

Shared Parenting and Joint Custody

Shared parenting and joint custody are modern terms that cause confusion. They are not defined in the law.

Joint custody usually means an almost equal time-sharing arrangement. Shared parenting tends to mean that one parent has the children most of the time and the other parent has the children for more than the usual amount of access.

Shared parenting usually refers to an arrangement in which the non-custodial parent has the children for more than the whole of every second weekend and half of all school holidays. But there is no reason why parents should not refer to one parent's having the children for every second weekend as shared parenting.

At first glance, shared parenting seems to be a vague term that means children will spend time with each of their parents. In practice, it is little different from the present method of having orders or agreements for custody and access.

But the different wording of the arrangement gives access parents a feeling of **greater involvement** in their children's lives. It has the benefit of reducing feelings of resentment and increasing **commitment** to the child.

Joint custody is the exception rather than the rule. Many people believe an equal time-sharing arrangement is difficult for the children to cope with. Most fathers find their workloads do not allow them to have enough free time to provide enough care for their children.

Some common joint custody arrangements are for the children to live with:

- Their mother for one week and their father for the next week.
- One parent for three days of the week and the other parent for four days.
- Each parent for three days one week, then four days the next.

Joint custody does not always work. There have been cases where parents started having joint custody and decided that it would be better if the child was in the care of one of the parents only during the week.

Parents with reasonably high incomes seem to cope best with joint custody. One reason for this is that each parent needs to have a household equipped for child rearing, with enough bedrooms, a safe outside play area, furniture, toys and books.

Another essential is having enough time to spend with the children. If one parent cannot be with the children until 6 p.m. and the other is available between 3 p.m. and 6 p.m., it would probably be better for the children to be in the care of the parent who can be with them after school.

The children should continue to attend the same school while they are with both parents. For this reason, joint custody seems to work best when the parents live fairly close to each other. The parents should each give the children's schooling and homework adequate attention. If a joint custody arrangement is causing a child's schooling to suffer, a different arrangement should be considered.

The children should be able to play with their friends, and carry on with activities such as sport and music while they are in the care of each parent.

For either shared parenting or joint custody to work well there must be:

- a lot of **good will** between the parents,
- **shared commitment to putting the children first**, and
- **good communication**.

The parents should have thought about the arrangements carefully and spent some time discussing them.

Shared parenting and joint custody are not likely to work well if one parent feels pressured into agreeing to it. If one parent feels undecided, having counselling at the Family Court will help the parents reach a decision.

All good custody arrangements are based on thinking about what is best for the children. An arrangement that is based on the rights of one or both of the parents has much less chance of success.

At the same time custody arrangements **should not be too hard on the parents**, making them stressed, tired or unwell. Happy parents are more likely to rear happy children.

Joint custody and shared parenting are unlikely to work well if one parent has:

- **an anger problem,**
- **an alcohol or drug problem,**
- **lacks good parenting skills,**
- **or if there is a lot of conflict between the parents.**

Nor will it work if it means that a parent who cannot rear the children without getting the domestic purposes benefit is unable to get a benefit because the children are in his or her care for only half of the time.

Whether parents decide on joint custody, shared parenting or some other arrangement, they will be able to play an important role in their children's lives if they co-operate and place their children's interests and wellbeing first.

If you have any concerns in this area or would like to know more, contact your solicitor.

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