Equal Parenting Time: The Case for a Legal Presumption

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Abstract:

I review several sources of evidence bearing on the question of whether equal parenting time with both parents is in the best interests of children of divorce. First, the scientific evidence consists of correlational findings that meet four conditions necessary for a causal role of parenting time: A legal context that constrains the possibility of self-selection; a “dose-response” association between parenting time and father-child relationships; positive outcomes when parents disagree and courts impose more parenting time; and negative outcomes when relocations separate fathers and children. Second, the cultural evidence is that norms about parenting roles have changed in the last generation, and this is reflected in public endorsement of equal parenting time. Third, test-case evidence comes from the 2013 equal parenting law in Arizona, which has been evaluated positively by the state’s family law professionals. Finally, examples from recent Canadian case law show courts responding to the new cultural norms by crafting individualized equal parenting time orders over one parent’s objections even in cases of high parent conflict, accompanied by well-reasoned judicial opinions about how that is in children’s best interests. I conclude that the overall pattern of evidence indicates that legal presumptions of equal parenting time would help protect children’s emotional security with each of their divorced parents, and consequently would have a positive effect on public health in the form of reduced long-term stress-related mental and physical health problems among children of divorce.

Keywords

equal parenting time, parent conflict, divorced fathers, parent-child relationships, legal presumptions