

Prof. Dr. Anja Steinbach, University of Duisburg-Essen

Prof. Dr. Tobias Helms, University of Marburg

First results of the study „Family Models in Germany“ (FAMOD)

Background

After separation or divorce, parents must decide in which physical custody arrangement they want to raise their children. In Germany, sole physical custody (SPC) with a residential parent and a non-residential parent is still the predominant post-separation care arrangement, with the non-residential parent seeing the child every second weekend and during half of the holidays. Over the past years, joint physical custody (JPC) has emerged as a serious alternative to sole physical custody. In a joint physical custody arrangement, children spend a substantial amount of their time with both of their parents after family dissolution and commute regularly between the parental households. If the children live with both the mother and the father between 30% and 49% of the time, the physical custody arrangement is called asymmetric joint physical custody. However, if the children spend 50% of their time with each parent, researchers refer to it as a symmetric joint physical custody arrangement. Although the share of joint physical custody families is still comparatively low in Germany, with about 4% to 5% percent of all post-separation families practicing this type of care arrangement, there is some evidence that the prevalence of joint physical custody will increase in the near future.

From a legal point of view, there are no objections if parents opt for joint physical custody after separation or divorce. However, if the parents are unable to choose a physical custody arrangement and go to court over the physical custody of their children, there is often a dispute about whether the court should order a joint physical custody arrangement. A family court, though, can only order the parents to practice joint physical custody if this care arrangement is more beneficial to the children's well-being than a sole physical custody arrangement. While several international studies have investigated the relationship between joint physical custody and children's well-being, so far almost no knowledge exists for Germany.

Study: Family Models in Germany (FAMOD)

The interdisciplinary study „Family Models in Germany“ (FAMOD) was funded by the German Research Foundation (DFG) and lead by the principal investigators Prof. Dr. Anja Steinbach and Prof. Dr. Tobias Helms. Prof. Dr. Anja Steinbach is a family sociologist at the Department of Sociology at the University of Duisburg-Essen; Prof. Dr. Tobias Helms is a legal scholar at the Department of family law at the University of Marburg.

Between July 2019 and January 2020, a survey that included 1,233 post-separation families living in Germany who practiced either sole physical custody or joint physical custody was carried out. Standardized personal interviews were conducted with two groups of respondents: (1) the parent

with whom a selected child was registered and (2) a selected target child if this child was older than 7 years. Interviews were conducted by interviewers of KANTAR Public, Munich.

First empirical results of the FAMOD study

First statistical analyses of the collected data have revealed the following results:

(1) Children living in a joint physical custody arrangement fared either just as well as or even a little better than children living in a sole physical custody arrangement. However, advantages in terms of well-being were mostly limited to older children between seven and 14, while the well-being of children between the ages of two and six did not differ significantly among physical custody arrangements. Furthermore, it was primarily children living in an asymmetric joint physical custody arrangement who fared better than children living in sole physical custody arrangement, with no significant differences between children in symmetric joint physical custody and sole physical custody families.

(2) Moreover, the findings showed that the quality of the parent-child relationships was of great importance for children's well-being and that these relationships could explain the higher levels of child well-being either completely or at least partially. However, the FAMOD study could not comment on the question of causality: Does living in a joint physical custody arrangement increase the quality of parent-child relationships, or are parents who have good relationships with their children prior to separation or divorce more likely to opt for joint physical custody?

(3) High levels of interparental conflict had a more negative effect on children who lived in a symmetric joint physical custody arrangement than on children who lived in either an asymmetric joint physical custody or a sole physical custody arrangement. Furthermore, parental loyalty conflicts negatively affected the well-being of children. This effect was stronger for children in joint physical custody families than for their counterparts in sole physical custody families.

(4) The overall findings of this study corroborated the assumption that practicing joint physical custody is a viable option for parents who succeed in keeping their children out of interparental conflicts and who can maintain a certain level of cooperation. At the same time, this study did not find any evidence that children's well-being increases in relation to how equal parents divide the time they spend with their children after family dissolution. If levels of interparental conflicts are high, family courts will have to consider carefully whether practicing symmetric joint physical custody is the best arrangement for a given post-separation family.

(5) In sum, there is no reason to generally disapprove of joint physical custody. However, there is also no reason to treat joint physical custody as a "one-size-fits-all" model that benefits children even when levels of interparental conflicts are high.