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THE POLITICS AND EXPERIENCE OF CO-PARENTING: An Exploratory Study of Shared Custody in Canada

by Cerise Morris

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THE POLITICS AND EXPERIENCE OF CO-PARENTING:

**AN EXPLORATORY STUDY OF
SHARED CUSTODY IN CANADA**

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THE POLITICS AND EXPERIENCE OF CO-PARENTING:

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INTRODUCTION

This paper explores the growing phenomenon of shared parenting arrangements between former spouses. I begin by reviewing relevant literature and examining current debates about the desirability and practicality of shared custody. The second section of the paper presents findings from my own exploratory study of forty-three Canadian families who have experience with shared parenting arrangements. My investigation centered around the following focal areas: (1) the nature and terms of the choice to share parenting after marital dissolution; (2) identification of the predictable problems which arise in co-parenting families, and strategies for their successful management; and (3) how parents and children evaluate their experience in co-parenting families. In the last section, I analytically link the co-parenting, or 'bi-nuclear' family, to the emergence and increasing visibility of families which do not -- in some important respect -- conform to the assumptions of the traditional nuclear family model. Propositions suggested by the empirical data are used to identify elements of a new analytic model to take into account particular characteristics, processes and needs of post-divorce families. I also define a further, related problem which arises from the current promotion of joint custody in North America through legislative and policy initiatives. This issue has become the focus of ideological conflict between the interests of women and men, as defined by feminist and 'fathers'-rights' groups. Despite the generally favourable findings about co-parenting in this study and others, feminists must carefully evaluate the legal and political implications of this form of custody arrangement for the status of women.

I would like to gratefully acknowledge the research assistance of Elizabeth Jessica Harper and the editorial assistance of Uri Ravel, whose contributions were valuable to this work. I am also grateful to the Canadian Research Institute for the Advancement of Women (CRIAOW) for financial support which enabled me to enlarge the scope of the study. I should also like to acknowledge that my interest in the subject matter of this paper has a personal basis: I have been a co-parent for eight years and my own experience has sensitized me to the importance of developing research and theory on post-divorce restructured families.

PART ONE:

LITERATURE REVIEW

Canada's divorce rate, like that of the U.S.A., had reached an all time high by the early 1980s, creating a one in three chance that a marriage would end in divorce (Statistics Canada, 1983:98). Whether these rates level off, or even decline (as more recent Canadian data suggests),¹ the phenomenon of divorce has made a major impact on our social landscape.

Children under the age of 18 were involved in nearly 60 percent of divorces between 1969 and 1979 (Ambert, 1980:164). Not surprisingly, the economic and socio-structural effects of divorce are bringing about new social problems that need to be addressed -- both in terms of social policy and social welfare intervention. A major issue for parents and children concerns custody and post-divorce parenting arrangements.

According to Bala and Clarke (1981:43-44), the concept of custody does not lend itself to precise definition:

At its narrowest, custody refers to the actual physical care and control of the child; in other words, the responsibility for day-to-day decisions concerning the child's well-being. Custody in its widest sense was defined in the following way by an Ontario Family Court Judge: "Custody encompasses ... the full responsibility and control in providing physical nurture, as well as mental and emotional nurture of children -- for providing physical care, educational training and guidance in all matters that are considered of importance in the healthy rearing of a child."

Where there is one custodial parent, that individual has the authority to make all the important decisions affecting the child's life and development, as well as the myriad of small daily ones. In these cases, the non-custodial parent is normally granted "reasonable access" or visitation rights (typically, two weekends per month or one day each

¹In 1983, the number of divorces declined from the previous year, the first such decline since 1969, and in 1984 and 1985 the decreases were even larger. However, according to Statistics Canada analyses (1987:22-23; 1985:32), it is premature to conclude that divorce is declining. Among other things, exogenous factors could be involved, such as couples waiting for the recent Divorce Act amendments to be passed before proceeding to divorce.

weekend). Bala and Clarke (1981:44) note that "the effect of a sole custody order is to preclude the access parent from having any legally enforceable control over the upbringing of the child." Many analysts of the situation of divorced persons believe that the conventional legal and social approach to child custody encourages men (as non-custodial parents) to eventually disappear from their children's lives, and/or cease to pay for child support after a time (Ware, 1982:63).

A clear emerging alternative to sole custody is the concept of joint custody. An order for joint custody grants full legal custody to both parents. An important distinction exists between joint **legal** and joint **physical** custody. The latter provides each parent with the responsibility for the physical care of the child for a specified period of time. The principle and purpose of joint **legal** custody is to deprive neither parent of control over the child's upbringing. However, joint legal custody is frequently combined with sole physical custody, a less than equal parenting arrangement. Court orders calling for both joint legal and joint physical custody represent the concept of shared parenting most fully. Various modalities of time sharing are possible within this framework. Galper (1980) and Ware (1982), writers who are strong advocates of shared parenting, present models and schedules developed by co-parents according to their needs at the time.

The (1983) Statistics Canada study of divorce refers to joint custody as "the elusive award", pointing out that no statistical information is available since Central Divorce Registry forms do not include a measure to count it, "a fact which in itself indicates the rarity of the award" (p. 206). The study speculates that most joint custody arrangements are currently made **privately** rather than through the courts.

The concept -- and practice -- of joint custody (also referred to as shared custody, co-parenting or shared parenting) has gained currency and public interest over the past decade. This interest is reflected in a growing body of social and behavioural science literature on the subject, as well as writings from special interest groups, and popular journalism. I have extrapolated the following five main sets of arguments about joint custody from this literature survey. The arguments are broadly dichotomised into 'advocacy' and 'opposition' positions.

1. Advocacy

(a) Professional advocacy: the mediation movement

Central to the principles and practice of divorce mediation is a commitment to the principle of shared parenting as the most rational and desirable post-divorce arrangement for all parties concerned.

Irving's (1980) text on divorce mediation, for example, states:

Shared parenting is a new movement in the resolution of the divorce struggle where the mediator can be particularly useful in helping clients break new ground. Such a solution to custody has a wide range of positive aspects ... It has a definite tendency to assuage the guilt felt by the spouse who initiated divorce proceedings in the first place. The former visiting parent is relieved of a great deal of the financial burden of maintenance and amusing the children on visitation days. A sharing situation allows both parents equal free time, as we have seen. In addition, it also tends to prevent the kind of resentment felt by the custodial parent that is usually expressed, "He's out having a ball, while I'm stuck here." Both parents participate for extended periods in the developing lives of their children, and the children do not have to lose either one of them (p. 171).

As this new professional approach to family conflict resolution gains acceptance with separating or divorcing parents (and professionals), arguments favouring joint custody will win increasing popularity.

(b) Advocacy for fathers' rights

Joining with the mediation movement's promotion of shared parenting is the emerging and increasingly vocal fathers' rights movement, at present consisting of various "grass-roots" groups across North America, some operating in larger umbrella organizations which operate as political pressure groups. This movement's fundamental claim and *raison d'être* is that divorced fathers do not get a "fair deal" through the courts (or from their ex-wives). The movement's main strategy at this point is to raise public consciousness about the injustices suffered by some divorced fathers whose access to their children is blocked or made difficult due to legal bias favouring mothers as parents. Its stated goal is to bring about a formal

equality between mothers and fathers vis-à-vis the system of family law. Laws and policies related to custody and parenting should make no distinction or presumptions based on the sex of the parent. Some organizations call for joint custody as a general rule, others emphasize an equal chance for fathers to be awarded sole custody.

The Canadian Council for Co-Parenting (CCC), one such organization, was founded in 1985 through the merger of various groups concerned with changing Canada's divorce laws. It supports three long-term objectives:

- 1) Presumption of joint custody rather than sole custody as being generally in children's best interests.
- 2) Automatic referral of potential spousal litigants to mediation processes as being generally in the family's best interests.
- 3) Enforcement of custodial decisions to be predicated upon a just balance of both "access" and "maintenance" enforcement -- particularly in cases where access is negated by the custodial parent's moving to a distant locale (CCC, mimeo., n.d.).

Claims-making by the fathers' rights movement and its sympathizers is articulated in terms and rhetoric clearly influenced by feminist analysis. The problem is a form of sexism: on the basis of outmoded sex-role stereotypes and sexist psychological theories, fathers have been denied equality as parents. Teyber and Hoffman (1987:37-38) provide support for this line of reasoning in a Psychology Today article on the plight of divorced fathers:

There are two main reasons why many divorced fathers are absent from their children's lives. First, they tend not to become involved because our society's inadequate sex role prescriptions for both men and women lead to competing power bases within the family ... The second cause ... is continuing conflict with the children's mothers.

(c) Feminist advocacy

The movement toward post-divorce shared parenting has various sources, but as a visible new trend it appeared along with the feminist movement's call for egalitarian relations between men and women. In principle, shared parenting represents a departure from traditional gender roles in the family. Such arrangements, if substantially equal, refute the notion that mothering is a natural and central vocation for women, while fathering is an only marginal activity for men. Acceptance of the shared parenting model presumes more equality between the sexes, and offers greater freedom for mothers to take up other roles. Although the feminist movement in North America has not actively campaigned for shared parenting **after** divorce, the absence of shared parenting within marriage has been a central issue in all feminist discourse. Logically, at least, the feminist idea that childcare should be the equal responsibility of women and men would extend to the post-divorce situation. It is my judgement that the practice has been viewed with approval, or not focused on at all, until recently. Thus, in 1983, the National Action Committee on the Status of Women (NAC), the mainstream feminist political lobby in Canada, articulated a favourable view of joint custody in a brief to the federal government, recommending it where both parents are in agreement (NAC, 1983:5-6).

These three movements, then, appear to be the social sources of advocacy for shared parenting. Popular journalistic discussions have also served to publicize the concept and to widen the debate about it. And, an emerging body of "advocacy literature" combines the authors' personal experiences with interview data and experts' opinions (see Baum, 1976; Galper, 1980; Roman and Haddad, 1978; Ware, 1982).

2. **Opposition**

(a) The psychodynamic perspective

The most thoroughly negative evaluation of joint custody -- and the most prestigious and influential -- is that articulated by Goldstein, Freud and Solnit in their book, Beyond the Best Interests of the Child (1973). Writing from a psychoanalytic perspective, they claim that children are psychologically unable to relate posi-

tively to, and profit from, ongoing contact with "two psychological parents who are not in positive contact with each other" (p. 38). On the basis of this claim, although unsupported by any firm empirical evidence, the authors argue that the custodial parent should have the exclusive power to determine the conditions under which the child should be raised. The authors even make a case for the termination of all contact between the child and his/her non-custodial parent.

For Goldstein et al., the decision about custody should favour the "psychological parent" who is defined in the following way (p. 17):

... for the child, the physical realities of his conception and birth are not the direct cause of his emotional attachment. This attachment results from day-to-day attention to his needs for physical care, nourishment, comfort, affection and stimulation. Only a parent who provides for these things... will become his "psychological parent" in whose care the child can feel valued and "wanted". An absent biological parent will remain, or tend to become, a stranger.

The writers assume that only one of the two parents can truly be the "psychological parent". This work has served as a standard reference for legal decisions about child custody.

(b) The feminist 'backlash'

The advent of an active North American movement for a promotion of fathers' rights has raised new questions about the sexual politics of parenting and custody. An emerging position from within the women's movement (see, for example, Brown, 1983; Chessler, 1986; Lamb, 1987; Schulman, 1982) sees behind the men's movement's central demand for equality in custody decisions a thinly-veiled attack on women's recent gains in society. The men's movement is charged with seeking to simultaneously undermine the rights of women **as mothers**, and punish them economically by using joint custody as a ploy to avoid paying alimony and/or child support to their ex-wives. See Lahey and Fassel (1986):

What is really going on is that fathers are maintaining control over the family; mothers are continuing to be solely or largely responsible for child rearing while remaining unable to attain the personal independence that accompanies divorce.

While an important distinction is correctly made between voluntary and involuntary joint custody, this type of feminist critique does call into question the basic rationale for shared parenting: that men can -- and will -- perform the role of nurturing parent on a wide scale (Lamb, 1987:21).

These five sets of arguments shape the current theoretical and political discourse on the topic. A sixth type of argument operates at the level of practical and conventional wisdom. A cluster of predictable concerns about the practicality of shared custody have been widely discussed in both popular media and professional literature: (1) the presumed inability of two people, who could not cooperate sufficiently to stay married, to cooperate consistently over a long period of time in the manner required by the shared parenting model; (2) the presumed confusion experienced by a child who moves between two homes with possibly differing values, lifestyles and resources; (3) the presumed high (even prohibitive) cost involved in providing a child with two homes; (4) the presumed or likely failure of separated parents to anticipate future life changes, such as new relationships, remarriage, job changes or necessary geographic moves, all of which could jeopardize a shared parenting arrangement.

3. Empirical Trends

(a) The Evidence from Empirical Research

The phenomenon of joint custody, or shared parenting after divorce, has only recently become visible enough to attract the interest of social scientists. The available research reported in the literature tends to show that parents who choose the shared custody model generally experience positive results. Using a sample of 414 couples, Ilfield (1982) compared relitigation rates from sole and from joint custody cases in Los Angeles over a two-year period. (The author assumes that relitigation of custody implies that the parents are in conflict.) The results of this study showed that there were half as many relationships in joint custody cases, which led the author to contend that joint custody reduces parental conflict.

Steinman (1981) followed 24 California families that voluntarily opted for joint custody and found that most parents and children did well under the arrangement.

Three themes were found to dominate in these co-parental arrangements: (1) the couples expressed a firm ideological commitment to joint custody; (2) the ex-spouses valued, respected and trusted each other as parents; (3) these couples believed that a continuous and equal relationship with both parents was imperative for their children's healthy development. Nevertheless, the study found that one-third of the 32 children expressed some unhappiness and confusion. It was not determined whether the custody arrangement itself was causally related to these sentiments.

In a Canadian study of 201 parents with joint custody arrangements, Irving et al. (1984) found that about 80% of parents reported a high level of satisfaction which was directly proportional to the length of time that the parents had practiced the joint custody model. Parental satisfaction was also likely to be higher where the arrangement had been chosen voluntarily rather than through court involvement.

Some findings from research issues related to post-divorce parenting in sole custody situations are also relevant. Longfellow (1979:287) believes that we should ask **what** it is about divorce that troubles children. One answer which emerges clearly from the major longitudinal work of Wallerstein and Kelly (1980) is that children are most adversely affected by the loss of substantial contact with one parent. The lost parent is almost always their father, since in 85 percent of cases in Canada custody is awarded to the mother, usually by parental agreement or parental default (Statistics Canada, 1983:207). Wallerstein and Kelly (1980) indicate that the loss of a parent caused by divorce is potentially as emotionally serious for a child as the loss of a parent by death. Children's identification with both parents and their need of their parents for security exists independently of the reasons for which parents choose to end their marriage. Rosen's (1977) study of 92 children of divorce found that these children desired free access to the non-custodial parent (usually the father) and that his weekend visits, even when regular, did not meet their needs. Wallerstein and Kelly were led to conclude from their research that:

rethinking of visiting issues must include the concept that both parents remain centrally responsible for and involved with the care and psychological development of children (1980:134).

Ambert's sociological analysis of divorce presents a series of factors that were found to create emotional difficulty for all involved parties during and after divorce. These factors include: the presence of children, children's doubts about the commitment of the non-custodial parent, and lack of regular visitation by the non-custodial parent (1980:133). The combined weight of these findings appears to tip the balance in favour of post-divorce shared parenting, at least insofar as the children's interests and preferences are understood.

Two other recent studies (Goldsmith, 1980; Ahrons, 1981) asked whether parents could communicate and cooperate effectively following marital dissolution. The mothers in both studies had legal custody of their children. The majority of Goldsmith's sample of 129 ex-spouses shared, discussed and planned major child-rearing events, joys and responsibilities. Problems around school and health were the most frequent topics of communication between the parents, while everyday decisions were less likely to be shared.

Ahrons examined the co-parental relationship between 24 ex-spouses one year after divorce. The study found that 85 percent of these couples maintained contact, usually by telephone, once a month, one-third once a week. More than a third of the couples occasionally spent time together as a family, especially for events which centered around the children. And about fifty percent of couples discussed major issues regularly, while one-third discussed day-to-day decisions as well.

Both studies support the view that divorce does not result in the dissolution of the family system, but rather in its reorganization, with the result that family members continue to be inter-dependent.

In summary, the direct and indirect evidence from available social science literature tends to support the viability of the post-divorce shared parenting model and, by implication, joint custody as the optimal legal framework for this practice. To date at least, the research data do not bear out the negative viewpoints and predictions of either the psychoanalytic position or that of the feminists who favour "maternal presumption" in custody matters. More time and more empirical research is needed to properly appraise the balance of satisfactions and dissatisfactions with post-divorce co-parenting.

(b) Joint Custody and the Law: Recent Trends in Canadian Jurisprudence

A major text on Quebec jurisprudence with respect to matters of child custody (Boisclair, 1978) makes no reference to joint custody as a valid option. It makes ample references to the work of Goldstein et al., attempting to show the new legal importance of the concept of the "psychological parent". An authoritative review article of joint custody, written by a Quebec judge (L'Heureux-Dubé, 1979), takes a very cautious, though not entirely unfavourable, stance toward the acceptability of the concept of joint custody in Quebec law and jurisprudence. L'Heureux-Dubé suggests that there are still too many unknown factors, given the lack of comprehensive research to show how families with joint custody cope over time with varied life changes, and whether the necessary good will endures between ex-spouses. She ends with the admonition that joint custody must not be used by the courts as an "easy way out", as something fashionable, or as a way to avoid making a judgement; it is the interests of the child that must override all other considerations in custody decisions (p. 861).

A judge of the Ontario Supreme Court, Madam Justice Janet Boland, rendered a 1978 judgement that attempted to steer the courts away from taking the conventional approach to custody. In a decision that awarded joint custody of a young boy to both parents, Judge Boland observed:

Courts must be responsive to the winds of change. In today's society, the breakdown of the traditional family is increasingly common, and new ways of defining post-divorce family structures are desperately needed. It is apparent that the traditional award of custody to the mother and access to the father is the cause of many of the problems and most of the tensions between parents and children and between the parents themselves. Our courts see many cases in which the father has been deprived of access. Gradually, he loses interest or finds he cannot afford to continue his court battles, and as a result the child is deprived of the love, influence and financial support of its father. Joint custody would seem to be the ideal solution to present challenges and past experiences (quoted in Bala and Clarke, 1981:63).

This case was heard in appeal court where the Boland decision was overturned by three judges who expressed "a healthy cynicism" about the ability of divorced parents to care for their children within the framework of joint custody (Peacock, 1983:7). According to Peacock, who studied legal status of children in Canadian

law, future trends in the reform of divorce law will likely support Boland's position, but present legal opinion tends to be conservative in its interpretation of the doctrine that calls for "the best interests of the child" (1983:7).

PART TWO:

THE PRESENT STUDY -- FORTY-THREE CANADIAN CO-PARENTING FAMILIES

A) Description of Study

I set out to locate and supply a sample of the population of active and former co-parenting families in Canada, in order to relate their experience to the existing research findings, theoretical issues and current debates discussed above. In particular, I wanted to learn: (1) How co-parents and their children experience and evaluate their type of family system -- is it, for example, as tenuous, complicated and demanding as some writers have suggested?; (2) What are the major contingencies which these co-parenting families deal with, and what adaptive strategies have been used?; (3) How viable does this family structure appear to be over time?; and (4) In what ways is shared parenting after divorce related to feminist definitions and goals?

It is clearly not possible at this time to obtain a random sample of co-parenting families, since they do not constitute a defined population. Moreover, many co-parents have made informal arrangements without legal sanction or official record. Finally, since this arrangement follows a failed relationship between parents, and therefore involves fundamental emotional and personal issues, barriers of privacy may pose research limitations with such families. In view of these considerations, I used public solicitation to recruit co-parents who were willing to discuss their family situations.

At this early stage of exploration, I wished to focus on families who were, or recently had been, doing shared parenting. Thus, my recruitment publicity had this emphasis. My research design did not call for a control group, or a systematic attempt to compare 'successful' and 'non-successful' co-parenting experiences. I neither solicited nor rejected 'failures'; three such cases are part of the sample. Of course, no claims can be made about representativeness.

Forty-three co-parenting families with a total of 71 children participated in this study, and the data were gathered in three phases between 1983 and 1985. Twenty-five

parents who resided in Montreal were personally interviewed, as were 15 of the children included in this study. A further thirty-four parents from across Canada completed questionnaires. I began by interviewing parents from 16 Montreal families with co-parenting arrangements located through a newspaper advertisement and word-of-mouth referrals.

The second phase involved semi-structured interviews with 15 children between the ages of 6 and 15, representing 10 of the families that had already participated in the initial phase of the study. The third phase was inaugurated in early 1984, with the aid of a grant from the Canadian Research Institute for the Advancement of Women (CRIAOW), and continued for a year. An interview schedule was developed on the basis of the material gathered in phase one. We then placed advertisements about the study in the 'personal' columns of newspapers in every major Canadian city, asking for participants. As well, we placed announcements in various Canadian professional, feminist and public affairs journals and periodicals. One possible bias arising from the sampling method is the tendency to attract people who are particularly motivated to fill out questionnaires and participate in research projects which offer no material incentives; i.e., people with higher than average education, and interest in research; also, people with particularly strong opinions.

The data to be reported, then, were drawn from two different samples at three points in time within a two-year period. The final sample of parents includes 19 men and 40 women, among whom there are 16 matched pairs (precluding an analytic focus on the issue of agreement/disagreement between co-parents). Fifteen children were drawn from a sub-sample of 10 families residing in Montreal to be personally interviewed.

Of the total sample of 71 children, 43, or 60 percent, were male. This statistic raises questions which cannot be answered from the present data, since sex of the children was not an explicit variable under consideration. One Canadian study of custodial mothers and fathers (Ambert, 1982:76) found a tendency for fathers to seek custody of male children. However, Ambert's sample was small (20 mothers, 7 fathers) and no claim of representativeness was made. Moreover, these parents had sole custody, as distinct from joint custody. Further research into post-divorce custody arrangements should systematically consider the impact of children's gender on parents' choices.

A Socio-economic Profile of the Sample

Most co-parents were in their 30s and 40s; the mean age for women was 37, and 40 for men. Twenty-three percent of the parents had less than university education, while 77 percent had completed at least one university degree. Of the women, 49 percent had graduate level education compared with 74 percent of the men.

Fifteen percent of the parents had low individual incomes (defined as less than \$15,000 per year): two percent of the men and seven percent of the women fell into this category. Thirty-four percent of the parents had middle-range individual incomes (\$16,000 - \$25,000 per year): 21 percent of the men and 50 percent of the women. Sixty-eight percent of the men, and 43 percent of the women, were in the high income category, earning in excess of \$25,000 per year.

Occupations were predominantly of a professional or semi-professional nature. All but one of the individuals were employed or self-employed, the exception being a woman who was living on alimony paid by her ex-husband.

The respondents, all residing in Canada, were 85 percent anglophone and 15 percent francophone. The respondents' religious background was not considered relevant for this study, and was not determined.

Ninety percent of the marriages (including common-law unions) had endured at least three years prior to separation, and the majority had endured between six and 14 years.

The number of children per family ranged from one to four, but most families had one or two children only. The great majority of the children were between the ages of four and twelve when their parents separated.

Sixty-four percent of the families do have a legal custody agreement and, of these, 70 percent -- i.e., 19 families -- have sole custody awarded to the mother. In none of these cases did a father have court-awarded sole custody.

More than one-third of the families, then, have chosen not to go to court, preferring to make their own de facto arrangements for sharing the physical custody and care of their children.

Time-sharing modalities were varied, and in many cases had been changed as need dictated. At the time of the study, 63 percent of families classified their main or current time-sharing as 50/50 (or close to it). A further one-third had arrangements which more closely approximated 70/30, in favour of the mother. In only two of the cases did the father have his child(ren) with him for a significantly greater share of the time than did the mother.

The typical family had been co-parenting for three to five years. Fifty-one percent of the families fell into this range, while another 27 percent have been co-parenting for one to two years. The remaining 22 percent of the sample have co-parented from six to 12 years. Only three of the families included in the study have seen their arrangements break down: in one case, a bitter protracted custody battle resulted in legal custody shifting to the mother only; in the other two cases, though the formal arrangement was unchanged, physical custody shifted to one home only.

Finally, 36 percent of the individuals in the study had either remarried or were co-habiting with new partners at the time of the study. Breaking this down by sex, 42 percent of the men and 33 percent of the women were living in new relationships.

B) The Shared Parenting Experience

1. The marriages

According to the respondents, a pronounced asymmetry of domestic roles was characteristic in nearly all the families prior to separation. Although most of the women were highly educated and usually held paid employment during the marriage, they had assumed the main responsibility for domestic labour. The tendency was for fathers to do more sharing of childcare than of housework or related tasks. Almost all the women described their ex-husbands as "good, caring fathers". In all but four families, the wife had more total domestic responsibility than her husband. Even in the cases where there was substantial and flexible sharing, the wife saw herself as the coordinator of the family routines and obligations.

2. The choice to be co-parents

The majority of respondents reported that they evolved the plan of shared parenting during the process of negotiating the terms of their separation. Most often, the idea or concept was said to have been presented by the wife, although sometimes it "just emerged" from ongoing discussions about the separation. Some reported that it was assumed by both parties that the mother would be the predominant parent, but as their new living arrangements stabilized and improved, they "evolved into" more equal shared parenting.

The following comments are illustrative of parents' explanations for choosing to be co-parents:

"He is the only father those kids have, so his full involvement is important to me."

"I decided to make the best out of a messy situation and put our children first ... shared parenting was what **they** needed."

"I saw shared custody as a **feminist** decision, correct for the parents, and the best thing for our boys."

"My choice was based on three considerations: first, my ex-husband was a good father and had been an equal parent all along; second, I recognized that my child was deeply attached to his father; and third, I wanted to avoid the possibility of a custody battle."

All the parents in the study stressed the **logic** of the shared parenting model, especially from the standpoint of their children's welfare. Like the parents in Steinman's (1981) study, these parents all referred to the importance of making the children's needs their first priority, despite marital grievances and disappointments.

Mothers claimed frequently that they had had the "edge" in deciding how the new arrangement would work and how it would be legally framed (if at all). Fathers almost always saw their own influences as less than, or equal to, that of their ex-wives. Only two fathers thought that their influences had been determinant. This bias can probably be seen as an extension of the mother's predominant role in areas of childrearing and domestic life during the marriage. In the ten

cases where the mother has sole legal custody, this arrangement was part of the "trade off" through which the father ensured his unimpeded physical access to the children. These women expressed the desire to retain a slight margin of power ("the 51%") as "insurance for the future". They justified this stance in terms of their greater overall competence (or sense of responsibility) as parents.

In at least 20% of the cases, there had been an initial threat or fear of a custody battle. Shared parenting seemed to have offered a desperately needed alternative, and both spouses believed that if they did fight in court, the mother would be the likely "winner" anyway. In that light, the shared custody agreement could be seen as a concession by the mother to the father. One mother did articulate this:

"Shared custody is not really shared ... there is a power play that comes in ... one party is stronger or has more legal power ..."

Since the co-parents in this study are heterogeneous with respect to a large number of variables (other than the tendency for middle-class professionals to be over-represented), the choice to co-parent does not appear to be bound up with any particular marital history or other background variables which were identified in this study. One possible exception to this might be a seeming tendency for the fathers to have been, on the average, somewhat more involved in childcare than fathers in general are held to be.

Recurring themes emphasized: (1) the right (or need) of a child to have two involved parents; (2) the desire of each parent to continue in his/her parenting role; and (3) the parents' estimation that his/her ex-spouse was a good -- or at least adequate -- parent. The great majority of parents -- 71 percent of the women and 94 percent of the men -- rated their ex-spouses positively as parents.² Perhaps it is only these interrelated convictions which distinguish divorced parents with joint custody from others who have chosen -- or won -- sole custody of their children.

²It is interesting to note that the fathers were more generous in their evaluations of the other parent than were the mothers, suggesting either that both sexes agree that the mother is the more 'capable' parent; or, that the women tended to be more critical in terms of parenting standards than were the men.

Shared parenting as a practice and joint custody as a legal framework do appear to be skewed in the direction of middle-class options. However, due to the self-selecting nature of this sample, and the impossibility of defining the 'actual' population, we cannot speak authoritatively about the impact of social class. The link that appears in this study may be less the result of financial cost incurred in shared parenting than of the fact that the concept of shared parenting is new. The dissemination of new knowledge favours earlier access by the middle class. Some of the parents in this study learned about the concept from readings and discussions in their milieu. Others, though, had never heard of the concept, but developed the practice because it "made sense". Irving and Benjamin (1987:200) conclude from their data that "shared parenting is a viable custody option for **most** parents who select it, typically irrespective of their social class status".

3. Making co-parenting work

Almost all the parents in this study defined their experience with shared parenting as successful. Even the co-parents who ended four years of legal joint custody with a court battle have managed to maintain their sharing of physical custody, despite great bitterness between the ex-spouses. Each situation was unique, yet certain clear patterns did emerge which bear on the question of strategies for making co-parenting work.

(a) Consultation

These parents have made it a priority to find ways of talking to each other around parenting concerns. For some, this continues to be difficult in the face of resurfacing conflicts with the other parent. For others, it is much easier, and half the parents claimed that they were able to discuss issues and concerns apart from childcare with their ex-spouses. Most reported, however, that parental consultation was the main, if not sole, focus of their communication, and this would take place by telephone somewhat more often than in person. When conflict arises, it tends to be over particular issues, without the arrangement itself being called into question.

Many respondents mentioned that there was often conflict between parents regarding children's behaviour, routines and appearance. Mothers, more frequently

than fathers, expressed concern about their ex-spouse's standards being too low or too lax. This kind of concern, sometimes expressed as a more general concern about dissimilar lifestyles and values, was resolved according to two different strategies. The more frequently employed strategy by mothers was to continue to assume more responsibility for coordinating the routines of their children, even when in the other home.

"As his week is about to begin, I consult with him about **what** he has planned for our son ... I also remind him about the clothes he will need, the laundry, and anything else I think he needs to know."

"Although he is a good father to the best of his ability, I don't trust his influence ... he's disorganized, sloppy and his house works in chaotic fashion ... I have to tell him to give our son a shampoo and wash his dirty socks."

The second strategy involved a full acceptance of two distinct and somewhat different realities and a recognition that one's own control does not extend into the other home.

"There's no point in my being too concerned about what is going on when she's (daughter) there, it's another reality and, in a way, not my business. I certainly don't have any right to try to control things there. If there is any negative carry-over, then I'll deal with that ... maybe discuss it with her (ex-wife), but my priority is the quality of our relationship when she's in my home."

"I've had to fight real concerns about when they're out of my influence, and under the influence of my ex-husband and his new wife ... I've felt jealous and even threatened, but I've fought that ... I have to trust that it will be good for them because he is their father and he really loves them."

In summary, these parents consult a good deal, though not always without conflict and difficulty. The majority considered the quality of their consultation "successful", "good" or "mixed but adequate". A few parents believe that they have "excellent" communication now (better than when they were married). Three sets of co-parents communicate only rarely and feel bitterness and hostility toward each other. Still, they try to cope with these feelings and to make their shared parenting work. One mother praised the communication between herself and her children's father in this way:

"We get along better now, and there's more negotiation now than when we were married ... I went through a phase of 'teeth gritting' and avoidance, but this passed as I saw his sincerity. We now relate about other things besides the children, and talk more openly about what's going on in our lives ... shared custody forces you to deal with the issues between you -- you can't run away.

(b) Significant family events

A significant portion of the parents in this study (between one-quarter and one-third) reunite as a family for birthdays, and/or Christmas, or major Jewish holidays such as Passover. In the rest of the cases, children participate in several celebrations in each household, or there is alternation on a yearly or some other basis.

In the main, holiday time was experienced as being fairly flexible. Arrangements included the freedom for children to go on trips with one or the other parent as the opportunity presented itself. Summers tended to be the time when the fathers saw more of their children, if the arrangements were not 50/50 during the rest of the year. In 50/50 situations, equal sharing usually continued over the summer holidays.

(c) Bilateral contact with the extended families

The great majority of parents in phase two of the study, who were asked about their children's ongoing contact with relatives, claimed that their children did maintain qualitatively similar contact with grandparents and other relatives on both sides of the family. The practice was for each parent to take responsibility for his/her own family interactions. Where diminution or cessation of contact with grandparents did occur, it was eventuated by geographical distance rather than any attempt to interfere with children's family ties, according to these parents.

(d) Management of contingencies

Most respondents reported that, over time, their shared custody arrangements have had to accommodate changes in different areas of life, such as remarriages, work, financial status, etc. The parents often stated, as well, that they

were optimistic about the possibility of having to accommodate to changes in the future. As one parent said:

"Things have worked out well for us so far, even though we never could have anticipated how we would deal with the events that have occurred ... I'm quite sure that we'll somehow handle whatever comes up."

Perhaps the major factor which accounts for the need to make changes in the parenting arrangement involves the changing needs and preferences of children. Most of the longer-standing arrangements, or those involving older children, had undergone changes in the modality of time-sharing to better accommodate children's needs. Children in or close to adolescence often prefer to be based for longer periods of time in one location which may be near to school, sports facilities, etc. In several cases, the older boys (11 to 15) were said to have expressed a preference to live with their fathers for a period of time, possibly expressing a need for male identification.

Over time, parents have made changes in their lives to which their children have had to adapt as well. Over one-third of the mothers and fathers in this study had either remarried or were co-habiting. These new relationships often involved other children as well: either the new partner had children from a previous marriage and/or a child was born of the new union. Ten of the parents living in subsequent relationships were in this situation.

The majority of co-parents affected by their ex-spouse's decision to live with a new partner claimed that they had established cordial and constructive relations with the partner or were attempting to do so. This process frequently involved a struggle with emotions such as fear or jealousy, at least initially. Nonetheless, typically, parents commented about the new partner, "he/she is a very nice person and has established a really good relationship with my kid(s)." In the few cases where a co-parent strongly disliked or felt hostile toward the ex-spouse's new partner, the usual strategy was simply not to deal directly with him/her.

(e) Geographical moves

The majority of these co-parents (72%) live in fairly close proximity to each other to facilitate their arrangement. The parents in closest proximity share the same duplex; most live within no more than 20 or 30 minutes of each other by car or public transportation. In 28% of the cases, the two homes are separated by significant distances ranging from about 50 miles to the breadth of Canada. Time-sharing arrangements are adjusted slightly accordingly so that the principle of shared parenting is still realized, though obviously the frequency of the child's contact with each parent is reduced, and in some cases has to be adapted to the school year.

Almost all the parents claimed that they had a strong commitment to shared parenting and, therefore, would like to avoid a significant move (out of province, or out of Canada) until their children are grown. Some parents acknowledged that they would like to move for various reasons (having roots elsewhere, for better job prospects, or because their new partner might want/need to move).

The possibility of future moves appeared to be the most sensitive area discussed by these respondents. In at least one quarter of the cases, one parent expressed the fear that the other parent would move away, and for some of these the possibility was real that one of the co-parents would move before the children reached 18. In five of the cases, it was the mother who was likely to be the one to leave, and she assumed that if so, she would take the child(ren) with her. Four of these mothers had sole legal custody, and said that, if necessary, they expected to use their legal power. They did not intend to alienate their children's father, though, and referred to "lots of travelling back and forth, and as much access as possible" for the fathers. As for the fathers, they were aware of the possibility of their children being removed at some future time. Some expressed fear and sadness, others acceptance and optimism. One father said:

"If she goes, the kids will go with her. I'll be a long distance father. Her needs to re-establish a career, or to remarry are more important than my needs to maintain this arrangement ... I no longer have fears about my ability to be a full father, no matter what the circumstances ..."

And another father, whose ex-wife may leave the country with her new husband in the next few years, said:

"She would not deprive our son of his father out of spite ... unless I'm prevented by circumstances beyond my control, I'll be involved somehow -- my son is a daily part of my life and the person I love most."

In summary, shared parenting relationships were viewed by the respondents as fluid arrangements, responsive to varied predictable and unpredictable life changes. What is constant in these families seems to be the commitment to the principle of shared parenting, regardless of how that principle is put into practice at a particular time.

4. Parents' Evaluation of the Experience

(a) For the kids

Almost without exception, the parents in this study claimed that their children benefited greatly from having continued and substantial involvement with both parents. This is not to say that these children were not adversely affected by their parents' separation. Several parents mentioned that there was some strain in their relationship with the ex-spouse when the children would fantasize that their parents could get back together. In these cases, parents found it very important to stress the reality of the situation and not permit their children to nurture unreal hopes, or use them for manipulation.

About 25% of parents described their children's initial adjustment to the shared custody arrangement as 'difficult' in some ways, though virtually all the parents viewed their children's adaptation as having improved with time.

"She was somewhat confused and attempted to play us off against one another. Her father spoiled her and she therefore had some difficulty settling in with me. And, of course, she was very upset at her parents separating ... She is quite happy now. She has a more traditional family with her mother and step-father and a very good friend in her dad. She sees that although her father and mother have gone separate ways, they both love her and can remain friends."

"They adapted well. They only wished that it was totally equal, i.e., 50% in each house. There was some sadness and anger over the first year -- not so much about the arrangement as about the separation. Now, they trust the arrangement and know they can count on it and on each parent. When a friend's parents separated recently, one child said to me, "I told her all the good things." On another occasion on their return, I said, "I'm so glad you're home." One child replied, "I wasn't away! "

"It was tough on our son -- he was one and a half and we couldn't explain what was happening. He seemed to be afraid he would never see one or the other of his parents again. There were lots of tears from all of us ... Now he seems to see nothing unusual in it as he probably doesn't remember it ever being any other way. He is now excited about seeing his dad or me when we're ready to exchange."

Typically, these parents said that their children verbalized satisfaction with the arrangement which had been made on their behalf -- they did not appreciate the fact that their parents had ended the marriage, but they thrived on not losing either parent.

A minority of parents did express concern about possible "confusion" or "future emotional disturbance" on the part of their children. These parents felt that their children were disadvantaged in some ways by the custody arrangements, though overall it was still deemed preferable to the alternatives (short of reconciliation between the ex-spouses, which might please the children, but was out of the question for the parents).

According to the parents, the children's complaints and dissatisfaction with the two-homes situation were usually logistical and practical, rather than of a fundamental nature. Typical complaints reported concerned curtailed access to after-school or sport activities, inability to maintain a paper route, missed time with friends, and the inconvenience of "schlepping" back and forth, forgetting or missing valued belongings.

(b) For themselves: the advantages and drawbacks of shared parenting

These co-parents came to appreciate that there were other benefits to shared parenting besides their children's welfare. Women said they gained blocks of unaccustomed free time, liberating them from the otherwise continuous res-

possibility of being a parent. Two-thirds of the mothers in this study emphasized that this free time was a great benefit, often unanticipated, which made it easier to pursue further education, devote more time to work without conflict, develop a new sexual relationship, or just enjoy the luxury of time to themselves. This benefit was not always without its costs: some of the mothers said they found it difficult not to have their children present, so accustomed were they to "mothering". Many of the women articulated the theme of "letting go" -- learning to be mothers who do not -- and need not -- have full-time responsibility for their children in order to feel worthy.

"I still feel a sense of loss that I'm missing out on my son's life. I miss him when he's not here."

"A major drawback has been the pain of repeated separations and reminders of the loss."

"Having to plan my life around the two weeks I have him. I feel as if I had two separate lives. For two weeks out of four, I need not worry about a babysitter if I want to go out on a date, and for the other two weeks I have no social life because I want to spend every moment with him."

"It seems unreal and is painful to be a part-time mother. I feel as if I **should** be with them all the time. During my free time, I often find myself thinking about them and feeling very lonely when I should be getting down to work on my thesis."

These sentiments accord with Ware's (1982) analysis of "Mom Power", women's psychological burden born of the undeniable biological link between mother and infant, and of the intense social programming which women receive around their primary identity as wives and mothers. The struggle for women who aspire to less traditional and fuller social roles is to "let go" of some of their identification with mothering. This struggle was mirrored by the women in this study, and the results appear to have been beneficial, according to their own judgements.

The parallel struggle for fathers in this study was to become more actively engaged in parenting -- "taking on" rather than "letting go". The majority of fathers reportedly had increased their level of involvement with their children since their marriage terminated. The other fathers had maintained their level of involvement in parenting -- no father was less involved now than during the marriage.

"I would have gone to court if I couldn't have 50/50. I now take a more active role -- if not separated, I would have been more passive ... I now know how to put a dinner on the table. I don't see it as freedom, though, because I have more constraints than before."

"It has allowed me to grow in developing my own life ... I have learned more about parenting on my own and become more confident in that area."

"I'm a lot warmer with the kids. My responsibilities and roles are clear ... I know what I have to do -- there is no competitive element. I feel secure, accept what has to be done and do it. The kids are a lot more loving now, and this makes me feel good."

All the male respondents identified their continuing and often enriched relationship to their children as a main benefit to them of shared parenting. Mothers in the study concurred with this as well, though their assessments of their ex-husband's degree of involvement in, and competence at, parenting often was less positive than that given by the ex-husbands themselves. Similar findings were reported by Goldsmith (1980) and Ahrons (1981).

The stated benefits most clearly related to parents' individual welfare and personal satisfaction included "having more free time" and "having one's own life", defined almost exclusively by women in the study. Fathers tended to describe their continuing unimpeded access to their children, per se, as the main benefit accruing to them from the shared custody arrangement.

The fathers' perceived drawbacks pertained mainly to two areas: the demands and constraints exercised by the arrangement (e.g., being tied to a calendar, finding babysitters); and the necessity of continuing contact with their ex-spouses. For all parents, the most frequently expressed negative themes are reflected in the following quotes:

"Shared custody means that you're never really free till the children become adults."

"The hardest part is letting go of the relationship as a spouse, yet still being a co-parent."

"It's really hard to come to terms with less control and less involvement in the daily life of your child."

"The hardest part? dealing with my ex constantly -- yet, it's the best part for the kids."

"My loneliness when the kids are away is the big con for me."

(c) Recommending shared parenting to others

Nearly all the parents in this study would recommend their arrangement to friends or others facing marital dissolution, though not without some qualifications. These ranged from minimal to fairly stringent ones, and the following quotes represent the most frequently made comments about the advisability of shared custody:

"as long as neither parent has an abusive or destructive relationship with the child"

"as long as both parents are **willing** to share parenting, and neither is being coerced"

"if both parents are sufficiently **rational** to leave their personal baggage outside of their relationship as co-parents"

"as long as both are capable of adequate parenting ... I wouldn't want to see a 50/50 arrangement just because it's a good idea in principle"

"it's the best thing and it should be 'normal' unless there is a definite indication to go against it"

As for guidelines on how to make the arrangement work best, the parents agreed that the first commitment had to be to the children's best interest. Most also felt that a genuine respect for the other parent, **at least as a parent**, was needed. The parents also identified other key factors that contribute to a successful arrangement: communication, counselling or mediation around special problems, and ongoing negotiation to ensure that periodic difficulties are resolved.

The following quotes provide advice which some of these parents want to give to others who are making a decision about custody of their children:

"Throw the bitterness aside: Try to identify with the other parent's feelings and act in the best interests of the children. Do as much as possible without involving the legal system and perhaps use a mediator. Also, you have to trust the other person in many areas, despite the marriage breakdown." (**Father**)

"Joint custody is the best possible alternative to a stable marriage. The children, for whom you are both responsible, have a degree of continuity, stability and security which is **almost** as good as having parents who are together. **But** one should not try if there is outright hostility on either side, or if one partner continually undermines the other. This situation would only perpetuate the emotional difficulties of coping in the child." **(Mother)**

"Your marriage may be a failure, but you can make a success of your divorce!" **(Father)**

5. How the Children See It

Fifteen children between the ages of five and 16, including five sibling pairs, were drawn from 10 of the families residing in Montreal. These 10 sets of parents all agreed to have their children included in the study, and the children themselves were willing to be interviewed.

(a) Acceptance of Status Quo/Desire for Change

The children who expressed most satisfaction with their parent arrangement were either those who had more exactly 50/50 schedules with their parents; or the younger children who had never known, or couldn't recall, a different way of living. Children who desired some alterations in their custodial arrangement fell into the seven to twelve age range. Most of these desired to have a more equal (50/50) arrangement than what presently obtained. Only two children expressed the opposite preference, in one case due to tension in the relationship with a step-parent; in the other, the desire to have one home base, along with the freedom to see the other parent on a frequent, loosely-scheduled basis.

(b) Perceived differences between the two homes

All children perceived clear differences between their two homes. More chores tended to be expected of them at the mother's home than at the father's. Most described their mother's residence as larger and as containing more toys and "children's things". It was generally felt that more friends were accessible around their mother's place, while more time was actually spent in activities with their father while at his residence.

The responsibility for caring for a sick child was usually shared by the parents, depending on who the child was with when he/she took sick. It is interesting to note, though, that a sick child (unless extremely ill) was apparently much more likely to move **from** the father's house than the reverse. Mothers were also seen by their children as much more likely to arrange medical and dental appointments, though the actual transporting tended to be shared.

In the majority of cases, children felt that their mother's residence was their principal residence. This was true even where there was a 50/50 arrangement. The one exceptional case was where the children had lived with their father for a few years before shifting to joint custody, and they said they still viewed their father's place as their main home.

(c) Advantages and disadvantages of shared custody

Children all claimed that there were more advantages than disadvantages to their situation. The older children, in particular, defined joint custody as being the most fair for all concerned, but especially for the parents. All said they felt positively about the extent of interaction they had with their fathers, even when they spent considerably less than half their time with him. For these two reasons alone, shared custody was preferred.

Other advantages cited included: expanded opportunities for travelling, appealing activities, greater potential range of friends, and more possessions. Four children mentioned their exposure to different lifestyles and attitudes as giving them a wider perspective and knowledge base from which to form their own opinions.

The "worst" aspects of joint custody were few. One was the long drive between residences, something which may be more noticeable in joint custody due to relative frequency of trips. Another "con" mentioned was the difficulty around having a paper route, unless the two residences were very close (not a common thing). A third complaint centered around step-siblings, where those were present. Either a child didn't like the step-sibling(s), or felt that their presence interfered with the relationship to their parent. In a couple of cases, the child did not feel close to or comfortable with the step-parent. Here, the custody arrangement was

advantageous in allowing the child to have frequent time away from that step-parent.

Members of the sibling pairs were adamant that they move as a team between the two residences. It seemed evident that these siblings had formed a strong bond with one another, an observation which is lent support by Wallerstein and Kelly's (1980) findings of strong supportive relationships which were typical of siblings in divorced families.

In summary, these children appreciated joint custody because it was a fair arrangement for all concerned, and because it allowed for increased interaction with their fathers. Older children emphasized that for joint custody to work, the parents must be able to get along, and their parents did.

SUMMARY AND DISCUSSION OF FINDINGS

1. The co-parenting experience

The parents in this study were highly satisfied with their choice to co-parent and, in the main, were satisfied with their actual experiences. The problems they identified included: scheduling constraints, constraints on personal freedom, conflict with the other parent related to values and lifestyle; loneliness when children were staying with the other parent, and fear or insecurity concerning the possible breakdown of the arrangement and consequent loss of access to the child(ren).

Despite these inherent or likely negative features of shared parenting, parents viewed their arrangements as preferable to sole custody, and would recommend shared custody to other divorcing parents. They were virtually unanimous in asserting that this was the best arrangement for their children, whose interests, they believed, are primary. These parents, with varied time-sharing modalities and geographic proximity, had developed particular strategies for making their situations work satisfactorily. The major areas concerned were: the logistics of moving children between two homes; the need for ongoing consultation between the two parents; the children's need to maintain contact with bilateral kin; and interactions with new partners of ex-spouses.

Beyond these built-in, predictable elements of the co-parenting situation, there seemed a greater flexibility in the way the family "worked" as compared to what most parents had experienced prior to their marital dissolution. Changes had already occurred, and more could reasonably be anticipated. Each parent might wish to relocate, cohabit, or remarry and perhaps start a new family. Children's needs and preferences changed over time; arrangements had changed, or might have to change accordingly. Thus, no arrangement could be viewed as 'fixed'. Despite the ever-present possibility of change, over which no one individual could have full control, almost all these parents claimed to be highly or reasonably satisfied with the way they had organized their family responsibilities.

These co-parents also typically experience some degree of change as mothers and fathers. Overall, the parents seemed to hold the belief that the work and emotional commitment of parenthood are the responsibility of men and women equally. Nevertheless, mothers tended to struggle with "letting go" of their role and self-image as primary parent; whereas fathers claimed that greater closeness and involvement with their children was self-enhancing. On the other hand, fathers often had to learn to "take on" responsibilities, and were viewed by their ex-spouses (and themselves) as less competent at the management of the daily tasks of parenting. And finally, it was mothers who tended to **verbalize** most conflict around loss or dilution of the traditional maternal role. Yet these women also appreciated their increased freedom for personal development.

2. The children's experiences

These children do not define their post-divorce family structure as lamentable or even particularly troublesome. They appear to be well-adapted to their routines, and their parents have met them half-way, so to speak, in their own adaptations to being divorced parents. The children's self-reports are congruent with the claims of their parents: provided that divorcing parents are sufficiently motivated to create relatively cooperative and non-conflictual arrangements for shared parenting, the children will appreciate the arrangement and prefer it to what they know of the traditional sole custody arrangements. (Though they might prefer above all to live in an intact home with re-united parents.)

The issue is not whether children are profoundly affected by the rupture of divorce, for there is no doubt that they are (Wallerstein and Kelly, 1980). Rather, this study has focused on children's reports about their experience in and evaluation of a particular sort of post-divorce family arrangement -- shared custody. Preliminary evidence from this study and others (Irving, 1984; Chan, 1985; Watson, 1981; Steinman, 1981) suggests that children living in shared custody arrangements consider themselves (and appear to be) quite well-adapted, and evaluate their situations in a largely positive light. A different research design would be needed to tap either deeper feelings or further (less obvious) dimensions of children's experience of joint custody.

3. How the findings speak to the negative views of joint custody

(a) The psychodynamic argument

I cannot use the present findings to speak about differential psychological bonds between the children and each of their parents. Nevertheless, it should be noted that no one in the study described a perception of reality which would support Goldstein et al.'s (1973) assertion that children suffer dysfunction when they do not remain in the custody of one "psychological parent" following divorce. On the other hand, one could speculate that the "emotional primacy" of one parent over the other may very well be an important factor, yet not the major determinant of a child's emotional security and well-being. This line of reasoning leads to the tentative hypothesis that children best thrive when the significant people in their lives remain accessible, regardless of who is more 'primary' than whom.

(b) The feminist 'maternal presumption' argument

None of the data from this study suggest that the mothers viewed themselves as 'exploited' or stripped of their rights as a result of sharing parenting with their children's fathers. The ambivalence they frequently expressed about their loss of 'maternal primacy' needs to be carefully considered. Almost all the women in this study evaluated their ex-spouses **as good fathers**, and wished to share parenting with them on a substantial basis. They viewed having to "let go" of their children to some extent as difficult, but at the same time as best for their children, and affording certain benefits for themselves as well. Were they "brain-

washed" or intimidated by the ex-spouse? One cannot entirely dismiss this possibility, of course. It does, however, seem disrespectful to the women to discount what they had to say on the subject of their choices and preferences for family organization.

The fathers, "typical" or not, tended to profess strong motivation to be active parents to their children, along with congruent loving sentiments. While some might prefer to submit a cynical evaluation of such motives, the data neither reveal nor suggest that the men were centrally motivated by a desire to exploit their ex-wives or compete for power with them.

I am in no position to refute the claims of the 'maternal presumption' position. The relatively small size and self-selected nature of the sample of 'voluntary' co-parents would not permit such generalization. However, the findings here and elsewhere demand consideration as well. We have empirical evidence that some ex-spouses do successfully share the custody -- and nurturing -- of their children, and that the spirit of these arrangements can persist even in the face of new demands to changed circumstances. Any 'political' position against joint custody -- or the principle of shared parenting -- which would fail to take this evidence into account risks doing a disservice to the interests of all concerned.

There no longer needs to be any doubt that people -- parents and children alike -- can and do 'successfully' create and maintain co-parenting situations following separation and divorce. These new, increasingly visible family arrangements represent a sharp break with past assumptions, values and practices related to family life. They are bound up with the desires of women and men for greater happiness, convenience, harmony, fairness and parental equality. (They also arise, of course, as the 'lesser of two evils': a reluctantly preferred alternative to war over custody rights.) Shared parenting offers to men and women the opportunity to take on new roles or modify old ones, and it offers families an alternative to the adversarial principle which often creates and maintains destructive and costly conflict between the parties involved in divorce.

What seems most needed at this juncture is not polemics, but a stepped-up program of rigorous research, which would further explore the psychological, sociological and political implications of parenting after divorce for mothers, fathers and children.

PART THREE:

**TOWARD A NEW MODEL OF THE POST-DIVORCE FAMILY:
THEORETICAL IMPLICATIONS OF THE STUDY**

What are the 'larger implications' of this study? Or, put differently, how best to situate this relatively small empirical piece of research in relation to the broader theoretical and ideological issues surrounding the role and function of families in contemporary society? (See Eichler's (1983) excellent analysis of families in Canadian society.) I believe that the recent empirical data from this study, and others which I have reviewed, speak to two major and inextricably related social concerns: the changing status of women and the changing structure of the family.

The specific changes which the men and women in my study are making in their lives can be seen as manifestations of what Betty Friedan (1981) refers to as 'the sex role revolution'. The first stage of this revolution was concerned with defining and challenging the wrongs suffered by women due to male domination and outdated sex-role stereotypes which confined both sexes. Friedan, one of the most influential of modern feminist thinkers in North America, believes that men and women must now move beyond sex antagonism, and struggle together to break down sex-role polarities in favour of emphasizing common and interdependent needs. Chief among these are the adult needs for satisfaction **both** as workers and as parents. Substantially, shared parenting -- during or after marriage -- is consonant with the direction which Friedan believes men and women must take in the "second stage" of the sex-role revolution:

... if young men now need and want self-fulfillment beyond their jobs and the life-grounding women have always had in the family -- as much as women now need and want some voice and active power in the world -- there will be a new, and sufficient, **combined** force for the second stage (1981:160).

As Eichler (1983) has documented, the traditional nuclear family with a male breadwinner and ideological 'head', and a full-time female homemaker, is no longer the statistically normal family form in North America. Yet the ideological privilege of the nuclear family continues to exert a compelling social force through the laws, policies and conventional practices in which its assumptions are still deeply imbedded. One such assumption holds that a fixed family structure is optimal (or necessary) for children's emotional and social well-being.

The empirical evidence leads us to expect that children in post-divorce families are likely to experience varied family structures as they grow to adulthood. It would therefore be unhelpful to both children and parents to label their situations as deviant or undesirable. Instead, we need to develop an analytic model to reflect the inherent continuity and fluidity of the non-nuclear family at different stages in its life-cycle. Such a model must be built on the following propositions, suggested to me by the empirical data, and their logical consequences:

1. a child whose parents are divorced normally requires and wants ongoing "parenting" from both a mother and father;
2. a child whose parents are divorced can expect to develop a significant primary relationship with step-parents at some point in childhood. The latter will not replace natural parents, emotionally or socially, but they may come to be caring and responsible adults in the child's life;
3. a child whose parents are divorced wants (and may be encouraged) to maintain ongoing relationships with both sets of grandparents, and with other proximate members of each parent's extended family;
4. a child whose parents are divorced may well live at least some of the time with children who are not biologically related (step-siblings), as well as with new half-siblings from the union of parents with new partners;
5. a child whose parents are divorced may experience further changes in living arrangements as a parent terminates either a post-marital cohabiting relationship or a re-marriage;
6. a divorced parent can expect to see more than one set of changes in the family's composition and organization during the period of childrearing;
7. a divorced father can be expected to participate more actively and fully in the lives of his children, in contrast to the typical practice of the past generation, and this trend will likely continue and strengthen; and

8. divorced parents are more than ever likely to maintain an ongoing relationship focused on childcare, and such relationships are not necessarily severed by the appearance of new romantic relationships, though the situation may introduce necessary adjustments in the parental relationship.

These interrelated assumptions, based on my research and analysis, surely do not exhaust the likely characteristics of emerging post-divorce family patterns. In combination, they have important societal implications for the new, socially legitimized model of the post-divorce family.

First, kinship relations need to be examined and re-defined in order to encompass the following kinds of bonds in the post-divorce family:

- those which exist by virtue of a legal or **de facto** status (ex-spouses);
- those which have kinship roots but lack precise legal status, such as grandparents and other 'in-laws' with the children of divorced parents;
- those which have neither kinship roots nor a social label, but exist by virtue of the family's new composition (such as natural parent and step-parent, or biological grandparents and step-grandparents); and
- those which no longer legally exist **and** which may be charged with ambivalence or negative affect (ex-in-laws with former daughter- or son-in-law).

Many of these kinship bonds are inherently problematic: impermanent, susceptible to attenuation or termination, conflictual. And they can arise, either singly or in combination, at any time in the life-span of the post-divorce family. I believe, therefore, that these kinds of bonds all need to be recognized and "legitimated" at three levels: the individual family, the milieu or community, and the social institution. On all levels, individual and collective ideology that is biased in favour of the traditional nuclear family needs to give way to the full acceptance of recognition of other family structures, whether arising from divorce or other life choices and circumstances.

We need to call for changed institutional responses in order that the needs of non-nuclear families can be met. Chief among these would seem to be a rational and coher-

ent legal framework for redefining, regulating and supporting the integrity of such families in Canada. In great need of clarification are the respective rights of fathers, grandparents and other members of the child's "bilateral" extended family. Although the principle of 'the best interests of the child' seems to be enshrined in contemporary Canadian jurisprudence, its application does not take into account the rights of children in the light of current psychological and sociological findings pertaining to the impact of divorce on children. We need to move toward a model that allows a broader, more fluid interpretation of "acting in the best interest of children". Some divorced parents can work cooperatively to arrange the best post-divorce environment for their children. However, there is evident need for the promotion of mediated child custody agreements as well. While it is a commonplace observation that estranged spouses cannot be compelled to be reasonable, strong incentives to arrive at a reasonable agreement can be systematically created. When the need of a child to have reasonable and unimpeded access to both parents (as well as grandparents and other relatives) is accorded prime importance in law and ideology, the effect is to encourage parents to place the interests of the child above their desire to maintain conflict or extreme distance after their marital relationship ends. The data show that at least some divorced parents can learn to separate their marital life from their parental roles. From this, it would follow that a legal system can be designed to facilitate this process with families for whom cooperation is problematic.

Notwithstanding the previous points, it will become essential that careful attention is paid to the matter of volition in child custody agreements. The data from this study, and apparently most others which show successful outcomes and parental satisfaction with joint custody, are based on situations where the parents finally **chose** their arrangement -- it was not imposed upon them by the courts. There will always be cases where one parent can show real cause for refusing this type of arrangement, and therefore where it would be best for the desires of the parent to prevail. (See Chessler, 1986.)

Families can be regarded as both dependent and independent units. They are influenced by external forces, they in turn exert a powerful influence on their own family members, and they have some measure of influence on their surrounding society. Thus, one can see the co-parenting family affected negatively by a host of laws and institutional regulations that still assume either a conventional nuclear family structure or a post-divorce sole (mother) custody situation. Conversely, as non-nuclear families in-

crease in numbers and social visibility, they can be seen exerting their own influence on the institutions with which they interact: school, media, social services and the courts. Formally, the social and political influence of these families is likely to be extended through the formation of interest and lobby groups (e.g., Canadian Council for Co-Parenting, and all the fathers' rights groups springing up across the country). Moreover, by their very visibility and viability, these new family arrangements are challenging popular perceptions and definitions of what constitutes a family. Although this influence is slow-moving and not easy to measure, much anecdotal evidence supports it.

The real, or more fundamental, question now is not 'can shared parenting after divorce work?', but 'how can we best understand -- and defend -- the concept of family nowadays?' The major ideological challenge to the primacy of the patriarchal nuclear family by feminism has been reinforced by the widespread impact of divorce.

In an attempt to predict future trends, it would appear that the issue of child custody will become a new battleground on which men's and women's self-defined interests will collide. This I take as further support for the need to reformulate our definitions of our changing family structures. This will necessarily involve the consideration of parents' rights, as well as children's rights. Of course, none of this promises to be easily or perfectly soluble. What will likely emerge is a clearer picture of the changes that we are prepared to live with as we continue to form families and to love and rear children.

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This paper explores the growing phenomenon of shared parenting arrangements between former spouses. Research centered on the nature and terms of the choice to co-parent after marital dissolution; the predictable problems which arise in co-parenting families, and strategies for their management; and how mothers, fathers and children respectively evaluate their experience in co-parenting families. The co-parenting or 'bi-nuclear' family is then analytically linked to the increasing social visibility of families which do not conform to the assumptions of the traditional nuclear family model. Finally, new feminist concerns about the current promotion of joint custody are considered.

Cerise Morris holds a Masters degree in Social Work and a doctorate in Sociology. She teaches, has a private practice in psychotherapy, and writes on issues related to women, families and feminism.

Ce document examine le phénomène croissant des dispositions de parentalité partagée prises par des ex-conjoints. La recherche a porté sur la nature et les conditions du choix effectué à cet égard après la rupture du mariage, sur les problèmes prévisibles qui surviennent dans les familles touchées par ce phénomène et sur les modalités de sa gestion, de même que sur la façon dont les mères, les pères et les enfants en situation de coparentalité évaluent respectivement cette expérience. L'auteure analyse ensuite cette famille dite "binucléaire" par rapport au phénomène social croissant de celle qui ne correspond pas au modèle traditionnel de la famille dite "nucléaire". Enfin, elle aborde les nouvelles préoccupations féministes que soulève la promotion actuelle de la garde conjointe.

Cerise Morris possède une maîtrise en travail social et un doctorat en sociologie. Elle enseigne, dirige un cabinet privé de psychothérapie et écrit sur des sujets qui concernent la femme, la famille et le féminisme.



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