole physical custody	Unequal JPC	Equal JPC	Total
Southern European countries				
Spain				
0–5 years old	81.7	6.3	12.0	100 (222)
6–10 years old	71.7	7.7	21.6	100 (398)
11–15 years old	76.8	7.6	15.6	100 (591)
16–17 years old	88.8	4.0	7.2	100 (284)
Italy				
0–5 years old	97.4	0.4	2.2	100 (142)
6–10 years old	94.8	3.1	2.1	100 (226)
11–15 years old	95.0	3.4	1.5	100 (270)
16–17 years old	90.8	7.3	1.9	100 (128)
Western European countries				
Belgium				
0–5 years old	80.6	6.3	13.1	100 (145)
6–10 years old	65.5	11.7	22.8	100 (223)
11–15 years old	65.5	13.6	20.9	100 (337)
16–17 years old	77.5	5.6	16.9	100 (142)
France				
0–5 years old	84.0	7.4	8.6	100 (221)
6–10 years old	69.8	10.7	19.5	100 (351)
11–15 years old	76.1	10.0	13.9	100 (522)
16–17 years old	75.6	10.7	13.7	100 (244)

We also show results separately for those ten countries where the number of cases is large enough for the results to be reliable (that is, with more than 50 observations in each age range). The age patterns seen in the total can also generally be seen within individual countries. In all these countries except Hungary, the age group in which sole physical custody is most common is either the youngest (FI, IT, BE, FR) or the oldest (CZ, EE, DK, SE, ES), but the differences are rather small. In contrast, the two forms of JPC (unequal and equal) are most common in the two middle age groups.

4. Discussion

Knowledge on the extent of physical custody of European children using recent data has been quite limited. The previous data covering 2002–2010 examined equal JPC among children aged 11–15 in separated families (Steinbach, Augustijn, and Corkadi 2021). Although the new EU–SILC module from 2021 is not a replica of the HBSC, by choosing the same conceptual measure of JPC (equal time), by mimicking the age group (age 11–15), and by making children our unit of analysis (rather than the family), we can get an approximate measure of whether JPC is increasing. Our results suggest that JPC is indeed becoming more common: Our 2021 rate is 13.0% of children aged 11–15 not living with both parents, compared to 5.7% in 2002–2010 (Steinbach, Augustijn, and Corkadi 2021).

Because JPC in middle childhood is a little higher than among younger or older children, our estimate of the overall rate of JPC is a little lower but still substantial: 12.5%.

The age group with the highest rate of equal JPC is middle childhood, ages 6 to 10, with lower rates for younger and older children, especially those aged 16–17. This is the pattern we might expect if young children are seen as being more in need of residential stability (or more in need of maternal attachment) and older children want fewer residential transitions to facilitate peer relationships (Vanassche et al. 2017).

Another novel contribution of this article is being able to examine unequal JPC as well as equal JPC. In addition to the 12.5% of children in equal JPC, another 8.2% of children spend substantial time with each parent (more than one-third of the overnights but not exactly half). If these children are included in JPC, this makes the rate of JPC about one in five children in separated families.

In all age groups and considering unequal as well as equal JPC, we see substantial variation across countries, and there are clear regional differences. Consistent with prior studies we show that in Northern European countries, Belgium, France, Spain, and Slovenia, children are most likely to have JPC. The legal context differs across countries: JPC has been the presumptive arrangement in Belgium and Spain, for example, for at least the past decade (Fernández-Rasines 2017; Vanassche et al. 2017). The legal context as well as norms about appropriate roles for mothers and fathers may contribute to country-level differences.

Even though some countries have substantially more JPC than others, the overall *increase* in JPC we estimate does not result from merely a few countries. In the ten countries for which there are data from 2002–2010 in Steinbach and colleagues (2021), and for which we have sufficient numbers of children aged 11–15 to make indicative comparisons, there are increases in equal joint physical custody arrangements in eight countries. Only in Hungary and Italy were there declines, and in both of these countries, equal JPC is quite uncommon (2.5% and 2.8% in the early data and 0.5% and 1.9% in these data). In several countries, the increases are particularly large, with rates doubling or more in Croatia, Estonia, Finland, Spain, and Sweden. Thus not only is the level of equal JPC fairly high across Europe, but the increase over time is relatively widespread.

With high levels of parental separation and divorce and with JPC becoming more common, further research is needed, especially comparative research, to better understand the patterns and determinants of JPC and its outcomes. Explorations of the reasons for cross-country differences would be useful, and they may suggest that policy changes should be considered in some countries. Research examining whether the same individual characteristics are associated with JPC in different countries has the potential to deepen our understanding of how families are organizing themselves post-separation. Unequal JPC is a particularly understudied area. We know relatively little about the lives of children with unequal JPC, whether they consider themselves to have a primary and a

secondary residence, how their patterns of transition work, or the effects of these arrangements. This comparative research has focused on children's actual living arrangements; another potentially important area of study would be how actual living arrangements relate to formalized agreements on where a child should live and whether this differs across countries. Moreover, although there has been discussion related to both cut-off points in the definition of JPC and how different cut-off points produce inconsistencies in the prevalence of JPC (e.g., Sodermans et al. 2014; Steinbach and Augustijn 2021), to our knowledge there has not been any discussion of the how data sampling and weighting procedures affect prevalence. This is a point that future studies might need to address, since double counting of JPC children could occur if both parents report them as resident in the household. Finally, while there is some research on outcomes of JPC (e.g., Steinbach 2019), more is needed, especially because as JPC becomes more common, the effects may differ.

We estimate that there has been a substantial rise in JPC for children from separated families in Europe. It is not clear that social policy has kept pace with this change (Miho and Thévenon 2020), and policymakers need to consider how to respond to these new living arrangements of children.

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The responsibility for all conclusions drawn from the data lies entirely with the authors.

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