

RESEARCH UPDATE
Children's Adjustment in
Sole Custody Compared to Joint Custody
Families and Principles for Custody Decision Making

Janet R. Johnston

In this report, overall findings from the most recent custody studies of children ages 3 to 16 years, made publicly available within the past 6 years, are briefly reviewed to establish a framework of general principles for decision making around custody and access issues. Most of the comparisons drawn are between joint and sole custody, with some attention being given to differences between mother and father sole custody. All of these studies are of children's adjustment to the physical custody, or residential arrangements, rather than to legal custody, which refers to parents' decision-making authority.

In 1980, California embarked on a grand social experiment when it was the first state to pass a statute implicitly favoring joint custody. Between 1980 and 1984, the incidence of joint physical custody in California rapidly increased, from 5% to almost 20%, and such custody has continued as a residential arrangement following divorce at relatively high rates compared to most other states in the U.S. (Maccoby & Mnookin, 1992). In 1989-1990, the California legislature clarified the status of joint custody as one of several options; however, the issue remains an active one in Sacramento and across the country, with proponents of joint custody debating those who favor a primary parenting presumption. Where does the research stand on this issue?

The earliest studies of joint physical custody used highly selective samples of couples who could be described as pioneers of the concept, even crusaders; they tended to be highly motivated and committed to making joint custody work for their children (Abarbanel, 1979; Luepnitz, 1982; Steinman, 1981). The studies that followed began to look at children of different age groups and the effect of varying parental motivations to undertake joint custody parenting plans following divorce (Brotsky, Steinman, & Zimmelman, 1988; Luepnitz, 1986; McKinnon & Wallerstein, 1986; Shiller, 1986; Steinman, Zimmelman, & Knoblauch, 1985). In terms of research methodology, the studies were marred by various problems: They all comprised small, unrepre-

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sentative samples; most used no control or comparison groups, depended on qualitative methodology, examined only select groups of children, and/or did not follow up on the families over time.

The results of the earliest studies were generally positive, if not enthusiastic, about the effects on children of joint custody. Those that followed raised a series of questions: First, whether beneficial outcomes are due to joint custody itself, rather than the predivorce characteristics of the families (e.g., better cooperation, less conflict, and psychologically healthier parents), or to demographics like higher education and better incomes. Second, whether children of different ages, boys and girls alike, can manage and benefit from these arrangements. Third, whether mental health professionals should encourage and the courts should mandate joint custody where parents are reluctant to undertake the arrangement. Consequently, in the decade that followed these initial investigations, a series of custody studies of preschool and school-age children were undertaken with these questions in mind. In the review of these studies that follows, it is important to remember that the term "custody" refers to the physical custody or actual living arrangements of the children.

SIX RECENT STUDIES OF DIFFERENT CUSTODY ARRANGEMENTS

Study 1. Kline, Tschann, Johnston, and Wallerstein (1989) studied 93 children of families in which the oldest or only child was 3 to 15 years old. Ninety-three percent of the families were Caucasian. This sample tended to be of middle to high socioeconomic status. The families were recruited from letters sent to couples who had filed for divorce in one San Francisco Bay Area county. Referrals were also solicited from social agencies, attorneys, pediatricians, and teachers. All family members (mothers, fathers, and children) entered the study within 12 months of filing for divorce in return for brief preventive counseling. They were extensively assessed, using clinical interviews, questionnaires, and standardized psychological measures, upon intake to the service and again 1 and 2 years later. Although 38% of the sample had joint custody by the time of their final decree, only half of this group had typical joint custody schedules. The remainder of the children were in mother custody. Father-custody children were too few to include in this study.

Study 2. The Stanford Custody Study investigated the adjustment of 365 adolescents (ages 10 to 18 years) and their families (Buchanan, Maccoby, & Dornbusch, 1991, in press; Maccoby & Mnookin, 1992). This sample was

drawn from court records of those filing for divorce in two counties in the San Francisco Bay Area. Seventy-nine percent were Caucasian, and the sample was varied in terms of socioeconomic status. The parents were interviewed around the time of filing and again 1 and 3 years later. The adolescents were then interviewed, by telephone, about 4½ years after the separation and reported their own levels of adjustment and perceptions of family relationships. Seventy percent were in mother custody, 20% in father custody, and 10% were in joint custody, which was defined as at least 8 overnights per month.

Study 3. Pearson and Thoennes (1990) surveyed 651 parents who mediated their custody arrangements within three family courts: Los Angeles Conciliation Court, Connecticut Superior Court, and Hennepin County (Minnesota) Family Court. Parents were interviewed immediately prior to mediation and then again 3 months and 15 months following mediation, at which time parents completed questionnaires on attitudes and satisfaction ratings as well as a standardized child adjustment measure. The custody arrangements of the sample were as follows: 42% sole maternal, 26% sole paternal, and 26% joint legal custody; 6% had joint legal/joint residential custody. Socioeconomic status and length of parents' separation were not reported.

Study 4. Johnston, Kline, and Tschann (1989) studied 100 families with an oldest or only child age 3 to 12 years, who were referred by the family courts in the San Francisco Bay Area. All had failed to settle their disputes in mandated mediation; hence their custody and visitation arrangements were more or less involuntary in that they were outcomes of recommendations by the mediators and evaluators, or were court ordered. Two thirds of this sample were Caucasian, and the families were generally of low to middle socioeconomic status. Parents and children agreed to participate in return for help with counseling and mediation of the dispute. Parents had been separated on average 27 months. The children and their parents were intensively assessed with clinical interviews and standardized psychological measures at the time of litigation and again 1 to 4 years later. At follow-up, 35% of the children were in joint custody, 12% were in sole father custody, and 53% in sole mother custody, according to the court decree, which in general reflected the actual residential arrangements.

Study 5. Johnston (1992) studied 75 children between the ages of 3 and 12 from 60 divorcing families, all of whom were referred by the family courts in the San Francisco Bay Area because of violence between parents and/or high-level, ongoing conflict of a nonviolent kind. Eighty percent were

Caucasian, and the sample was diverse in terms of socioeconomic status. Parental separation had occurred on the average 37 months previously. Both parents and children agreed to participate in the study in return for brief child-centered counseling services. They were intensively assessed at intake into the service by clinical interviews, standardized psychological measures, and teacher ratings. Thirty-six percent of the children lived under an arrangement specified as joint custody; 57% were in mother's sole custody, and 7% were in father's sole custody.

Study 6. In 1989, Schaefer reported on a 4-year follow-up of 83 children (ages 5 to 15) whose custody arrangements had been made following court-ordered custody evaluations that had resulted in stipulations or judicial decree. In half of the cases, fathers had been awarded custody, and these were matched with sole mother-custody decrees according to age and gender of the child. The socioeconomic status was predominantly middle- to upper-middle class, and families were predominantly Caucasian. Parents' and children's adjustment was assessed by interviews and standardized psychological measures completed by the custodial parent and by the children themselves.

To summarize, two of these six studies (Buchanan et al., 1991, in press; Kline et al., 1989) are of community samples of the broader population of divorcing families (i.e., mostly obtained from public records of divorce filings); one study was obtained from court-connected services wherein families mediated their custody plans (Pearson & Thoennes, 1990); and three studies were of high-conflict litigated divorces, where the custody arrangement was generally imposed by recommendations or order of the court (Johnston, 1992; Johnston et al., 1989; Schaefer, 1989). Five of the studies were undertaken in California; the mediation study included data from Minnesota and Connecticut; and one of the litigating studies was undertaken in Michigan. The sample sizes ranged from 75 to 651 children, and families were of varied socioeconomic and ethnic status. All but one of the studies (Johnston, 1992) followed the families over a 2- to 4-year period.

OVERVIEW OF FINDINGS

Among those divorcing families studied, from within the broader community, the principal findings were that there were few, if any, significant differences in the adjustment of children in the different custody arrangements. The community studies (Buchanan et al., 1991, in press; Kline et al., 1989) showed that there was a tendency, over time, for a great deal of

self-selection into the kind of custody arrangement that best suited the individual family: about one third of the children changed their custody arrangements over a 2- to 4-year period. Any differences in adjustment between joint custody, sole mother custody, and sole father custody could probably be attributed to this self-selection process. For example, there was a tendency for children in joint residential arrangements (i.e., living part of the time with each parent) to drift back into the primary care of their mothers. The reasons for this drift were often pragmatic: Joint residency did not work out for the child; parents could not cooperate sufficiently; or one parent remarried and/or relocated. Thus children who remained in the joint care of their parents did so because the arrangement suited both them and their parents. This probably explains why these children tended to be a little better adjusted as a group and felt closer to both parents (Buchanan et al., 1991, in press). In addition, children in joint custody benefited from the fact that their parents were likely to be better educated and to have higher incomes (MacCoby & Mnookin, 1992; Pearson & Thoennes, 1990). Interestingly, there was a tendency for emotionally and behaviorally troubled children, and those with troubled family relationships, to be deposited into the primary care of their fathers (especially during adolescence). It is perhaps not surprising, therefore, that these children's adjustment looked somewhat worse as a group. However, girls in father custody were doing more poorly than boys (Buchanan et al., 1991, in press; Johnston, 1992).

It is important to note that in the community and mediation studies, more substantial amounts of access/visitation, in itself, was associated with neither better nor worse outcomes in these children (Buchanan et al., 1991, in press; Kline et al., 1989; Pearson & Thoennes, 1990). Important predictors of good adjustment for children were, foremost, the parents' psychological functioning and the quality of the parent-child relationships. There were consistent findings that custodial parents who were anxious and depressed, and those who suffered from substantial emotional or personality disturbances, were more likely to have disturbed children (Johnston, 1992; Kline et al., 1989; Schaefer, 1989). Conversely, a warm, supportive relationship with a custodial parent who was also able to maintain consistent expectations and appropriate monitoring of the child was found to protect the child's development (Buchanan et al., 1991, in press; Kline, Johnston, & Tschann, 1990). It was also found that during and after divorce, children benefit substantially from regular, predictable access arrangements, and from a stable social support system that includes school, social activities, and contacts with peers and extended kin (Pearson & Thoennes, 1990). What these findings imply is that the actual physical custody and visitation arrangements are less important than is the quality of ensuing family relationships.

A small minority of divorcing parents remain in ongoing high conflict. This subgroup constitutes about 10% of all divorcing families (Maccoby & Mnookin, 1992). Ongoing high conflict is identified by multiple criteria, a combination of factors that tend to be, but are not always, associated with each other: intractable legal disputes, ongoing disagreement over day-to-day parenting practices, expressed hostility, verbal abuse, physical threats, and intermittent violence. Research findings to date indicate that high-conflict divorced parents have a relatively poor prognosis for developing cooperative coparenting arrangements without a great deal of therapeutic and legal intervention. Those parents who met the multiple criteria of high conflict at the time of divorce were likely to remain conflicted over a 2- to 3-year period. At best, they became disengaged and noncommunicative with one another; they were less likely to become more cooperative over this period of time (Johnston, 1992; Maccoby & Mnookin, 1992).

The studies, as a group, consistently concluded that ongoing and unresolved conflict between divorced parents has detrimental effects on children, especially boys. Children are particularly hurt by witnessing physical violence between their parents (Johnston, 1992). In divorced families where there was ongoing conflict between parents, frequent visitation arrangements and joint custody schedules were likely to result in increased levels of verbal and physical aggression between parents, compared to similar families who had sole custody arrangements, especially at the times of transitions when children moved between their parents' homes. Of even greater concern was the finding that more frequent transitions and more shared access between high-conflict parents were associated with more emotional and behavioral disturbance among children, especially girls. These children were likely to be more depressed, withdrawn, and aggressive, and to suffer from physical symptoms of stress (such as stomachaches, headaches, etc.); they were also likely to have more problems getting along with their peers, compared to children with fewer transitions and typical sole custody access plans (Johnston, 1992; Johnston et al., 1989). In comparisons of sole mother custody with sole father custody in contested divorce situations, the findings were that the children fared equally well (Schaefer, 1989), probably because in this study the custody arrangements had been made after careful psychological evaluation of the best match between parent and child.

In summary, from the research that currently exists, there is no convincing evidence that joint custody is either more detrimental or more beneficial for the majority of children of divorce compared to mother or father sole custody arrangements. However, substantial amounts of access to both parents (as with joint custody schedules) and frequent transitions between parents are generally associated with poorer children's adjustment in the most extreme

cases, in those divorced families where there is ongoing high conflict and continual disputes over the children. Where there has been a history of repeated physical violence between parents, these children are likely to be the most seriously disturbed (Buchanan et al., 1991, in press; Johnston, 1992; Johnston et al., 1989).

LIMITATIONS OF THE STUDIES

Before summarizing the custody decision-making implications of these findings, it is important to discuss the limitations of these studies:

Four of the six studies were of relatively small or nonrandom samples that may not be representative of the broader population of divorcing families. Moreover, because there was a certain degree of self-selection or court selection into the different kinds of custody relationships (and not random selection), causal relationships between custody arrangement and child outcome have not been established. Where there have been significant correlational findings, the magnitude of effects has been relatively small, leaving unexplained the major portion of variation in children's adjustment. Furthermore, the studies have not adequately differentiated between children of different ages, nor have cultural differences been explored. Whereas all of the studies examined effects on children of custody type and amount, frequency, and regularity of visitation, none of the studies has examined the effects of different kinds of time-sharing plans on children (e.g., one week/one week compared to weekday/weekend compared to school year/summertime share.)

It is important to note that these studies included very few parents who did not visit their children. One of the benefits of state laws that encourage joint custody may be that they discourage fathers, in particular, from "dropping out" of their children's lives and result in the provision of long-term financial as well as emotional support for children. Some of these studies tend to support this idea, but further research is needed for confirmation.

In this group of studies, children's adjustment was assessed only in the relatively short term (approximately 1 to 4 years after the filing). Positive consequences of joint custody, especially in those families not engaged in ongoing conflict, may only accrue after a number of years or at special developmental stages of the child (e.g., during adolescence). The effects of custody arrangements can only be assessed over the longer span of a child's development through adolescence and into adulthood.

Finally, with respect to the apparent negative consequences of joint physical custody and frequent visitation in high-conflict, litigating families,

it is important to note that those three studies of children where the custody arrangements were mostly imposed by the court represent an extreme group (about one tenth of the total population of divorcing families and less than one third of those that register a dispute about custody in court). In California, the majority of custody disputes are settled in mandatory mediation, and the study by Pearson and Thoennes (1990) does not suggest any negative effects of joint custody in these cases at the time of follow-up. It is to be expected that couples will be angry, hurt, and often bitter toward each other at the time of divorce. The findings from these studies should not be used to discourage parents from trying to put aside their angers, trying to protect their children from their bitterness, and trying to work out shared-parenting arrangements that might better meet their children's needs over the long term.

IMPLICATIONS FOR CUSTODY DECISION MAKING

What guidelines for decision making with respect to custody and visitation are supported by the current body of research? The more conservative approach is to note the numerous limitations of this research and to conclude that there are no policy implications. Moreover, the findings are of aggregate data and admittedly there is no such thing as an aggregate child. This conclusion, however, provides no help to legal and mental health professionals who are advising divorcing parents about these matters, or to judges who have to make decisions on a daily basis. A more helpful approach is to propose a number of principles that should guide custody decision making, recognizing that individual cases raise multiple issues that require good clinical judgment and judicial discretion. It is also important to note that these policy principles may change as more research becomes available.

The first principle is that because warm, affectionate, and responsive parent-child relationships, with appropriate parental expectations and control, are the best predictors of good outcomes in children, it is this domain that should carry the most weight in determining a child's residential arrangement after divorce, whether that be joint, sole mother, or sole father custody.

Second, children are better off in the care of parents who are relatively free of psychological disturbance or substance abuse inasmuch as these conditions are shown to compromise the capacity for effective parenting.

Third, children need custody and access arrangements that will minimize the potential for ongoing interparental conflict. They especially need to be protected from exposure to violence.

Fourth, recognizing that highly conflictual parents (as defined above) have a poor prognosis for becoming cooperative, custody arrangements for this special subpopulation should allow parents to disengage from each other and develop parallel and separate parenting relationships with their children, governed by an explicit legal contract (a parenting plan) that determines the access schedule. A clearly specified, regular visitation plan is crucial, and the need for shared decision making and direct communication should be kept to a minimum.

This fourth principle implies, therefore, that joint legal and joint physical custody schedules that require ongoing coordination and decision making with respect to the child's social, academic, and extracurricular activities are generally inappropriate for this special subpopulation of divorcing families. Frequent transitions of the child between parents for visitation purposes are also to be avoided in these cases. Exceptions are infants, toddlers, and young preschoolers, as well as those children with special educational, medical, or therapeutic needs that require carefully coordinated parenting and more frequent access to both parents. In these exceptional cases, a coparenting counselor, or arbitrator, may need to be in place to help these high-conflict parents make necessary and timely decisions together.

Fifth, where there is concern about the capacities of both parents to protect the child from interparental conflict and their own disturbed attitudes and behavior in making the custody/access decisions, it may be appropriate to give more weight to providing the child with continuity in relationships with supportive others (such as grandparents, child care persons, and peers) and stability of place (such as neighborhood and school). In these more troublesome cases, custody and access awards can be made contingent upon either or both parents obtaining appropriate counseling (for parenting skills, domestic violence, substance abuse, etc.). Moreover, the court orders should include provisions for monitoring compliance and reviewing progress. If neither parent can protect the child, and there are no substitute caregivers, children themselves may be given some relief if a court order assures them of direct access on an ongoing basis to their own counselor or advocate, someone who can maintain a positive or equidistant relationship with both parents and help the child directly.

Sixth, if there is an indication of domestic violence, special provisions should be incorporated into the custody and time-sharing plan (see Johnston, 1992, for details). If there is a current threat of violence, or if there is ongoing/episodic violence, then (other factors being equal) the nonviolent parent should have sole custody and the violent parent's access to the child should be supervised (until the threat of violence ceases and the abusive

parent obtains treatment). If there is a history of domestic violence that is not current or ongoing/episodic, then (other factors being equal) a range of custody options and unsupervised access is appropriate, albeit with a number of precautions. These precautions should include (a) an explicit court order that details the precise visitation arrangements (times, dates, holidays, place of exchange) and can be easily interpreted by police officers and the courts if enforcement is necessary; (b) a requirement that the exchange of the child occurs at a neutral safe place; and (c) assurance that the child is relatively comfortable with the arrangement.

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Janet R. Johnston, Ph.D., a clinical social worker and sociologist, is Director of Research at the Center for the Family in Transition, Corte Madera, California. She specializes in counseling and mediating with high-conflict, litigating divorcing couples and their children for the past 15 years. She is coauthor of the book Impasses of Divorce (Free Press, New York, 1988) and has written numerous professional papers.