



Contained in the following report are Ohio family Rights comments on the Interested Parties Meeting on LSC I_132_1408 and why we firmly believe this proposal is the wrong approach for Ohio. We also support, with material that many of those involved did not know prior to this meeting about previously introduced bills, case law that has come out in recent years, and social statistics that support that Ohio's current approach is failing not only the children of Ohio but every family.

We had requested that some discussion take place on the introduced changes to child support in Ohio contained within HB366. Unfortunately time limitations did not allow any discussion of that very poor bill. We have included our opposition statement on the flaws of that bill as well as some addition comments on flaws within the current child support system of Ohio.

We welcome any questions that come after reading the following report.

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Ohio Family Rights

Comments and Position as result of Interested Parties Meeting on LSC I_132_1408

We wish to thank State Representative LaTourette and her Aide Ciara Price for their diligent work in putting the Interested Parties Meeting on October 17th, 2017 to discuss this proposal. While busy schedules kept some leaving and reentering the conversation at various points, we feel it necessary to respond and comment on what may have been missed by some within the legislature and impressions that were gathered from comments made during the meeting.

We still remain firmly opposed to introduction of this proposal as it falls far short of the goals that some have claimed. The reality is that this proposal will make no change to Ohio law and solve none of the problems that exist in a greatly outdated approach that Ohio has to the way that it looks at custody when parents dissolve their personal relation. Don Hubin of National Parents Organization¹ admitted that this proposal has no intent to address the growing problem within this state of the issues of the never-married parents. In the proposal² that we have shown to many legislators we have addressed that segment and done it comprehensively.

While many legislators have an interest in fixing this “problem” as they said to me on the phone prior to any of us seeing the contents of this proposal that in its Sponsor Request letter promised so much. Reality is now that we have seen the actual language it will meet none of the goals it promised in that Sponsor Request; it will not even meet the stated goal of temporary solution without another needless motion being filed. Previous efforts³ to change this section of the Ohio Revised Code that I have been involved with have gone much further and would have accomplished much more.

Rather than taking a “follow” approach as Nation Parents Organization suggests, it is time for Ohio to take a leadership approach in the protections of the family as a whole and show the Nation how it is done.

¹ One must wonder how they can consider themselves a parent’s organization if they fail to recognize this segment of the parental community.

² GA 131 L_131_1099 which has already cleared LSC approval

³ GA 125 HB232, GA 126 HB688, GA 129 SB144 & HB253 and the un-introduced GA 131 L_131_1099

Effects on Society

While Hubin and I differ greatly on the legal approach we do agree that the current social data and reports does support that our children and the future generation would greatly benefit from modernizing the approach that we take as a state. Truth be told, this data was not available when the original bill was drafted in what may be over 40 years ago.

Some statistics that have come since the shared parenting laws went into effect nationwide.

- Fathers with joint custody pay **90.2% of all child support ordered. Those with visitation rights pay 79.1%.**
- Those with no access/visitation pay only **44.5%** [Source: Census Bureau report. Series P-23, No. 173](#)
- Almost half of all mothers see no value in the father's continued contact with his children following separation or divorce. And approximately 40% of divorced mothers report interfering with the father's relationship with the children. [Source: Sanford Braver, Arizona State University](#)
- "Economically fathers and mothers on average fare almost exactly equal about one year after divorce." [Source: Sanford Braver, Divorced Dads: Shattering the Myths,\(Tarcher/Putnam: 1998\), p. 79](#)
- 63% of youth suicides are from fatherless homes (**US Dept. Of Health/Census**) – 5 times the average.
- 90% of all homeless and runaway children are from fatherless homes – 32 times the average.
- 85% of all children who show behavior disorders come from fatherless homes – 20 times the average. (**Center for Disease Control**)
- 80% of rapists with anger problems come from fatherless homes –14 times the average. (**Justice & Behavior, Vol 14, p. 403-26**)
- 71% of all high school dropouts come from fatherless homes – 9 times the average. (**National Principals Association Report**)
- When a father is involved in a child's life, the child is less likely to participate in premarital sex. (**National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention , 2013**)
- There is a significant association between father-adolescent communication and adolescent sexual behaviors such as increased condom use and abstinence from sex. (**Guilamo-Ramos, et al., 2012**)
- Children in sole custody situations have far more sleep problems, difficulties concentrating, loss of appetite, more frequent headaches, stomachaches, and dizzy spells, and report feelings of depression and general sadness more often than children placed in custody situations where shared-parenting is involved (**Bergstrom, 2015**)

Father Factor in Education

- Fatherless children are twice as likely to drop out of school.
- Children with Fathers who are involved are 40% less likely to repeat a grade in school.
- Children with Fathers who are involved are 70% less likely to drop out of school.
- Children with Fathers who are involved are more likely to get A's in school.
- Children with Fathers who are involved are more likely to enjoy school and engage in extracurricular activities.

- 75% of all adolescent patients in chemical abuse centers come from fatherless homes – 10 times the average.
- When a child's father is actively involved in his or her life, the child has better academic results. **(Jones & Mosher, 2013)**

Father Factor in Drug and Alcohol Abuse

- Researchers at Columbia University found that children living in two-parent household with a poor relationship with their father are 68% more likely to smoke, drink, or use drugs compared to all teens in two-parent households. Teens in single mother households are at a 30% higher risk than those in two-parent households.
- 70% of youths in state-operated institutions come from fatherless homes – 9 times the average. **(U.S. Dept. of Justice, Sept. 1988)**
- 85% of all youths in prison come from fatherless homes – 20 times the average. **(Fulton Co. Georgia, Texas Dept. of Correction)**
- Over 83% of teens who have a good relationship with their father believe that smoking marijuana is a big deal and not a wise decision. **(The National Center on Addiction and Substance Abuse, 2009)**
- Teens' drinking behavior is strongly associated with how they believe their fathers feel about them drinking (The National Center on Addiction and Substance Abuse, 2009)

Father Factor in Incarceration and Crime

- Even after controlling for income, youths in father-absent households still had significantly higher odds of incarceration than those in mother-father families. Youths who never had a father in the household experienced the highest odds. A 2002 Department of Justice survey of 7,000 inmates revealed that 39% of jail inmates lived in mother-only households. Approximately forty-six percent of jail inmates in 2002 had a previously incarcerated family member. One-fifth experienced a father in prison or jail.
- A study of 109 juvenile offenders indicated that family structure significantly predicts delinquency. Adolescents, particularly boys, in single-parent families were at higher risk of status, property and person delinquencies. Moreover, students attending schools with a high proportion of children of single parents are also at risk. A study of 13,986 women in prison showed that more than half grew up without their father. Forty-two percent grew up in a single-mother household and sixteen percent lived with neither parent
- The incarceration risk of a child living with just his or her mother is greatly increased compared to that of a child living with just his or her father is equal to that of a child living with both parents. It is an even more significant chance of incarceration if there is a step-father or step-father figure living in the home. **(Harper & McLanahan, Center for Research on Child Well-being)**

Census Fatherhood Statistics

- 64.3 million: Estimated number of fathers across the nation
- 26.5 million: Number of fathers who are part of married-couple families with their own children under the age of 18.
Among these fathers -
- 22 percent are raising three or more of their own children under 18 years old (among married-couple family households only).
- 2 percent live in the home of a relative or a non-relative.
- 2.5 million: Number of single fathers, up from 400,000 in 1970. Currently, among single parents living with their children, 18 percent are men.
Among these fathers -
- 8 percent are raising three or more of their own children under 18 years old.

- 42 percent are divorced, 38 percent have never married, 16 percent are separated and 4 percent are widowed. (The percentages of those divorced and never married are not significantly different from one another.)
- 85 percent: Among the 30.2 million fathers living with children younger than 18, the percentage who lived with their biological children only.
- 11 percent lived with step-children
- 24 million children (34 percent) live absent their biological father.
- Nearly 20 million children (27 percent) live in single-parent homes.
- 43 percent of first marriages dissolve within fifteen years; about 60 percent of divorcing couples have children; and approximately one million children each year experience the divorce of their parents.
- Fathers who live with their children are more likely to have a close, enduring relationship with their children than those who do not.
- Compared to children born within marriage, children born to cohabiting parents are three times as likely to experience father absence, and children born to unmarried, non-cohabiting parents are four times as likely to live in a father-absent home.
- About 40 percent of children in father-absent homes have not seen their father at all during the past year; 26 percent of absent fathers live in a different state than their children; and 50 percent of children living absent their father have never set foot in their father's home.
- Children who live absent their biological fathers are, on average, at least two to three times more likely to be poor, to use drugs, to experience educational, health, emotional and behavioral problems, to be victims of child abuse, and to engage in criminal behavior than their peers who live with their married, biological (or adoptive) parents.

As it stands now the current approaches have failed the families of the state and Nation as these statistics reach much further than that of just the non-intact family but every family in the state. When the flaws within a legal approach become so devastating on the base of the entire society, it becomes the duty of those within a legislature to take the steps to make every attempt to reverse it. In this area it is time for Ohio to take a strong lead, not follow, approach and that can only come from a more modern and comprehensive set of changes that bring this state to the modern standards.

Ohio Courts

Much of current data and the reports were either ignored or missed when the Ohio Supreme Court created their Parenting Time Guidelines Report⁴ which has now been used as the basis for Standard Visitation Order contained within all Local County Rules. There has been a question that I have raised over the years that has yet to be answered; ***"If these guidelines are so good, why are they not applied to all parents in Ohio?"*** These Guidelines have been incorporated into the Local Rules Sections by the individual counties as what they deem their standard visitation schedules as default. That act is contrary to Ohio's presumption of equal custody within ORC 3109.401 which contains the expression of the state that the original intent was to have the courts minimize the use of standard orders.

⁴ <http://www.supremecourt.ohio.gov/Publications/JCS/parentingGuide.pdf>

3109.401 State policy on parent and child relationship

(3) (e) In apportioning between the parents the daily physical living arrangements of the child and the child's location during legal and school holidays, vacations, and days of special importance, a court should not impose any type of standard schedule unless a standard schedule meets the needs of the child better than any proposed alternative parenting plan.

The Courts have now ignored public policy in favor of the cookie cutter approach rather than that was the intention of law makers when the original laws on shared parenting were created. Both Hubin and I called this out and while Hubin admitted he had not looked at all Local County Rules, I have and stated as such. Yet the BAR member that was present was totally unaware that was happening statewide or why.

If a legitimate complaint about a member of the BAR is filed, more often than not, the complaint is dismissed rather than being investigated. The same hold true of legitimate complaints about bias of judges.

A question comes to mind that all legislators needs to ask of themselves; ***Is it the duty of the Legislature to set policy for the State of Ohio and assure that it is upheld, or is the duty of the Courts to set policy even when it is contrary to the expressed wishes of those that did set the policy?*** Charles Louis de Secondat's thoughts on the Separation of Powers that Franklin brought back for incorporation within our Founding Documents suggest that each branch of our government respect and not interfere with the operation of the other with their respective duties. The judges of this state were elected to decide legal issues brought before the Court, not decide how the populace shall be governed.

Anytime a bill has come out to change this section of law to the more modern standards the Judges of this state have claimed that they will lose their discretion yet it is their poor discretion that has done the harm to society and the families of Ohio and other states. There is a strong purpose in the telling the story of my son's preschool teacher; while it may shock some, it is truthful and sadly the way that many Courts do decide what is the "Best Interest of the Child" and it is only one of many stories that have come to me over the years about the poor use of discretion.⁵

Reflecting back to another interested Parties Meeting I attended while SB144 was active, a judge came in all fired up and opposed to that bill yet started of his opposition stating that he needed "Clear and Convincing Evidence" to help him make decisions. The look was priceless when it was pointed out that the bill called for that change.

I have entirely separate piece on the Judges and what Ohio law says on how they can comment on proposed laws backed by ORC and the Judicial Cannons that I will provide privately if you contact me.⁶ While the Judges of this state will lobby hard against any changes they will be sorely out of place in the grand scheme and according to Ohio law. Judges do not make law; they decide cases that are brought before them in the courtroom.

Case Law Changes

As Representative LaTourette and I discussed the original bill to move Ohio to shared parenting has yet to be found. LSC believes that it is buried in the archives at the Ohio Supreme Court Library as do I. I have been talking with Michigan's Representative Runestad who has introduced a bill in their House this session. One thing that he found was that Michigan had not updated their similar section of law and

⁵ These are only a few and I have even more examples to add that have come lately.

<http://www.ohiofamilyrights.com/Newsletters/Newsletters-1/Discretion/discretion.html>

⁶ If a legislator(only) wishes a copy they may contact me privately at akron@ohiofamilyrights.com

their approach in 47 years. I suspect that the age of Ohio's law is of similar age which means that it fails to meet current legal standards that have come from more modern case law.

The Courts have decided many issues over the time when we believe that the original bill was introduced yet the standards that were raised were never changed in the law.

The Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law." We have long recognized that the Amendment's Due Process Clause, like its Fifth Amendment counterpart, "guarantees more than fair process." ***Washington v. Glucksberg*, 521 U.S. 702, 719, 138 L. Ed. 2d 772, 117 S. Ct. 2258 (1997)**. The Clause also includes a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests." **521 U.S. at 720; see also *Reno v. Flores*, 507 U.S. 292, 301-302, 123 L. Ed. 2d 1, 113 S. Ct. 1439 (1993)**.

In subsequent cases also, we have recognized the fundamental right of parents to make decisions concerning the care, custody, and control of their children. **See, e.g., *Stanley v. Illinois*, 405 U.S. 645, 651, 31 L. Ed. 2d 551, 92 S. Ct. 1208 (1972)**

("It is plain that the interest of a parent in the companionship, care, custody, and management of his or her children 'comes to this Court with a momentum for respect lacking when appeal is made to liberties which derive merely from shifting economic arrangements'" (citation omitted)); ***Wisconsin v. Yoder*, 406 U.S. 205, 232, 32 L. Ed. 2d 15, 92 S. Ct. 1526 (1972)**

"The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"); ***Quilloin v. Walcott*, 434 U.S. 246, 255, 54 L. Ed. 2d 511, 98 S. Ct. 549 (1978)**

"We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected" "The presumption exists that two fit parents will always act in the Best Interest of the Child"; *Parham v. J. R.*, 442 U.S. 584, 602, 61 L. Ed. 2d 101, 99 S. Ct. 2493 (1979)

"Our jurisprudence historically has reflected Western civilization concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course" High Court found that to terminate parental rights courts must use the clear and convincing evidentiary standard. *Santosky* also recognized that the right to be a parent was a fundamental right and terminate or interfere with such a fundamental right required that the highest possible level of review be used. That level of review is clear and convincing evidence; ***Santosky v. Kramer*, 455 U.S. 745, 753, 71 L. Ed. 2d 599, 102 S. Ct. 1388 (1982)**

(discussing "the fundamental liberty interest of natural parents in the care, custody, and management of their child"); *Glucksberg, supra*, at 720 ("In a long line of cases, we have held that, in addition to the specific freedoms protected by the Bill of Rights, the 'liberty' specially protected by the Due Process Clause includes the right ... to direct the education and upbringing of one's children"

(citing *Meyer* and *Pierce*)). In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.

In re Hayes which came before the Ohio Supreme Court, the court made note that to terminate a parents rights was the equivalent of the death penalty of a family.

In re Perales (1977), 52 Ohio St.2d 89, 97, 6 O.O.3d 293, 297, 369 N.E.2d 1047, 1051-1052. Permanent termination of parental rights has been described as "the family law equivalent of the death penalty in a criminal case."

In re Smith (1991), 77 Ohio App.3d 1, 16, 601 N.E.2d 45, 54. Therefore, parents "must be afforded every procedural and substantive protection the law allows." *Id.* With this in mind, we turn to the construction of former R.C. 2151.413(A).^[7]

It is clear to even the layman's eye that Ohio has failed to update the manner in which it continues to look at cases by using the preponderance standard rather than the higher standard of review of clear and convincing. By using preponderance the lack of an actual definition of Best Interest of the Child the judges are free to impose their own definitions rather than following what has been the traditional standards that were present within the family prior to the dissolution of the parent's personal relationship. While the BAR member that was present made the statement that the parents have invited them in, he greatly missed that the parents were not welcoming that their family would be judged by standards of a party that does not know the inner working of their past and taking control of their future including when and where they could be involved in the lives of their children when they were fit, able and willing to be fully involved. Common sense says that as individuals we do not walk into another home and tell those within to now do as we say and impose our values upon that family yet the courts do it every day and society turns a blind eye.

BAR Association

While Representative Rezabek seemed to be attempting to find a common ground that could be agreed to with the BAR on changes to this section and approach to law, the BAR member did indicate that no matter what changes were made the BAR intended to oppose them. What I heard in this circular argument was nothing more than the pouting of someone that was about to lose their Golden Goose.

I posed a simple question that any competent member of the BAR should be able to answer; *"What is the legal definition of Best Interest of the Child under the Ohio Revised Code?"*

What I got was a response that I expected as he spouted the typical answer of the Factors for Determining Custody. I cut him off mid-sentence and asked him to answer the questions as asked. He could not answer the question and finally admitted that there was none.

Having read every state law on this subject nationwide I can confirm that there is none in any state law. Yet the U.S. Supreme Court in *Parham vs Commission* best defined best interest when it stated that the presumption was that two fit parents will always act in the best interests of a child. Yet another tidbit of case law missed by the BAR member. This is in line with ORC 3109.401 in its stated intent to shield children from harm.

While the attorney had no explanation as to why my associate Marc Lopez had spent \$175,000 on his case when all reports and recommendations were in his favor yet he now has every other week.

Over the years I have spoken and worked with a father in Avon, Ohio that spent \$250,000 in legal fees, lost \$500,000 house to foreclosure before any hearing in court (The Court denied him access to pay the mortgage), had to bankrupt his business that has \$11 Million in assets and in the end he got equal custody of all three of his children but at the cost of their future education.

In Cincinnati I had a disabled father that represented himself in while his disabled ex-wife had an attorney. The father spent \$0 while the mother spent \$34,000 and in the end they ended up with equal custody.

I had a father in Northeastern Ohio that had been in Court for 7 years with what totaled nearly \$350,000 in legal fees. In less than six weeks of negotiations I was able to get the parents to agree to equal custody on a week on week of basis. All four attorneys attempted to block their agreement from going through despite the wishes of the parents and the children. Of note the children had a GAL and an attorney which the children, not the parents, fired when they opposed the agreement. Father had an attorney of record that refused to file the paperwork informing the Court that he had been dismissed after being fired by the father 7 times. Mother's attorney was finally told by her that he would get nothing more from her and if he kept up his opposition that he would lose the family's corporate business as well.

To ease anyone's mind that I acted in any way inappropriate to Ohio law, I never stepped inside a courtroom with what I did with any of these parents, I did not file motions and I did not take any money for what I did. I acted as a private mediator in each case that I personally worked on.

Trying to get the BAR to agree to anything that will cut into their "Golden Egg" would be impossible and a fruitless effort by any legislator.

When past bills were introduced the BAR always responded with their call that collaborative law be made available and that that was granted during the 129th General Assembly yet it is still rarely suggest by attorneys as a method of resolving their issues. Odd that an association would want and claim that a method would benefit all for 15 plus years yet once they get it shun its use. Mediation is far less profitable than litigation for any attorney.

Comprehensive Changes vs. Minor Tweaks

Prior to and after the meeting I discussed the proposal that was presented by Representative LaTourette with numerous parents from across Ohio. While many had received the information from National Parents Organization about how wonderful this bill would be and what it would do for them, they were shocked when they saw the actual contents and learned that it did not that was claimed. Discussions included what their case experience was and what the proposal would or would not have done for them. They quickly came to realize that it would have presented nothing in the way of a solution. Often I referenced them back to GA 129 SB144 so that they could see what had been introduced in the past and discussed how the passage of that would have changed their case outcome. To date none have seen the additional tweaks that are contained in the copy sitting with LSC that is an update since SB144. All are in agreement that we must approach this in the comprehensive, not minor changes that we discussed in the meeting.

The comprehensive bill that is available and ready for introduction is based on the standards of negotiation rather than litigation. Litigation and full court involvement would only become necessary when there exists proof of unfitness or a strong possibility of harm to any child involved. The method

suggested within that proposal fall directly in line with the expressed thoughts and intent of the State of Ohio and contained within ORC 3109.401

(d) When a parenting plan provides for mutual decision-making responsibility by the parents but they are unable to make decisions mutually, they should make a good faith effort to utilize the mediation process as required by the parenting plan.

By introducing and passing the comprehensive changes the over burdening case load⁷ of the Court would be reduced allowing the court to deal with the cases where true abuse and neglect exists. While researching case loads while SB144 and HB253 were introduced in the 129th General Assembly I looked at only new filings in the Juvenile Courts and Domestic Relations Courts and found that there would be 420,000 cases that would likely be negotiated rather than litigated; a very significant reduction in case load for both divisions combined. At the same period the Common Pleas division only had 402,000 new case filings. Full effect of the changes I have proposed would likely take 3-4 years but the cost savings to the State and Counties would be significant in the end.

The comprehensive proposed bill set what is baseline for determining custody in case that has long been missing and would move the state away from the current and too often used Tender Years Doctrine that, while long outdated, judges have admitted in a recent nationwide survey they still use in determining cases⁸.

The comprehensive proposal would raise the standard of review for all cases to clear and convincing rather than the currently use preponderance which has long been suggested for looking at a parent's rights within any determination that involves custody of a child.

The second thing that the raising of the standard of review would do would be eliminate the use of false allegations that are too often used to gain an advantage in court.

In conversations with Representative Gavorane and with Representative Jim Butler, both have expressed a desire to get this issue fixed and fixed correctly. I know there is strong support in both the House and the Senate for getting this done. This is the time when Ohio has to show the rest of the Nation that it is a leader in protecting the family.

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⁷ <http://www.ohiofamilyrights.com/Newsletters/Newsletters-1/Cuyahoga-Juvenile-Court-Overwh/cuyahoga-juvenile-court-overwhelmed.html>

⁸ <http://www.ohiofamilyrights.com/Newsletters/Newsletters-2/Judicial-Survey-and-Tender-Yea/judicial-survey-and-tender-years.html>



Analysis of Proposed Bill

Shared Parenting in Temporary Orders

Questionable language in red letter bold with comments in endnotes

To amend section 3109.043 of the Revised Code to specify that, when issuing a temporary order pursuant to a legal separation, divorce, annulment, or dissolution when minor children are involved, the court shall provide each parent with substantially equal access to each child unless it would be detrimental to the child to do so.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3109.043 of the Revised Code be amended to read as follows:

Sec. 3109.043. (A) It is the policy of this state to assure that minor children have frequent and continuing contact with parents who have shown the ability to act in the best interest of their children and to encourage parents to share in the rights and responsibilities of rearing their children after the parents have legally separated, divorced, or dissolved or annulled their marriage.

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(B) In any proceeding pertaining to the allocation of parental rights and responsibilities for the care of a child, when requested in the complaint, answer, or counterclaim, or by motion

served with the pleading, upon satisfactory proof by affidavit duly filed with the clerk of the court, the court, without oral hearing and for good cause shown, may make a temporary order regarding the allocation of parental rights and responsibilities for the care of the child while the action is pending.

(C) In accordance with the policy stated in division (A) of this section, if requested by a parentⁱⁱ, the court shall provide in the temporary order **substantially equal parenting timeⁱⁱⁱ** with each minor child to both parents, **unless the court finds that such a shared parenting arrangement would be detrimental to the minor child^{iv}**. If either parent objects to the arrangement to provide **substantially equal parenting time^v** and requests to be designated as the sole residential parent and legal custodian, **that parent shall bear the burden of proof that the shared parenting arrangement would be detrimental to the minor child^{vi}**. If the court grants the parent's request for the designation as sole residential parent and legal custodian, it shall enter into the record of the case the findings of fact and conclusions of law as to the reason for the rejection of **a substantially equal parenting time arrangement^{vii}**.

(D) If a parent and child relationship has not already been established pursuant to section 3111.02 of the Revised Code, the court may take into consideration when determining whether to award parenting time, visitation rights, or temporary custody to a putative father that the putative father is named on the birth record of the child, the child has the putative father's surname, or a clear pattern of a parent and child relationship between the child and the putative father exists.

Section 2. That existing section 3109.043 of the Revised Code is hereby repealed.

ⁱ This section is redundant with State of Ohio on this subject matter as contained within ORC 3109.401. Section fails to define or specify what “frequent and continuing contact” is. Section fails to explain by what means a parent is to demonstrate a parent is to present their proof and to what standard of review the Courts are to consider such information. Section fails to recognize or create the ability of a never married father or mother to apply this to their situation.

ⁱⁱ Enforcement would require a parent to file an additional motion to enforce what is already state policy as listed within ORC 3109.401.

ⁱⁱⁱ What is the definition of “substantially equal time”? This term was present within GA126 HB232 and was questioned by the judges of Ohio as something that they did not understand and frankly I agree.

^{iv} Section fails to identify by what standard of review the Courts are to use in making this determination. Are they to use the current preponderance standard or the higher standard of clear and convincing evidence?

^v See Endnote 3

^{vi} Section fails to state to what degree the parent is requiring a parent to use to meet this burden, is it the current preponderance standard or the higher standard of clear and convincing evidence

^{vii} See Endnote iii

For the afore stated reasons and the numerous flaws contained within this proposed bill, Ohio Family Rights will stand firmly in opposition to the introduction of this proposal. This proposal falls far short of addressing the numerous flaws in the approaches that Ohio’s current custody laws have and presents no solution to those problems.

With the age of our current law and its approaches, as well as the numerous changes in case law and disastrous effects that current law has now society any non-comprehensive update of these laws will do nothing to solve the problems.

Ray R. Lautenschlager
Ohio Family Rights

I_132_1408

132nd General Assembly
Regular Session
2017-2018

. B. No.

A BILL

To amend section 3109.043 of the Revised Code to
specify that, when issuing a temporary order
pursuant to a legal separation, divorce,
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annulled their marriage.

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(B) In any proceeding pertaining to the allocation of parental rights and responsibilities for the care of a child, when requested in the complaint, answer, or counterclaim, or by motion served with the pleading, upon satisfactory proof by affidavit duly filed with the clerk of the court, the court, without oral hearing and for good cause shown, may make a temporary order regarding the allocation of parental rights and responsibilities for the care of the child while the action is pending.

(C) In accordance with the policy stated in division (A) of this section, if requested by a parent, the court shall provide in the temporary order substantially equal parenting time with each minor child to both parents, unless the court finds that such a shared parenting arrangement would be detrimental to the minor child. If either parent objects to the arrangement to provide substantially equal parenting time and requests to be designated as the sole residential parent and legal custodian, that parent shall bear the burden of proof that the shared parenting arrangement would be detrimental to the minor child. If the court grants the parent's request for the designation as sole residential parent and legal custodian, it shall enter into the record of the case the findings of fact and conclusions of law as to the reason for the rejection of a substantially equal parenting time arrangement.

(D) If a parent and child relationship has not already been established pursuant to section 3111.02 of the Revised Code, the court may take into consideration when determining whether to award parenting time, visitation rights, or temporary custody to a putative father that the putative father is named on the birth record of the child, the child has the putative father's surname, or a clear pattern of a parent and child

relationship between the child and the putative father exists. 49

Section 2. That existing section 3109.043 of the Revised 50
Code is hereby repealed. 51



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Fifty moves a year: is there an association between joint physical custody and psychosomatic problems in children?

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ABSTRACT

Background In many Western countries, an increasing number of children with separated parents have joint physical custody, that is, live equally much in their parent's respective homes. In Sweden, joint physical custody is particularly common and concerns between 30% and 40% of the children with separated parents. It has been hypothesised that the frequent moves and lack of stability in parenting may be stressful for these children.

Methods We used data from a national classroom survey of all sixth and ninth grade students in Sweden (N=147839) to investigate the association between children's psychosomatic problems and living arrangements. Children in joint physical custody were compared with those living only or mostly with one parent and in nuclear families. We conducted sex-specific linear regression analyses for z-transformed sum scores of psychosomatic problems and adjusted for age, country of origin as well as children's satisfaction with material resources and relationships to parents. Clustering by school was accounted for by using a two-level random intercept model.

Results Children in joint physical custody suffered from less psychosomatic problems than those living mostly or only with one parent but reported more symptoms than those in nuclear families. Satisfaction with their material resources and parent-child relationships was associated with children's psychosomatic health but could not explain the differences between children in the different living arrangements.

Conclusions Children with non-cohabitant parents experience more psychosomatic problems than those in nuclear families. Those in joint physical custody do however report better psychosomatic health than children living mostly or only with one parent. Longitudinal studies with information on family factors before and after the separation are needed to inform policy of children's postseparation living arrangements.

example, was the first country to allow mothers and fathers to use paid parental leave, and since 1976 parents could continue having joint legal custody after a separation. The proportion of Swedish children born out of wedlock or to non-cohabiting parents is low compared with other Western countries. In 2009, the share was 6%.⁴ Other assumed reasons behind the increase of JPC are women's participation in the labour force,⁵ which is very high in Sweden,⁶ and changes in Family Law facilitating JPC.^{7–8} The frequency of JPC in, for example, Belgium⁹ and Australia¹⁰ has increased substantially after such legislative changes.

In international research, JPC has sometimes been defined as children living "at least one third of the time with each parent"¹¹ or included children whose parents have joint legal custody in this category.¹² Joint legal custody, however, does not imply that the children necessarily live equal parts of the time with the two parents. In Sweden, JPC is so widespread that a more stringent categorisation (50/50) is justifiable and has been applied in recent publications.^{13–15} In fact, the practice of JPC seems to constitute a new norm for separating Swedish parents, since 50% of recently split-up families report their children spending half the time in each parent's home.⁴ Furthermore, we have shown in a previous study that over 85% of all Swedish children aged 12–15 years live at least partly with both their parents, regardless of whether they are cohabiting or not.¹³ Despite the high frequency of JPC in Sweden, it is still possible that families with this arrangement vary in their socioeconomic characteristics from those with sole custody solutions. Results from a recent longitudinal study indicate that the more favourable socioeconomic situation that used to characterise JPC families no longer prevails as JPC has become more common,⁹ but other current research still suggests that parental health and well-being differ between parents with joint and sole care.¹⁶

Several studies over a long period of time have established that children with separated parents show higher risks for emotional problems and social maladjustment than those with cohabiting parents.^{17–19} One explanation for these increased risks may be the actual experience of the separation process and the emotional crisis possibly associated with this. Parental separation may also expose children to loss of social, economic and human capital.^{4–14} Other explanatory factors may derive from characteristics typical of separating parents such as lower relationship satisfaction and higher

BACKGROUND

During the past 20 years, it has become more common for children in the Western world to live alternatively and equally much with both parents after a parental separation.^{1–3} In Sweden, this practice of joint physical custody (JPC) is particularly frequent and has risen from about 1–2% in the mid-1980s to between 30% and 40% of the children with separated parents in 2010.⁴ A possible reason behind the increase may be Sweden's active policy of parental equality.⁵ In 1974, Sweden, for

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conflict levels also before the separation.⁴ The rising numbers of children with JPC have concerned child clinicians as well as researchers on the subject.^{20–21} Child experts have worried about children's potential feelings of alienation from living in two separate worlds,^{20–22} increased exposure to parental conflict^{12–22} and other stressors that JPC may impose on a child.²² Such daily stressors may be long distances to school, friends and leisure activities, lack of stability in parenting and home environment and a need to adjust to the demands of two different family lives.^{12–22} The logistics of travelling between their homes and keeping in contact with friends has been stated as a drawback of JPC in interview studies with children.^{23–25} Older adolescents, in particular, indicated that they preferred to be in one place.²³

The worries regarding children's well-being in JPC are enhanced by a simultaneous increase in children's psychological and emotional complaints and psychosomatic symptoms in Scandinavia.^{26–27} The higher frequency of such symptoms has been interpreted as a sign of increased stress in children's lives²⁸ and could hypothetically also be related to stressors imposed by JPC. Already, stressful circumstances such as bullying,²⁸ economic stress in the family,²⁹ peer and teacher relationships,^{30–31} schoolwork pressure³¹ and lack of emotional support from the parents³² have been shown to be related to psychosomatic symptoms in Swedish adolescents. However, even if the relationship between stress, psychological symptoms and psychosomatic problems is established,²⁸ the mechanisms of how stress exposure and recurrent pain are associated are not fully understood.³³

In this study, we wanted to investigate if the high frequencies of JPC and of psychosomatic problems in Swedish schoolchildren were related. We used a national sample of Swedish children aged 12 and 15 years to compare psychosomatic problems in children with JPC with those in nuclear families and living mostly and only with one parent. We also wanted to study the influence of two previously identified stressors: children's parental relations and material resources, on psychosomatic problems in relation to living arrangements.

METHODS

Data source

We used data from a national classroom survey, conducted in 2009, of psychosomatic symptoms in children aged 12 (grade 6) and 15 years (grade 9). The survey was conducted by Statistics Sweden under the mandate of the Swedish National Institute of Public Health.³⁴ We were granted permission by the Swedish National Board of Health and Welfare to use the data. For the survey, 207 700 pupils were eligible and 172 391 (83%) agreed to participate and were present in school when the survey was conducted. Of these, we included 147 839 children who had completed the outcome instrument on psychosomatic problems and answered the questions on living arrangements, sex, age, country of birth and the items in the covariates 'parent-child relations' and 'material resources'.

Outcome measures

We used the PsychoSomatic Problems (PSP) scale as the outcome measure. This instrument includes eight items on psychosomatic problems in schoolchildren and adolescents.³⁵ The eight questions concern the past 6 months and ask if the respondent had difficulties (1) concentrating (2) sleeping; suffered from (3) headaches (4) stomach aches; felt (5) tense, (6) sad (7) dizzy and had (8) little appetite. The response alternatives are never, seldom, sometimes, often and always.

Analyses of the dimensionality of the scale justify that the sums of scores are summarised across the items and transformed into a linear interval scale and have shown acceptable reliability and validity.³⁵ Cronbach's α for the scale was 0.87. Scores were transformed to z-values with a mean value of 0 and an SD of 1 for the multiple linear regression analyses.³⁶ In table 2, we also present proportions of children who reported that they 'often' or 'always' suffered from the respective problems (these response alternatives merged).

Categorical variable

Living arrangements were based on children's answers in the survey. The family arrangements were worded as follows: *nuclear family*; "always together with both mother and father", *JPC*; "approximately equally much with mother and father, for example one week with mother and the second week with father", *mostly with one parent*; "mostly with mother, sometimes with father" or "mostly with father, sometimes with mother" and *only with one parent*; "only with mother" or "only with father". We merged the gender-specific alternatives in the 'mostly' and 'only' categories since the numbers in the categories 'mostly' and 'only' with fathers were too small to allow for any meaningful statistical analyses.

Covariates

The covariates sex, age, children's and parent's country of origin were obtained from the questionnaire. Domicile was obtained from the National SIRIS database and categorised in accordance with a categorisation provided by the Swedish Association of Local Authorities and Regions. As potential mediators, we used sum scores of two subscales of subjective well-being from the KIDSCREEN-52 instrument:³⁷ parent-child relations (six items, eg, *Have you been able talk to your parent(s) when you wanted to?*) and material resources (three items, eg, *Have you had enough money to do the same things as your friends?*). These scales were completed at the same time as the PSP scale and the questions concern experiences from the previous week with response alternatives assessing either intensity (*not at all-slightly-moderately-very-extremely*) or frequency (*never-seldom-sometimes-often-always*). High scores indicate more satisfaction. This instrument has shown acceptable reliability and validity.³⁸ Cronbach's α for the parent-child relations scale was 0.91 and for the material resources scale 0.89.

Statistical analysis

Linear multiple regression analyses, stratified by sex, were used to calculate β coefficients on z-transformed sum scores of psychosomatic problems for the four living arrangements with JPC as a reference group. In model 1, the confounders grade (6 vs 9) and country of origin (Swedish vs foreign born) are included. Model 2 includes the aforementioned confounders and continuous scores from the covariate 'material resources scale'. In model 3, the confounders and continuous scores from the covariate 'parents-child relations scale' are included. Finally, Model 4 is adjusted for all the aforementioned confounders and covariates. Clustering by school was accounted for by using a two-level random intercept model.

Interaction analyses demonstrated sex differences in psychosomatic symptoms in relation to all living arrangements, and we therefore decided to perform the analysis separately for girls and boys. There were no significant interaction effects for age and JPC.

RESULTS

Descriptive statistics

As shown in [table 1](#), 69% of the 147 839 children lived in nuclear families, 11% in JPC, 8% mostly with one parent and 13% only with one parent. The majority of those living mostly or only with one parent lived with their mother. About every sixth child in these arrangements lived with the father. Foreign born children had similar rates of separated parents as Swedish born children but JPC was more common for children with both parents born in Sweden (12%) than if one (10%) or both parents (2%) were foreign born. There were small differences in living arrangements in relation to children's sex and domicile, but a larger proportion of the children aged 15 years lived with only one parent, compared with children aged 12 years. The differences were statistically significant at the <0.001 level.

Psychosomatic problems

As shown in [table 2](#), children in nuclear families reported the least problems in terms of mean values on all items and total mean score. Children in JPC had slightly more problems, followed by those living mostly with one parent. Children who lived with only one parent reported most problems, in terms of mean scores, on all items. Also, the proportion of children who always or often suffered from different symptoms was highest among the latter group. These patterns were similar for girls and boys. For the sexes taken together, sleeping problems were most frequent: 22% among those living only with one parent, 19% living mostly with one parent, 14% in JPC and 13% in nuclear families (sexes taken together). Also, suffering often or always from headaches was common: 19% among those living with only one parent, 17% living mostly with one parent, 14% in JPC and 12% in nuclear families (sexes taken together).

Girls suffered from more problems than boys both when the PSP scale was analysed in terms of mean values and as a frequency of symptoms. Sadness was the most frequent problem for girls in all living arrangements, followed by sleeping

problems and headaches. For boys, sleeping and concentration problems were most common. All these differences were statistically significant at the <0.001 level.

Standardised β coefficients for psychosomatic problems in relation to living arrangements are presented in [table 3](#). They show that, compared with children in JPC, those living mostly or only with one parent report more psychosomatic problems than those in nuclear families. Adjusting for age and country of origin had practically no effect on the outcome, which is why the crude model is not presented. The β estimates for children living mostly or only with one parent become weaker after adjustment for satisfaction with material resources (model 2) and parent-child relationships (model 3). Model 4 shows that both boys and girls who live mostly or only with one parent still have higher risks for psychosomatic problems than those in JPC, when all the aforementioned variables are included. Also, the lower risk for children in nuclear families, compared with JPC, remains through all the models.

Overall, girls report more psychosomatic problems than boys. Interaction analyses indicate interaction effects for psychosomatic problems and sex in all living arrangements. No differences for 12-year-old and 15-year-old children were found for the associations between JPC and psychosomatic symptoms.

DISCUSSION

In this cross-sectional study, based on a national survey of nearly 150 000 Swedish children aged 12 and 15 years, children who live equally much with both parents after a parental separation suffered from less psychosomatic problems than those living mostly or only with one parent. Children in JPC, however, reported more psychosomatic problems than those in nuclear families, as did the children in the two other postseparation living arrangements. Our results show that children's satisfaction with their material resources and parent-child relationships affects children's psychosomatic health but cannot explain the differences between children in the different living arrangements.

Table 1 Characteristics of children by family type

	Intact family		Joint physical custody		Mostly one parent		Only one parent	
	N	Per cent	n	Per cent	n	Per cent	n	Per cent
Sample size	101 738	69	15 633	11	11 468	8	19 000	13
Girls	51 003	68	7610	10	5916	8	10 216	14
Boys	50 735	69	8023	11	5552	8	8784	12
Resident parent								
Mother					9455	82	15 889	84
Father					2013	18	3111	16
Age (years)								
12	48 348	71	7655	11	4984	7	6855	10
15	53 390	67	7978	10	6484	8	12 145	15
Location								
Large city	31 224	68	5662	12	3167	7	6021	13
Small town	49 470	69	7663	11	5798	8	9054	13
Rural	20 938	70	2696	9	2495	8	3941	13
Children's national origin								
Swedish	93 908	69	15 319	11	10 982	8	16 507	12
Other	7830	70	314	3	486	4	2493	22
Parents' national origin								
Both Swedish	75 384	70	13 220	12	8787	8	10 689	10
One Swedish	9957	58	1782	10	1669	10	3829	22
Neither Swedish	15 684	74	489	2	902	4	4098	19

Table 2 Frequency of psychosomatic problems by gender and family type

Psychosomatic problems	Nuclear family		Joint physical custody		Mostly with one parent		Only with one parent	
	Z/mean	Always/often	Z/mean	Always/often	Z/mean	Always/often	Z/mean	Always/often
Girls N=74 745								
Total score	0.14	NA	0.33	NA	0.49	NA	0.53	NA
Concentration	0.02	11	0.14	13	0.29	18	0.35	21
Sleeping	0.06	16	0.17	18	0.30	23	0.36	26
Headaches	0.13	16	0.23	18	0.38	23	0.43	25
Stomach aches	0.17	12	0.30	14	0.42	18	0.48	21
Tense	0.12	13	0.23	15	0.35	18	0.38	21
Little appetite	0.11	11	0.24	13	0.38	18	0.44	21
Sad	0.23	16	0.42	22	0.54	27	0.61	29
Dizzy	0.06	11	0.18	13	0.32	18	0.40	21
Boys n=73 094								
Total score	-0.33	NA	-0.21	NA	-0.12	NA	-0.10	NA
Concentration	-0.16	9	-0.04	10	0.07	14	0.11	16
Sleeping	-0.18	10	-0.11	11	-0.01	15	0.04	17
Headaches	-0.25	8	-0.16	9	-0.08	10	-0.05	12
Stomach aches	-0.29	5	-0.22	5	-0.16	6	-0.14	7
Tense	-0.22	6	-0.16	7	-0.10	8	-0.07	10
Little appetite	-0.23	5	-0.17	6	-0.11	7	-0.06	8
Sad	-0.38	5	-0.30	6	-0.22	8	-0.19	9
Dizzy	-0.19	6	-0.11	7	-0.02	9	0.01	10

NA, not available.

Girls reported more psychosomatic problems than did boys while there were no age-related differences.

The pattern that children in JPC are in an intermediate position between children in nuclear families, having the least, and those in single care, having the most problems, is consistent with previous findings from our group as well as other research groups. This pattern has been established in relation to outcomes such as satisfaction with life,¹⁸ risk behaviour,^{15–39} parent-child relationships,¹¹ school achievement,¹⁹ well-being¹³ and mental health.¹⁶

Table 3 Two-level random intercept linear regression model: standardised β coefficients and CIs for psychosomatic symptoms in relation to living arrangements (N=147839)

	Nuclear families		Mostly with one parent		Only with one parent	
	β	CI	β	CI	β	CI
Girls						
Model 1	-0.18	-0.20 to -0.15	0.14	0.11 to 0.18	0.19	0.16 to 0.22
Model 2	-0.11	-0.14 to -0.09	0.09	0.06 to 0.12	0.10	0.07 to 0.13
Model 3	-0.09	-0.11 to -0.07	0.05	0.02 to 0.08	0.07	0.05 to 0.10
Model 4	-0.07	-0.09 to -0.05	0.04	0.01 to 0.07	0.05	0.02 to 0.08
Boys						
Model 1	-0.11	-0.13 to -0.09	0.10	0.07 to 0.13	0.13	0.10 to 0.16
Model 2	-0.08	-0.10 to -0.06	0.06	0.03 to 0.09	0.06	0.03 to 0.09
Model 3	-0.06	-0.08 to -0.04	0.04	0.01 to 0.07	0.06	0.04 to 0.09
Model 4	-0.05	-0.06 to -0.03	0.03	-0.00 to 0.05	0.03	0.01 to 0.06

Joint physical custody (equally much with both parents) serves as the reference category.

Model 1 is adjusted for age and country of origin, model 2 is adjusted as model 1 and for the child's perception of own material resources. Model 3 is adjusted as model 1 and for the child's satisfaction with parents-child relations. Model 4 is adjusted for all the previous variables. Clustering by school is accounted for by using a two-level random intercept model.

Psychosomatic symptoms are related to stress,²⁸ but despite the fact that two homes require adaptation to different neighbourhoods and family climates, our results show lower risks for psychosomatic symptoms for children in JPC than in single care residency. This result confirms findings from more previous small-scale studies. For example, Turunen⁴⁰ as well as Carlsund *et al*¹⁴ found lower risks of stress in JPC than in single residency after controlling for family and child characteristics as well as parent-child relationships. Also, an American study showed that children in JPC had fewer stress-related illnesses and health problems than those living only with their mothers.¹ Taken together, this indicates that the potential stress from living in two homes could be outweighed by the positive effects of close contact with both parents. Although children in interviews have brought up hassles of JPC,^{23–25} most children also state that close relationships with both their parents are more important.^{25–41}

It is, however, possible that the difference in psychosomatic health between children in nuclear families and JPC may, at least partly, be explained by family factors associated with the parents' separation or divorce. Separated parents more often have psychological problems and poor economy than co-living parents and may have had relationship problems and conflicts also before the separation.^{4–42} Such factors directly affect children's psychological health and symptom load^{1–43} and could be important for how families arrange custody and children's housing after the split-up.^{1–9} In this study, children living with only one parent reported the least satisfaction with their relationships to their parents, followed by those living mostly with one parent. Children with JPC were slightly less satisfied with their parent relations than those in nuclear families. This pattern is in line with previous publications on children's parental relations in different living arrangements.^{4–42}

Adding indicators of parent-child relationships and material resources to models 2–4 in the regression analyses lowered the

associations between psychosomatic problems and living arrangements considerably. These findings are consistent with previous studies that have demonstrated a mediating effect of parent–child relationships and material resources on the relationship between psychosomatic health and living arrangements.^{31 44 45} Positive relationships to parents have been found to be more common in children in JPC than in single care, in particular to the fathers.^{13 32 46} Children's satisfaction with their material resources was included as a potential mediator since economic stress has previously been shown to be associated with psychosomatic symptoms in children²⁹ and is more common among children with separated parents.^{4 13} Also, these conditions reduced the differences in psychosomatic health between the living arrangements.

Girls in JPC reported more psychosomatic problems than boys, as did girls living *mostly* or *only* with one parent. The pattern of psychosomatic problems in relation to living arrangements was, however, similar for both sexes. Since girls generally report more psychosomatic ill health than boys,^{26 27} the sex differences in relation to living arrangements may possibly be explained by our outcome variable rather than an actual worse situation for girls after a parental separation. Earlier studies have reached varying results regarding gender differences after parental separations.^{47 48} In a previous study, we found no differences for boys and girls on the effects of JPC on well-being.¹³ Further studies are thus needed to reveal if JPC and other postseparation arrangements have a different impact on boys and girls.

Methodological issues

We had the advantage of using a national survey with a validated outcome measure on psychosomatic problems.³⁵ The large sample size allows us to draw conclusions on the entire population of Swedish children aged 12 and 15 years. This is a considerable strength since previous studies have had high rates of attrition¹² or suffered from small sample sizes, preventing, for example, comparisons between JPC and single care.¹⁴

The national sample also ensures inclusion of families with different background characteristics. In her reviews, Nielsen¹¹ argues that JPC families today have less social, economic and relationship advantages compared with single care families, but there is still a risk that families with different postseparation arrangements differ in ways that affect children's psychosomatic health. In Sweden, it is estimated that around 14% of separating parents have conflicts regarding custody and children's housing⁴ and about 2% have their custody disputes resolved in court.⁴⁹

Despite the strength on a total population sample, our data are limited regarding contextual variables that may affect children's health. We included measures on children's material resources and parent relationships but lack other types of information on the families' socioeconomic situation and the level of parents' cooperation or conflict. Children's reports of satisfaction with these aspects may possibly reflect their own personalities and coping strategies rather than the actual strain on the family. The lack of objective data on the families' situations is an important limitation since such factors are associated both with children's living arrangements and directly with their psychosomatic health.^{18 50 51}

Another limitation is the lack of information on when the children had experienced the parental separation. Ideally, the results of this study should be confirmed by studies with a longitudinal design and access to information on psychological as well as socioeconomic family factors.

Finally, we consider our categorisation of JPC as a strength. In the survey, the alternative JPC was worded “approximately

equally much with mother and father, for example one week with mother and the second week with father”, which indicates that the JPC category actually includes children who spend 50% of their time with each of the parents. Nearly 8% of the participants choose the category “living mostly with one parent”, which implies that children's actual housing after a parental separation is not entirely black or white with respect to everyday contact with the parents. Our categorisation thus gives a more nuanced picture than studies where only the single care and JPC categories are included,³⁹ where JPC includes children living 30% or less with one parent^{1 11} or where the JPC category even includes families with joint *legal* custody but primary residency with one parent.¹²

Implications

Children who share their time between the parent's respective homes after a separation experience less psychosomatic problems than those living mostly or only with one parent. Their satisfaction with their material resources and parent–child relationships is important for their psychosomatic health but cannot explain the differences between children in different living arrangements. Longitudinal studies with information on family factors before and after the separation are needed to inform policy of children's postseparation living arrangements.

What is already known on this subject?

The practice of joint physical custody, that is, children spending equal time in the respective homes of their separated parents, has become more frequent in Western countries over the past decade. At the same time, there has been an increase in self-reported paediatric psychosomatic symptoms. Child health experts have argued that joint physical custody imposes stress on children.

What this study adds?

In a Swedish national sample of children aged 12 and 15 years, we found that children in joint physical custody suffered from less psychosomatic problems than those living mostly or only with one parent but reported more symptoms than did those in nuclear families.

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Contributors MBe conceived the study, participated in the design and drafted the manuscript. BM provided expertise regarding the data source, interpretation of the data and the statistical analysis. EF participated in the design of the study and interpretation of the data. MB provided expertise regarding demography and the data source and participated in the interpretation of the data. PAG provided expertise regarding child psychiatry and participated in the interpretation of the data. AH participated in the design of the study, provided expertise regarding the data source, performed the statistical analyses and interpretation of the data and helped to draft the manuscript. All authors read and approved the final manuscript.

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