

Sharing your child

Children clearly need two parents that love and care for them. The majority of parents are able to share custody, but many need extra help in figuring out how to do it without tension. Here's a look at how to best divide your child's time.

by Jayne A. Major, Ph.D.

The on-going puzzle of what to do when two parents claim that a child belongs with them can be perplexing and can create tremendous conflict. In a custody dispute, people often think in black and white. Frequently parents will claim, "I'm clearly the better parent, therefore, our child belongs to me." They can usually present several reasons for their belief.

Too often, egos and the desire to control the other parent and the child take precedence over what is in the child's best interest. Thus, the labels of joint and sole custody can be taken too seriously.

Children clearly need two parents that love and care for them. The majority of parents are able to share custody. Many need help in figuring out how to do it without tension. However, even when parents simply can't get along, joint custody shouldn't be ruled out. Research has shown over and over that the children in divided families fare better when they have two parents to enrich their lives, especially when both parents are involved in making key decisions on the child's behalf.

Extensive research has been done on children raised in single-parent homes. This research has shown that the trend of eliminating a father from a child's life in order to make things easier for the parents is not in the child's best interest. A high percentage of these children end up engaged in anti-social behavior, such as dropping out of school, promiscuous sexual behavior, drug abuse, and criminal activity. Currently, nearly 40% of American children have no father in their lives. This is a disturbing trend. Fathers have proven that they can be just as nurturing and child-oriented as mothers. Fathers provide a balance and contribute an insight that can make a huge difference in how a child turns out. Taking care of a child is a big job. Not being able to work out an acceptable parenting plan when families divide further contributes to this social problem.

Sole custody should only be used when one parent is clearly incapable of caring for a child. When a parent lives far away or has a work schedule that prevents him or her from taking on day-to-day parenting responsibilities, it's still possible for him or her to have joint custody -- it's just usually more difficult.

Joint Physical and Legal Custody

In joint custody, both parents retain and share the physical and legal responsibility and authority for the care and control of their child. This arrangement is ideal when parents can cooperate with each other and agree on key decisions about the child's life. When parents can't cooperate and agree, a legally enforceable parenting plan serves as a tiebreaker.

Joint custody means assuring children of frequent and continuing contact with both parents. This arrangement requires parents to share the rights and responsibilities of child rearing, regardless of their compatibility with each other.

There are several advantages to shared parenting. A child of joint custody has two parents who are emotionally involved. Regular contact with both parents is maintained. The child receives a clear message that he or she is loved and wanted by both parents.

Joint custody provides the advantage of shared childcare and can serve as a way to get relief from many of the problems associated with single parenthood. With more balanced shared physical custody, joint

custodians are provided with an important buffer against the "burnout" many single parents experience due to the intense demands of solo parenting.

In determining the type of custody of a child, parents must take into account the child's age and personality. Anxious and insecure children may be troubled by the transitions back and forth between homes. In such cases, one parent should initially have primary responsibility for the physical care of the child, while the other parent should see the child frequently and continually.

A nursing baby needs one physical home, however, access by the father can be daily at this time. Overnights with the father are also possible for nursing babies provided breast milk can be pumped in advance (or if formula is used). In my opinion, young children, including babies, should not go for longer than three days without seeing the other parent.

Sole Custody

Sole primary physical custody means the award of full physical and legal custody to one parent. This parent makes all of the decisions about the child's life. Even so, frequent and continuing contact with the non-custodial parent is usually recommended and written into the plan.

Sole custody is attractive to some parents who perceive it as easier or less complicated for their own lives. It has been used by some as a tool to minimize contact with an ex-spouse and to exercise control over all aspects of the child's upbringing. Some parents perceive sole custody as a victory over their ex-spouse in their own personal war against him or her. Others choose it for convenience -- to have more freedom to do whatever they want, such as move to a new community or state. Sole custody chosen for these reasons is not in the best interest of the child.

There are situations in which sole custody is preferable or unavoidable. Some parents either disappear or do not want to be involved as a parent. Some parents are too emotionally or physically abusive to their children to be entrusted with them. Some parents are simply not good parents due to psychological problems. (In some cases, an at-risk parent can stabilize the situation by going to therapy, taking parenting classes, or participating in some other kind of intervention program. In doing so, they may make it possible to share parenting at a later date.) However, in cases other than these, there is rarely a good reason why children should not continue to be actively involved with both parents. Sole custody works against this involvement.

Sole custody also has the disadvantage of creating an unequal balance of power in the relationship between the two parents. Where such power was shared prior to the breakup, now one person has complete control over matters relating to the child. This power can be abused and used arbitrarily, thereby increasing the level of conflict and discord between the parents. In addition, the child will soon become aware of this dramatic power imbalance, which can have a harmful effect on how he or she views the "weaker" parent. This affects the quality of the child's relationship with that parent and limits the parent's ability to be effective in a variety of parenting situations. Sole custody also interferes with gender role identification. For instance, a boy might see his non-custodial father as weak, and therefore identifies himself as being weak, too. A girl who sees her non-custodial father as weak identifies men in general as being weak.

Divided or Alternating Custody

Divided or alternating custody is an arrangement that permits each parent to have the child for part of a year or for alternating portions of a year or alternating years. Each parent alternates assuming the responsibility and control accorded a sole custodian during the time period when the child is awarded to the respective parent. Divided or alternating custody is not joint custody.

Split Custody

Split custody awards sole custody of one or more children to one parent and sole custody of another child or remaining children to the other parent. This is not recommended unless extraordinary conflict exists between siblings. Parents and courts considering the split-custody alternative will need to understand the necessity of assuring that the children have significant time together with their siblings.

You should also consider the impact of shared or split custody on the child-support rights and obligations in your jurisdiction before making your decision about custody.

Holidays and Vacations

These events and times often are designed where one parent has the child in even years and the other parent in odd years. In most cases the timeshare may also be split between parents. Always state the time and location of the exchange, including pick-up and drop-off. Use the chart on this page to decide the best plan for your family.

Special Days

A special day can be built into the plan to allow for unusual circumstances or important events that develop from time to time, such as the birthday of a sibling or relative, out-of-town visitors, weddings, and other celebrations such as family reunions. These are 24-hour periods that are an exception to the usual schedule. The other parent is given prior notice of at least 30 days. Typically, each parent is allotted two to three Special Days per year.

Time Available for Your Child

Another important variable to consider for determining custody and timeshare issues is how much time you realistically have to spend with your child. You have a life, too. You probably need to work and have many other responsibilities besides being a parent.

Some careers require a parent to be away from home for long blocks of time, such as those of police, sheriffs, military personnel, or fire fighters. Other people must travel for business, such as airline crews or people who go on location to make movies. These professional factors must be considered when determining a realistic timeshare of the child. Other people need to have flexibility for mental or physical health reasons. There are diseases that, when in an active stage, make it very difficult for a parent to give a child proper care. Some diseases go into remission and enable a parent to be more available during those times.

Another point to consider is that of types of time. Daytime and night time hours with a child are not equal in quality, nor are weekdays and weekends. During a week, most parents are at work, the child is at school and they only see each other for a short time in the morning and a few hours at night. Many people have longer blocks of time available for a child on a weekend, while other parents, such as people who sell real estate, must work on weekends.

One Size Does Not Fit All

In order to be realistic about what kind of timeshare to ask for, you must determine how much time (and when) you have available for your child. A young child needs to be with a responsible person 24 hours a day. If the child is not with you, where will the child be? Will the child be in school or daycare? If so, for how long? What provisions for childcare do you have in place?

When Are You Available?

Fill in your schedule on a 24-hour weekly grid. When do you sleep and work? What are your predictable activities every week? What do you expect in terms of a social life? When will you exercise?

Next, do the same for your child. Include what you know about the other parent's schedule as well. Fill in the blocks of time for each person using a different-colored highlighter. This way you can better analyze how much time you and your child realistically have to spend with each other. This information can help you decide on a fair timeshare to ask for.

You can determine your share of your child's time as a percentage by the following calculation. There are 168 hours in a week. Divide the number of hours you have available each week to spend with your child by 168, then multiply by 100. This information is useful for determining financial child support.

Example: If you have 48 hours available to spend with your child each week, divide 48 by 168 and multiply by 100. This equals 29%.

Parents may also want to consider progressive schedules where the non-custodial parent has more time with the child as he or she grows older. You may want to consult with an expert to develop the most practical plan for this.

Division of Your Child's Time

A good timeshare plan depends on many variables. If the time means a long commute out of the child's neighborhood, making it so that he or she is unable to see friends or to participate in special activities or sports, then it may be too much. Children need both consistency and flexibility.

Some people focus on a percentage of time to the exclusion of other issues that may be more important, like what the child needs. Children need time with both parents, and they also need time to enrich their lives with activities such as seeing their friends and being involved in sports or cultural activities like art or dance.

Parents also need to attend to their child's spiritual needs, which may mean a religious education. Balance is the key. Children need time with both parents and time to be normal children. Making a successful parenting plan means putting yourself in your child's shoes. To many people, a 50/50 timeshare seems fair because it has the appearance of equality, and it can be worked out in many families. A variety of arrangements are possible to suit the needs of the restructured family, however. You should also keep in mind that the minimum timeshare for joint physical custody is one-third of the time over a year.

Is 50/50 timeshare appropriate for your child? The answer is "It depends." Is this timeshare in the best interest of everyone concerned? The logistics may be difficult, but some families can work it out.

There are many creative ways to have quality time with a child. "Quantity time" needs to be figured out according to what is in the best interest of the child. Some of the things to think about are the child's age, relationships with friends and extended family, availability of each parent, and distances to travel. It's important to not get hung up on hours, minutes, and seconds, but also to look at the quality of the time.

This article has been edited and excerpted from Creating a Successful Parenting Plan: A Step-By-Step Guide for the Care of Children of Divided Families by Dr. A. Jayne Major (Breakthrough Parenting). Family education expert Dr. Major, who has worked with more than 12,000 parents over the last 16 years, teaches you how to help your child through your separation; to interact effectively with your ex; to determine the best timesharing arrangements for your child; and to make your agreement with your ex legal and binding. This helpful book is available by calling the publisher at (800) 770-7935.