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In the EU the prevalence of joint physical custody is associated with the gender equality



Societies make progress. They are not static, but they change their societal ideals and the way in which their members relate to each other, both in public and in private. Joint physical custody involves that after a family breakup children alternate living in their parental homes, ideally half and half of time. In this article, Lluís Flaquer, Emeritus Professor of Sociology at the UAB, presents a research into the legal and institutional framework fostering the development of joint physical custody in different European countries and suggests that this drive is part of a vast movement marching towards gender equality. A well-balanced and egalitarian society between men and women accommodates shared parenting after separation or

divorce and it contributes to an enhancement of parents' and children's well-being.

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In the last decades one of the major innovative developments in the area of postseparation family arrangements has been the rise and emerging institutionalization of shared parenting after separation and divorce. Simply stated, joint physical custody (JPC) involves that after the breakup of a marriage or partnership with children there is no single custodial parent, as it was mostly frequent in earlier days, but it is rather based on an arrangement by which both parents share the responsibility for major decisions as well as they take an equitable part in the caring of children. It means that the child spends a significant amount of time with each parent, ideally half and half, by alternating between separate households and that each of them plays an important part in child-rearing and in the daily care of the child. In Spain the growth of JPC has been very intense in the last decade to the extent that 37.5% of rulings of divorces with children are JPC. In Catalonia 54.4% of divorce rulings are also JPC (2019).

There is an increasing evidence on the positive outcomes for children of JPC after separation or divorce, but information is lacking about the legal and institutional settings driving its development in many European countries. The favourable effects of JPC are observable in various areas of children's well-being* such as better physical health, satisfactory cognitive development, school outcomes and better relationships with fathers, mothers, and other family members. Also, a lower cigarette smoking rates, a reduced alcohol taking and substance abuse, lower levels of aggression, dissatisfaction, depression, and anxiety, are observable. Even if a few studies have failed to demonstrate some of these favourable claims, none of them has suggested that JPC can harm children. At worst, no significant differences were found between children with different custody arrangements.

Certain noticeable trends go hand in hand with various societal advances such as the demise of the 'tender years presumption', the decline of the male breadwinner family model, and the intensification of children's centrality in the family as well as the increase of father involvement in the care of children. This research focuses on various national experiences of five European countries concerning JPC (Germany, Spain, England and Wales, France, Sweden), and deals with the relationship between its prevalence and patterns of gender equality. One of the main findings is

that such prevalence is associated with the level of gender equality index in different EU countries. The calculation of the correlation yields a high Pearson coefficient ($R = .788^{**}$, data 2010). These results suggest that the development of JPC after separation and divorce in Europe may be an effect from the slow but steady progress of widespread and comprehensive gender equality.

The study highlights the existence of wide European disparities concerning JPC and urges the collection of comparable data so that progress can be adequately measured and understood. The ongoing transition process is expressed through a permanent clash over different views as well as by opposition and conflict between various groups and sections of the population, including men and women. In many countries this divide is often the result of contrary stances of separated fathers' and mothers' associations over JPC as an issue.

If supporters wish to lend effective support to JPC, advocacy should be accompanied by the promotion of reforms in various fields of gender equality. Empowering women and men in all the areas where they have deficits, enhancing their rights and capabilities, reducing gender income gap and combatting gender-based violence are the best guarantees for achieving a well-balanced society in which shared parenting after separation and divorce can develop and thrive.

**Studies on child well-being are conducted through surveys of school-aged children between 8 and 18 years old.*

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