

Family Symposium: Divorce and Co-parenting
Responses to co-parenting and parental responsibility model from women's perspective

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"His" and "her" divorce

- Feminist analysis of divorce
 - Gender differences in post-divorce adjustment
 - women and men experience divorce or separation differently
 - Divorce is not a gender-neutral experience; it is not affecting men and women in the same way

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"His" and "her" divorce (cont.)

- Feminist perspective
 - Inequalities in gender power relationship in marriage, family and society
 - The discourse of marriage being normal and divorce being abnormal is oppressive to women
 - A problem of father absence
 - A social and economic cost to society to be shared by other 'normal' people
 - The erosion of integrity and responsibility
 - Too much social welfare for single mothers

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"His" and "her" divorce (cont.)

- Feminist analysis of divorce
 - Economic impacts of divorce on women
 - A major cause of feminization of poverty
 - A drop in income, downward class mobility
 - A significant proportion becomes welfare dependents
 - Effects of divorce on women's self identity
 - Women undergo significant changes in their self-identity after a divorce; less the case for men
 - Post divorce womanhood defined by mothering

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“His” and “her” divorce (cont.)

- The average annual growth rate of single parents over the past decade was 2.8%
- Single mothers grew by 36.5% from 47,215 in 2001 to 64,040 in 2011
- Single mothers far outnumbered single fathers throughout the past 10 years; differences had been enlarging
- Sex ratio: single fathers per 1000 single mothers - 301 in 2001 to 276 in 2011
- Proportion of single parents who were separated or divorced rose from 72.3% to 78.7%
- single mothers who are divorced increased by 47.9%
- Employment rate of single mothers higher than women on the whole
- Single mothers earn less and a higher % in poverty
- Median monthly income of single fathers was 27.7% higher than that of single mothers in 2001; the difference widened to 33.3% in 2011

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“His” and “her” divorce (cont.)

- The disadvantageous positions of single mothers according to studies in the 1980s and 1990s in Hong Kong
 - Parenting
 - Finance
 - Psychological health
 - Social support
 - Social stigmatization and discrimination
 - Housing situations

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Shared parental responsibilities

- The best interest of children
- The men’s rights movement

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Dominant discourses about the best interest of children

- continued involvement of both parents in the upbringing of the child
- face-to-face contact with both parents
- most children of separated parents would like an ongoing relationship with both their parents
- even when fathers have been abusive, children most often value the relationship with them and want it to be ‘fixed’ rather than eliminated

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Dominant discourse about parents of different gender

- bringing fathers back, not only within marriage but after divorce;
- abusive husbands can be good fathers – differentiating marital and parental roles theoretically and practically
- a great suspicion towards the mother/custodial parent for manipulating their children, e.g. an alienated child who is strongly allied with the custodial parents, usually the mothers, is under manipulation

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Dominant discourse about parents of different gender (cont.)

- the presumption that competent, loving parents possess of sufficient objectivity to be able to make rational decisions in the interests of the child and will be able to cooperate with each other;
- conflicts in marriage should come to an end for rational parents;

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Research findings on parenting after divorce

relationships between parents and children are complex and nuanced

1. parenting patterns after divorce resembles much of those before divorce
 - in many cases, parents are marginally involved in the child's life before divorce
 - divorce is unrelated to changes in parenting behaviour, suggesting that there are more similarities than differences in parenting among divorced and continuously married parents (Strohschein, 2007)

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Research findings on parenting after divorce (cont.)

2. Inconclusive research findings regarding the effect of father's visitation to child's adjustment
 - research studies in the 1970s and 1980s found visiting by non-custodial fathers significant

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Research findings on parenting after divorce (cont.)

3. high conflicts of parents after divorce affect children much
 - McIntosh and Chisholm (2008)
 - Two variables that independently predicted poor mental health outcomes for children: high levels of ongoing inter-parental conflicts; and low levels of education by fathers
 - Where children were caught in the middle of radiating parental conflict, shared care was found to compound the risks of poor outcomes for children
 - McIntosh and colleagues (2007, 2008)
 - 5 variables best predicted poor mental health outcomes of children
 - the child was in the care of each parent for equal or near-equal time
 - there was a high level of inter-parental conflict
 - Substantially shared care arrangements placed psychological strain on the child
 - Special concerns particularly for young children (under 4 years of age; breastfeeding)

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Research findings on parenting after divorce (cont.)

4. problems of enforcement and sustainability after giving orders

- post-separation parenting arrangements are an on-going process, not just a one-off event
- most parental plans are not child's age specific making negotiation and decision making an ever process
- while the court may fine or punish the residential parent for not supporting the enforcement of contact order, there are no legal measures available at all for 'contact refusing' parents (in Swedish and many other laws)
- shared care often seems to shift down

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Research findings on parenting after divorce (cont.)

5. class differences in parenting after divorce
 - shared parenting mainly practiced by the well educated dual income, parents with primary school age children; similar to US research findings (Smyth and Weston, 2004)
 - co-parent mothers tended to be relatively financially secure
 - co-parent fathers tended to be single
 - both parents lived near to each other and appeared to have flexible work arrangements
 - had established shared parenting without any involvement with the legal systems

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Research findings on parenting after divorce (cont.)

7. exceptions for DV cases

- Lots of studies that have proved otherwise
 - The example of California
 - DV was determined through documentation in the file or through detection by the mediator
 - The court's screening form failed to signify DV in 14.7% of cases
 - Mediators failed to account for DV in 56.9% of cases
 - The mediator recommended primary physical custody for the father significantly more often in DV cases than in non-DV cases; as likely to recommend joint custody in DV as in non-DV cases; supervised visitation was recommended in 18.6% of cases (Johnson, et al., 2005)

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Research findings on parenting after divorce (cont.)

- Experience of Australia
 - exception to the requirement to attend FDR
 - non-application of the presumption of equal share parental responsibility
 - The presumption in favour of shared parental responsibility and child's right to meaningful involvement with each parent strengthened the tendency for DV not given adequate consideration
 - Widespread misunderstanding of the introduction of 'equal shared parenting' among family law system professionals
 - rate of shared care-time arrangements among parents with safety concerns no different to that among those without
 - Less emphasis is placed post-reform on the protection from harm principles; DV, coercive control in particular, was minimized
 - Allegations of DV not dealt with adequately in the legal system; also for screening of DV
 - Still a view of some legal professionals that allegations are tactical strategy to protect one's interests

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Gender and shared parental responsibilities

- The rhetoric of shared parental responsibilities joined with the 'new father' discourses
 - Men do not share because they are prevented from doing so: by structural obstacles
 - Employment
 - Residence/ custody
 - Women who are reluctant to share
 - The issue of male exclusion; the assumption that men would share more equally if they could
 - An imbalance in the rights between fathers and mothers in the regime of custody and access
 - The solution is the redistribution of rights provided by legislation → men's participation in children's lives will necessarily increase
 - The value of father-participation; crucial to the well being of children

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Gender processes in shared parental responsibilities after parental separation

- A study in Australia on the relationship between attitudes to parental responsibility and sharing practices (Lacroix, 2006)
 - a 50/50 time split may not translate into equal shared parental responsibility
 - sexual division of childcare labour persists
 - shared parental responsibility remains highly gendered
 - Inequalities is obscured in and through the practices and rhetoric of sharing
 - The tendency for mothers to provide the vast majority of care for children and for fathers to discontinue contact and/or support their children after separation

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Gender processes in shared parental responsibilities after parental separation (cont.)

- Lacroix, 2006 (cont.)
 - Mothers did not experience themselves as free from responsibility at any time
 - Doing 'in case' work; 'flexible', 'being there'
 - The 'rest with ' principle; taking on an extended responsibility for meeting any needs of the children when they were not with the father
 - The discourse of equality is not relevant
 - Women do not complain against the unequal division of work
 - A persistence of the 'breadwinner' theme
 - Women's sense of justified self-sacrifice (selflessness) for the well being of children

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Gender processes in shared parental responsibilities after parental separation (cont.)

- Lacroix, 2006 (cont.)
 - Gender played a significant role in the ways parental responsibility was experienced, negotiated and shared
 - Mothers being the primary carers prior to separation → mothers' participation was guaranteed
 - Fathers could choose not to continue to take responsibility at any time but not for mothers; parental responsibility is contingent on his choice
 - Mothers emphasized the perceived value to the children and to the father; fathers accounted for their own motivations
 - mothers viewed father-absence as damaging to the child; maintenance of arrangements as her rather than his responsibility

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Discussion

- gender is and remains a significant variable in determining how parental responsibility is experienced and shared after separation
- New normative expectations on motherhood: both responsible for childcare and for ensuring involvement of the father; mothers are more burdened by the consequences of the new norms than fathers do
- the presumption that mothers are not trustworthy and manipulative if the fathers are not involved
- the interest of women versus the “best interest” of children defined by maximum contact with the father

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Discussion (cont.)

- It has become taboo to emphasize women's issues when the interests of children are being addressed in the face of expectations that mothers should be selfless in relation to children
- the legitimacy of the psychological cost of women in custody considerations being undermined
- the issue of women's autonomy – the control on women and children by ex-partners through shared care arrangements; the ideology of motherhood/ 'new momism'

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Discussion (cont.)

- Special concerns on DV
 - that children are best served when they have access to both parents cannot be presumed
 - victims' welfare is also a top concern – adult/child only; adult and child
 - Treating children witnessing DV
 - reactions of victims are easily judged to be exaggerated, paranoid, even 'crazy'; concerns on ground to judge victims' fear of contacts after divorce as 'irrational' or manipulative
 - re-victimization after divorce
 - Women are very often endangered by visitation/contact arrangements
 - Violence may not end with a formal divorce
 - Violence after divorce is not recognized as a public but a private matter

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Discussion (cont.)

- norm of shared parenting after separation may be simply irrelevant for parents who did not share that role prior to separation; the relevance of pre-separation parenting patterns to post-separation possibilities
- only when a father experiences that responsibility as obligation rather than as desire, and on the same terms as mother, did equal sharing become practice
- that parents can cooperate and communicate, that is, quality of relationships between parents, is critical
- the legislation may probably under emphasizes the importance of the impact of adult conflict on children and over emphasizes the importance of time and responsibility

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Discussions (cont.)

- The normative power is even greater when there is a presumption and/or preference for shared parental responsibility in the legal system
- Abstract notions of child welfare should not form the basis of decisions but focus on the principle of actuality, the principle of care (Smart and Neale, 1999)
- the central relevancy of women's autonomy and safety

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