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# What Does the Research Actually Say About Shared Parenting?



Panel Discussion | Inaugural Seminar + 2026

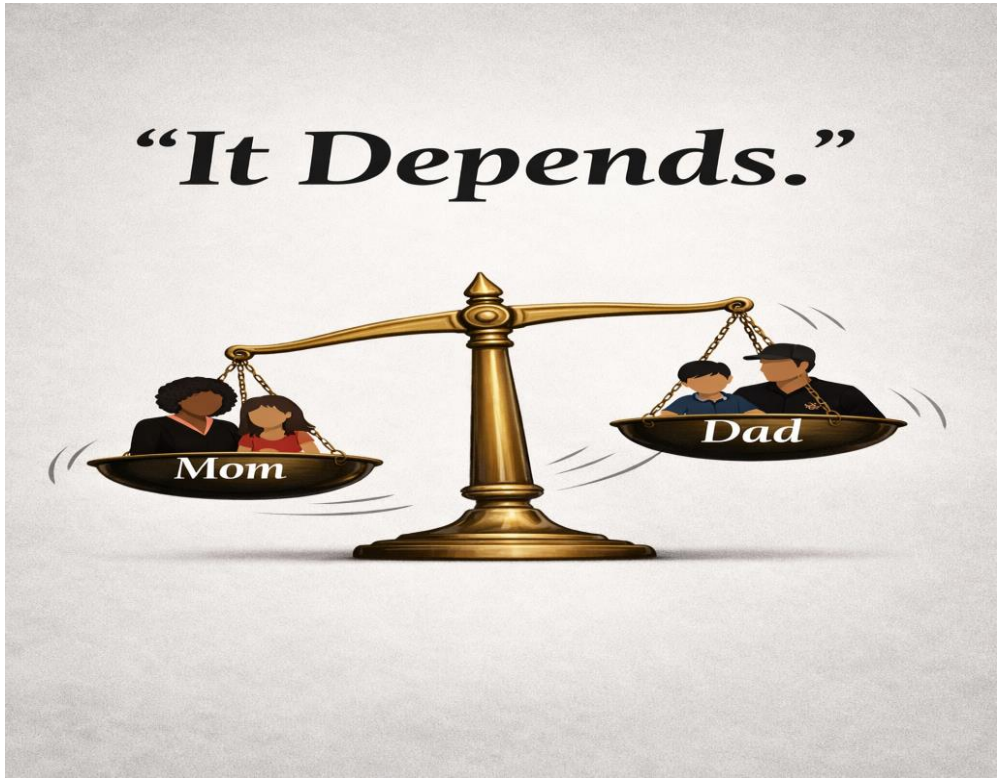
Chapter Annual Meeting | October 23, 2026

# Before We Begin – What Exactly is 50/50 or Shared Parenting

## Litigant's Perspective?




## An Evaluator's Perspective









# What AI Says We Think Shared Parenting Is

# The Debate

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**50/50 is Always Best for Children and Should be the Presumption**

**vs**

**50/50 Is Not Guaranteed to be in the Best Interest of Children**

# Why the Studies Do Not Provide An Absolute Rule on Joint/Shared Custody

| Where studies differ | What varies |
|---|---|
| **Definition of "shared care"** | From over 30% of overnights (Utah) to 40% (Nevada) to "substantially equal" time (Georgia) (DiFonzo, 2014) |
| **Who is sampled** | Families who agree on shared care (self selected) vs. those where a court imposes it (Bala et al., 2017) |
| **Study design** | Most studies are one-time snapshots that show correlation, not cause (Dale, 2022) |
| **Outcomes measured** | Different outcomes, measures and reporters make studies hard to compare (Pruett & DiFonzo, 2014) |

## Selection effects

**Parents with joint physical custody tend to have more education and income, lower conflict, and homes closer together, all linked to better child outcomes on their own (Dale, 2022).**

# Definitions Drive the Numbers

**How common "shared care" looks depends on how it is defined and who is asked.**

CANADA

## 1 in 5

**parenting arrangements meet the 40% time threshold for "shared custody" (Bala et al., 2017)**

UNITED KINGDOM

## 3–17%

**estimated 50-50 shared care; as low as 1% by resident parents' accounts (Haux et al., 2017)**

ACROSS JURISDICTIONS

## 25–50%

**the range of time thresholds used to define shared parenting (Bauserman, 2012, cited in Archer-Kuhn et al., 2023)**

# Proper vs. Improper Use of Shared Parenting Research

| Improper Use | Proper Use |
| --- | --- |
| “Research proves 50/50 is **best for every child**.” | “Shared parenting is linked with **better average outcomes**; whether it fits depends on this child and family.” |
| “Kids in shared parenting do better, so **the schedule causes it**.” | “Shared parenting families often have more income and less conflict; findings are **largely correlational**.” |
| “Shared parenting works **even with domestic violence** or high conflict.” | “Where there is **violence or safety risk**, shared parenting may be inappropriate; high-conflict findings are mixed.” |

# Commercial Break – How to Read a Study Critically

| Ask | Why it matters |
|---|---|
| **Is it peer reviewed?** | Reports, summaries and advocacy pieces deserve more skepticism |
| **What wasn't significant?** | One negative finding means little if most other outcomes showed no difference |
| **Cause or correlation?** | Results may reflect parents' income, cooperation or closeness, not the schedule |
| **Who was studied, and who reported?** | Findings may not transfer to other families; reports from both parents are stronger |

## A level, not a hammer

"Research becomes part of the problem rather than the solution when it is used as a hammer instead of a level." — Pruett & DiFonzo (2014), AFCC Think Tank

**AFCC Guidelines for the Use of Social Science Research in Family Law (2018)**

"It is rarely safe to draw on a single study to offer or dispute firm evidence on an issue."

# Critical Appraisal Tool



10 DOMAINS OF APPRAISAL.



EACH DOMAIN SCORED 0–2 (WEAK → STRONG).



TOTAL OUT OF 20 GIVES AN OVERALL INDICATION OF RELIABILITY.



PURPOSE: GUIDE CRITICAL THINKING, NOT A MECHANICAL CHECKLIST.

# Scoring the Tool




- **0–7 → Low reliability (use with extreme caution).**
- **8–14 → Moderate (contextualize with other evidence).**
- **15–20 → High quality (strong potential for informed use).**

# Purpose of the Tool



THE TOOL BUILDS RESEARCH LITERACY FOR LEGAL PROFESSIONALS.



ENCOURAGES SKEPTICISM, TRANSPARENCY, AND BALANCED USE OF EVIDENCE.



GOAL: ENSURE RESEARCH IS USED AS A COMPASS, NOT A WEAPON, IN FAMILY LAW.

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# What Matters More Than the Split?

# Factors That Shape Child Outcomes

### Conflict level

Children's exposure to protracted conflict is one of the best-established risks in the research.

### Co-parenting quality

Cooperation is protective; shared care benefits are clearest when conflict is low to moderate.

### Child age

Benefits are best supported for preschoolers and older; infants and toddlers need special consideration.

### Family violence

Calls for a comprehensive, individualized assessment before any shared plan is considered.

### Parent–child relationships

Quality of involvement matters more than quantity (meta-analysis of 52 studies).

### Practical logistics

Distance between homes, work schedules and transitions shape whether a plan works.

*Sources: Pruett & DiFonzo (2014), AFCC Think Tank; Adamsons & Johnson (2013), as reviewed in Dale (2022)*

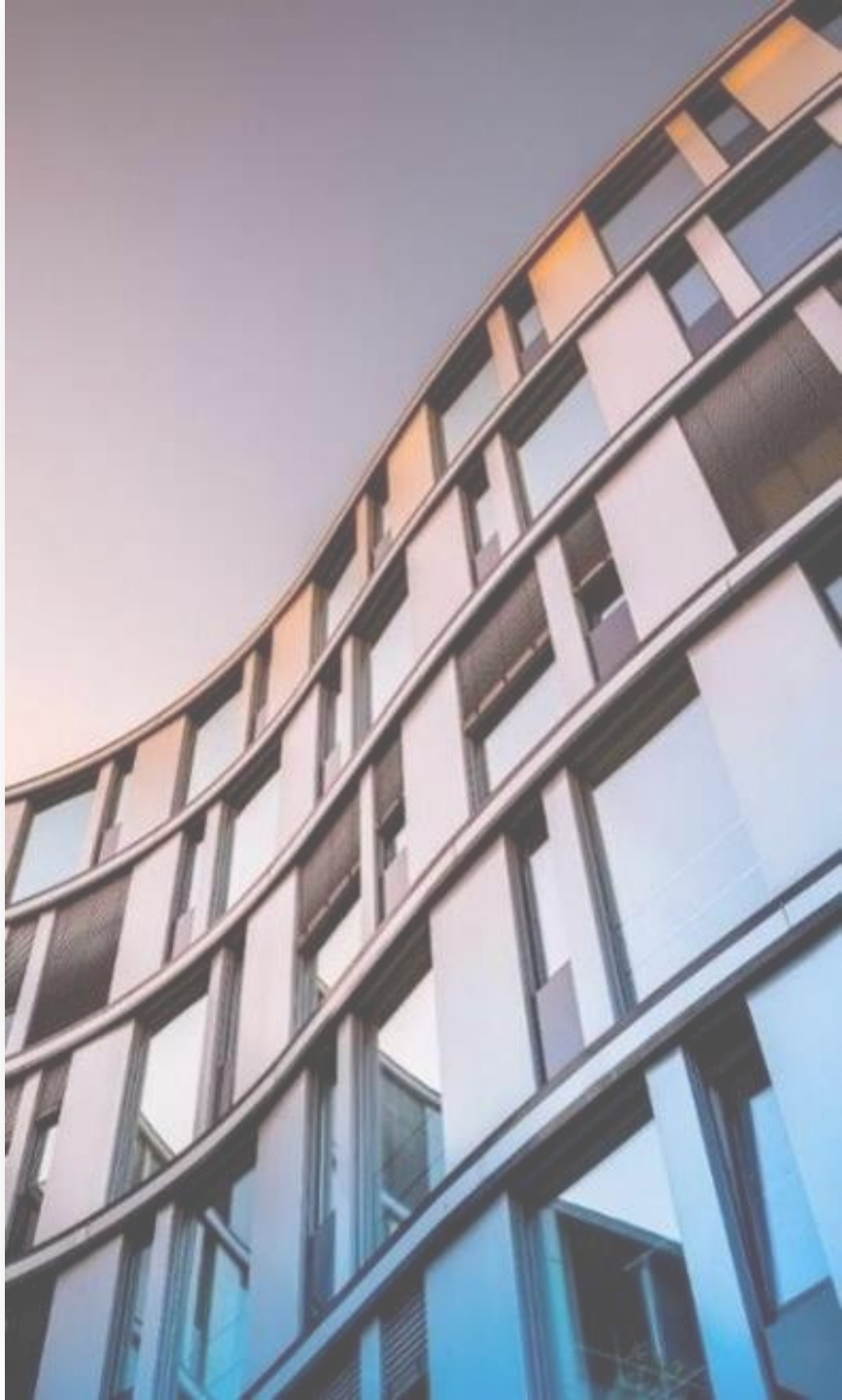
# Factors for Judges to Consider When Ordering 50/50

- Active Involvement in Raising the Child
- Equal Division of Parenting Duties During the Marriage
- Quality of Coparenting Relationship
- Quality of the Parent-Child Relationship
- Distance and Suitable Housing
- Work Schedule & Available Support
- Complementary Parenting Roles
- Engagement/Agreement in Academics & Extracurricular Activities

# A Judge's Factors Weighing Against 50/50

- Issues of Control
- Distance
- Using the Child as a Pawn
- Motivation Rooted in Child Support Avoidance
- Expressed Preference of the Child
- Substance Abuse & Untreated Mental Health Concerns
- Inadequate or Unstable Living Situation
- Multiple Partners or Lack of Stability
- School Problems & Unexplained Absences
- Alienating Behavior & Manipulation
- Relationship with a New Spouse or Partner

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# Beyond the Percentage

QUESTION 1

## Conflict

At what point does parental conflict outweigh the benefits of more balanced time?

QUESTION 2

## Age and stage

How should a child's age shape the schedule, and how often should it be revisited?

QUESTION 3

## Family violence

Where should screening for family violence fit in any shared parenting discussion?

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# Applying the Research

# Factors Evaluators Consider When Recommending 50/50 (Gilmore, 2006)

**Relationship and Structural Conditions Supporting Shared Parenting:**

- Geographical Proximity
- Ability to Maintain a "Business-Like" Coparenting Relationship
- Child-Focused Scheduling
- Commitment to Making Shared Care Work
- Family-Friendly Work Practices
- Financial Independence
- Parental Competence

# Additional Considerations Per the Literature – Dale & Emery

- Impact of Frequent Transitions
- Age-Specific Needs & Developmental Considerations
- Length of Separations for Younger Children
- Flexible & Evolving Parenting Plans

# So – What Does the Literature Tell Us About Shared Parenting for Children Under 3

**Children need to develop strong connections to both parents.**

**Children need to know that both parents (when appropriate) can meet their daily physical and emotional needs during their morning and evening routines.**

**Children benefit from shorter time periods between contact with each parent.**

**Children benefit from consistent/similar routines in both households.**

**Cooperative co-parenting with active communication is key.**

# How Does the Literature Change as Children Reach the Ages of 3-5?

Children developmentally begin to develop increased emotional regulation over time and stronger object permanence.

Children better cope with flexibility in their routines.

Secure connections are maintained even over longer time periods of absence.

Children still need protection from high conflict, inconsistent routines, and frequent, long-distance transitions.

# What About Ages 6-9?

- Children benefit from substantial time with two healthy parents.
- Healthy coparenting and communication remains important.
- Parents and family law professionals must consider issues related to the child's school stability, peer relationships, extracurricular activities & continuity, and exposure to adult conflict.
- The distance between the two parents' home is also a factor.

# What Changes When Children Reach the Ages of 10-12?

**Children begin to develop increased autonomy and may begin to express a preference.**

**Children's peer networks are often increasingly stable and important.**

**Children manage transitions with less distress typically.**

**Children need continual, meaningful contact with both parents.**

**Parents and family law professionals need to avoid burdening children with loyalty conflicts, high conflict coparenting, and excessive commuting.**

# What Changes When Children Are 13 & Older?

- Children often manage complex schedules easier.
- Children may prefer longer blocks of time in each home.
- Children value peer continuity, extracurricular stability and support, predictable routines with flexibility, and autonomy in decision-making when appropriate.
- Children's preferences may carry significant weight.
- Shared parenting becomes difficult at this age when parental conflict remains elevated and logistics are not supportive of such a schedule.

# So – How Does the Concept of Voice vs Choice Impact the Decision of Shared Parenting?



# Where the Law Stands

**Approaches to presumptions vary widely, and the debate continues.**

KENTUCKY, 2018

## Equal-time presumption

First state to enact a rebuttable presumption of equal parenting time, rebuttable by a preponderance of the evidence (Dale, 2022)

UNITED KINGDOM AND CANADA

## Presumption declined

The UK rejected a 50-50 presumption in its 2014 reforms; Bala et al. (2017) argue against one for Canada

GEORGIA

## No presumption

No presumption for any form of custody, but state policy encourages continuing contact and shared responsibility (O.C.G.A. § 19-9-3; DiFonzo, 2014)

# From Presumption to Assessment

**A blanket presumption asks:**

- What is the default time split?
- Who gets the majority of overnights?
- Has either parent rebutted the default?

**A research-informed approach looks at:**

- The child: age, temperament, needs
- Each parent: health, flexibility
- Parent–child bond: warmth, history
- Co-parenting: conflict, violence
- Environment: distance, work, support

*Factor categories from the AFCC Think Tank (Pruett & DiFonzo, 2014)*

# Session Readings


Archer-Kuhn, B., Saini, M., Hughes, J., Tam, D., & Trudgill, D. I. N. (2023). A survey of mothers' experiences of shared parenting and domestic violence. Family Court Review, 61(2), 395–412.

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Haux, T., McKay, S., & Cain, R. (2017). Shared care after separation in the United Kingdom: Limited data, limited practice? Family Court Review, 55(4), 572–585.

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