



Research Update

Judicial Council, Administrative Office of the Courts

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Children's Residence Five Years after Mediation

Do access arrangements for children remain the same or do they change over time, following child custody orders? Once established, custody arrangements ordered after court-based child custody and visitation mediation are unlikely to be legally modified just because a child grows older. Parents themselves, however, may modify their own arrangements informally. A newborn or infant may need the consistent care of one parent shortly after initial custody orders are established. Several years later, as the child becomes more developmentally independent, parenting responsibilities can shift reasonably to involve both parents.

Parental financial, employment, or marital status may change in time bringing a consequent shift in parenting responsibilities and visitation arrangements. The children themselves may also choose a change of arrangement as they mature and make their preferences known.

We wanted to find out how living arrangements changed for children of divorce and separation in California, five years after their parents' court-based mediation session in 1991.

The Research Study

Parents were interviewed in 1991 as part of the first snapshot study, a survey of all court-based custody mediation sessions in the State of California taking place over a two-week period. We completed a follow-up survey of those parents and their children in 1996 [Sidebar on page 3].

There were 1,032 children (out of 1,992 who were eligible) for whom we were able to collect residence information five years after the initial survey. We first looked at the age profile of the children retained by our study and compared the profile to those who were eligible. In 1991, 34% of these 1,032 children were under

the age of 5; another 29% were from 5 to 7 years of age; 28% were from 8 to 11 years of age and; only 9% were from 12 to 13 years. Children who would be 18 or older in 1996 were not included in our current analysis. This age profile was similar to the demographic profile of the eligible children, indicating a comparable sample of kids.

We compared the living arrangements for children in our study in 1996 with their arrangements in 1991, to answer the following questions:

- How did living arrangements change overall?
- Did living arrangements change as children grew older?
- Did net changes mask residential shifts from individual arrangements?
- Did the sex of the child and parent affect the residential changes?
- How many times did children change their living situation?

We compared the nights the children spent with each parent at the beginning and end of the five-year period [Sidebar on page 2].

How did living arrangement change overall?

Over the five-year period, a net decline was observed for children who maintained residence with both parents, changing from 25% to 17%. A decline was also shown for children whose sole residence was with their mother (from 59% down to 53%), while an increase was seen for children whose sole residence was with their father (rising from 16% to 30%).

Did living arrangements change as children grew older?

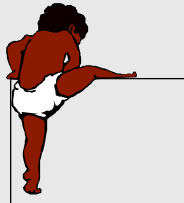
The youngest children experienced the greatest shift in residence. Those children under the age of three were most likely to reside solely with mom (73 percent) at baseline in 1991 [Figs. 1,2]. In 1996, by the time these children were aged 5 to 8, only 55 percent of these children resided solely with mom, a proportion similar to older age groups residing with their mom in 1991.

Older children who resided initially with both parents in 1991 experienced a net shift to sole residence with dad in 1996. For these older kids, moms retained a majority sole residence in 1996 as they did in 1991, with one exception. Kids who were 8 to 9 years of age in 1996 experienced sole residence with mom only 44% of the time.

Did net changes in living arrangements from 1991 to 1996 mask residential shifts from individual living arrangements?

Net shifts in living arrangements did mask greater changes from individual initial living arrangements. For individuals the chance of changing to a different residential arrangement depended on what the initial arrangement was.

Of the children who started out living with mom, 37% were likely to change to sole residence with their dads or to residence with both parents. Of the children who started out with dad, 50% changed to sole residence with mom or to residence with both parents. Of the children who started out in residence with both parents, fully 68% moved to sole residence with either dad or mom.



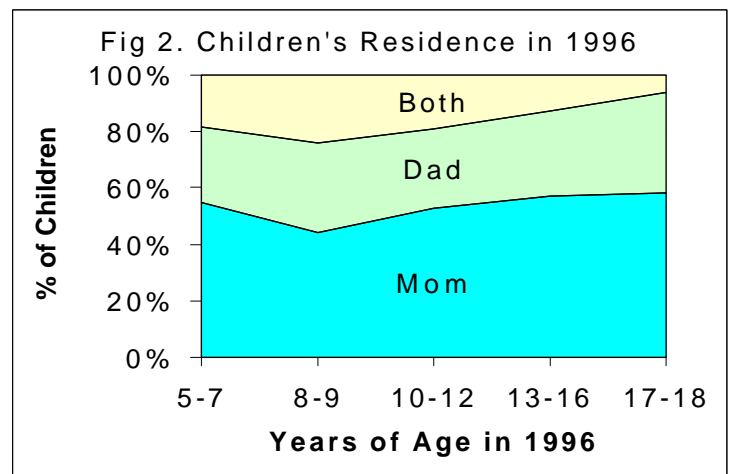
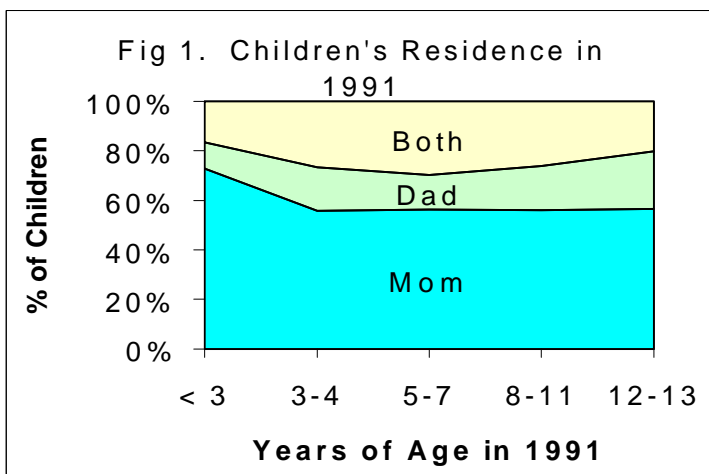
Definition of Residence

“Residence” for each child was defined based on the number of nights a child spent with each parent. Residence was calculated as the number of nights the child spent with each parent in a 4-week period. Unlike legal custody labels, this measure of residence is based on the actual time parents said they spent with their children.

- “Both” indicates a shared residence of 8 to 20 nights during each 4-week period with each parent.
- “Both” includes children who spend a minimum of every weekend night with one parent, and the rest of the time spent with the other parent.
- Mom or Dad “Sole” residence indicates that the child resides with the sole parent for more than 20 nights per 4-week period.

Did the sex of the child and the sex of the parent affect the residential changes that children experience?

Similar proportions of boys and girls lived in sole residence with their fathers or mothers or with both parents in 1991 and in 1996. The sex of a child did not influence whether they were more likely to spend their nights with their mom or their dad.





A CLOSER LOOK AT THE STUDY

The snapshot study (officially titled The Client Baseline Study) is the first large-scale statewide survey of all court-based mediation sessions in the State of California conducted by The Center for Families, Children & the Courts.

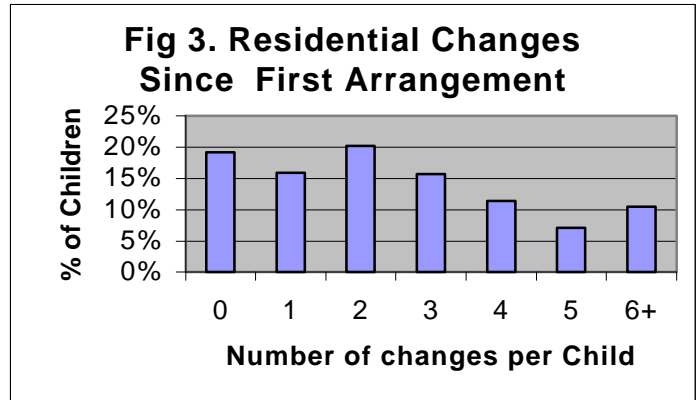
Periodically, starting in 1991, we conduct this statewide survey over a two-week period in order to collect information on the services family courts provide, the issues and outcomes of court-based child custody and visitation mediation and the demographics of families and children who use custody mediation. We also ask how parents feel about the mediation sessions and the decisions that are made. The statewide approach and the use of a two week time period allows a representative sample of all California mediation sessions taking place in each survey year: 1991, 1993, 1996, and 1999. A total of 1,318 families were surveyed in 1991.

In addition to the snapshot studies, we did two follow-up telephone surveys--one in 1993 and one in 1996-- of the parents who took part in the 1991 survey. In this second follow-up study (1996), we contacted the parents who were surveyed in 1991, five years after their child custody and visitation mediation visit, and asked questions about their current custody arrangements. We also asked how the children were doing. We located and spoke with 672 families. A total of 1,032 of the children identified in 1991 were assessed for the five-year period to determine if the initial residential arrangements had changed over time as children aged and parenting needs changed.

This report pertains to the 1,032 children identified in 1996 who were mentioned in child custody and visitation mediation sessions in 1991. These children represented 52 percent of all eligible children from the 1991 Client Baseline study.

How many times did children change their living situation?

In 1996 parents were asked how many changes of residence each child experienced since the parents had been apart. Only 35 percent of the children had one or no change in residence [Fig 3]. Fully 65% of the children experienced two or more changes in residence and 44% had 3 or more changes in residence.



Conclusions

It is clear from our data that children in contested custody or visitation cases tend to experience residential changes as they grow older. The substantial changes indicated by this longitudinal study may have important implications for child custody policy, parenting plans, and laws addressing visitation compliance.

The youngest children reside mostly with their mothers, at a time in their lives when consistent parental attention is needed. By the time these youngest children are five years older, many are in new living situations. This may be evidence that parents are making changes in their parenting plans in response to changes in their own or their children's needs informally, without returning to court for a modified court order. Further investigation of the data is needed to see if children who experience numerous residential changes are harmed by this potential source of instability.

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The Center for Families, Children and the Courts generates and distributes research-based information that has promise for informing the work of family court services in California and nationwide. To learn more about the work of our office visit our Web site:

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