



Critical Thinking and Commonsense of Shared Parenting

Commonsense Rule	Fact
Commonsense 101 The Intact Family Rule	If the behavior is not acceptable in an intact family (non-divorced), then why is it permitted in a divorced family.
Commonsense 102 Probate Presumption = Family Court Presumption	If in probate court there is a presumption of joint/shared custody related to guardianship, then it should also follow into family court for separating or divorcing parents. Otherwise, this is discrimination against separating/divorcing parents.
Commonsense 103 Secondary Education	If an intact family cannot be forced to pay for secondary college or child support for children, then it cannot be forced upon a separated/divorced family especially where shared parenting does not exist or the relationship between a parent and their children has been interfered with.
Commonsense 104 Child Support	\$1 dollar does not become \$2 in income just because parents separate or get divorced. We don't demand that intact families pay for their children, and in fact, give them assistance when they cannot afford it.
Commonsense 105 Minors Decision Making	If in an intact family, children are not just allowed to drop out of school, or violate the law or harm another or steal or disregard/disrespect a parent, then how are the courts giving children the ability to decide if and when they will see their parent. If children were allowed to make these kinds of momentous decisions with no consequences, they would be choosing to not go to school, to stay up all night and to be rude and arrogant to whomever they please.
Commonsense 106 Healthy Relationship	If prior to a separation and divorce, the children had a healthy relationship with their parent, then this should not have changed unless one parent is deliberately impeding with that relationship.
Commonsense 107 Age of Majority	If we do not allow children to vote until 18, then clearly, they do not have enough emotional or mental maturity to remove one parent and decide not to visit them.
Commonsense 108 Disagreements don't mean disowning	If every child who had a disagreement with a parent could disown them, no children would have parents
Commonsense 109 Children are not resilient	Children are not truly resilient, as their psychological and emotional development is not fully formed until age 25 and 35. How could they possibly make a decision to disregard court orders or to disown a parent.

Commonsense 110 Blocking a Relationship	If blocking a parent in a marriage from access to the children's medical or educational info is not allowed, then why should it be allowed in a divorce.
Commonsense 111 Child's Refusals	If a child is not allowed to refuse to go to school, refuse to go to a medical appointment, refuse to do their chores, refuse to be nice, refuse to spend time with one parent, then why are they allowed to violate court orders for visitation?
Commonsense 112 Family Conflicts	If a child is saying they hate the other parent and this was an intact family, the child and parent would be in specialized therapy to work through the issue.
Commonsense 113 Family Conflicts	If a Child Support receiving parent can retro-back on child support where financial information was false, then the same should qualify for a child support paying parent who has been overpaying.
Commonsense 114	Banning and claiming Parental alienation is not real or junk science because a small percentage did not respond positively is much like cancer treatment. It might work for the majority of the patients prescribed a particular type of treatment for their particular form of cancer. It does not mean that we throw out the diagnosis or it's treatment because a small percentage did not respond well. It does not mean that because a small percentage could not be helped with this treatment, that we toss out the diagnosis or ban the treatment and remove it from the medical books.

Annotated References

Reference	General Findings/Conclusions
Baude, A. et al. (2016). Child adjustment in joint physical custody versus sole custody: A meta-analytic review. <i>Journal of Divorce & Remarriage</i> . 57(5), 338-360.	This meta-analytic study found that “better adjustment for young people in joint custody was only significant for those who spent an equal or almost equal amount of time with their two parents.”
Bauserman, R. (2002) Child adjustment in joint-custody versus sole-custody arrangements: A meta-analytic review. <i>Journal of Family Psychology</i> , 16(1), 91–102.	A meta-analysis of 33 studies compared adjustment between children being raised in sole custody and children being raised in joint custody after divorce. Children were found to be better adjusted in areas of self-esteem, family relationships, divorce related adjustment, academic achievement, and emotional and behavioral adjustment, when raised by parents who shared legal and physical custody.
Bauserman, R. (2012). A meta-analysis of parental satisfaction, adjustment, and conflict in joint custody and sole custody following divorce. <i>Journal of Divorce & Remarriage</i> . 53(6), 464-488.	“[B]oth JC [joint physical custody] mothers and JC fathers report less conflict with their ex-spouse, and more emotional support and positive feelings in the relationship. Frequency of relitigation is also less in cases of JC (especially for specific types of actions, such as child support modification).
Emery, R. (2004). <i>The truth about children and divorce</i> . New York, NY: Viking.	While divorce is an adjustment for children, it does not necessarily cause lasting damage. It is a major stressor, but “pain is not pathology. Grief is not a mental disorder.”
Fabricius, W. (2003) Listening to children of divorce: New findings that diverge from Wallerstein, Lewis, and Blakeslee, <i>Family Relations</i> 52(4), 385-396	College students preferred equal time with parents after divorce. They reported better adult relationships with parents, feeling more supported by their parents, and receiving more college support from parents when they had equal parenting time arrangements after divorce.
Fabricius, W. & Hall, J. A. (2005). Young adults’ perspectives on divorce living arrangements. <i>Family Court Review</i> , 38(4), 446–461.	820 college students provided their perspectives on the parents’ divorce. The majority wished they had been able to spend more time with their fathers while growing up. Their perspective was that their fathers wanted more time, but their mothers did not want them to have more time.
Fabricius, W. et al. (2018). What happens when there is presumptive 50/50 parenting time? An Evaluation of Arizona’s New Child Custody Statute. <i>Journal of Divorce & Remarriage</i> . 59(5), 414-428.	Four years after Arizona enacted its shared parenting legislation, research showed that “the law functions as a rebuttable presumption of equal parenting time; that it is evaluated positively overall in terms of children’s best interests” by “conciliation court staff, judges, mental health professionals, and attorneys” and that it “has a neutral impact on legal and interpersonal conflict.”
Fabricius, W. (2020). Equal parenting time: The case for a legal presumption. <i>The Oxford Handbook of Children and the Law</i> (pp. 453-476). Oxford University Press.	“[T]he 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.”
Fernández-Kranz, D. et al. (2020). Bargaining under threats: The effect of joint custody laws on intimate partner violence.	Researchers in Spain found that presumptions of equal shared parenting led to almost a 50% decrease in IPV among divorcing parents and to a significant reduction in female homicides by intimate partners.
Kloth-Zanard, Joan. 2022. Commonsense 101, article on family values that should proceed in divorce.	Review of 35 years of work with DV and Families who are dealing with high conflict custody situations and the family courts. This article shows a straight line between what goes on in an intact family, and how it should not change just because the parents are not getting along.
Kruk, E. (2013). <i>The Equal Parenting Presumption</i> . Montreal, Quebec: McGill-Queens University Press.	Kruk addresses many of the myths concerning equal shared parenting, including its benefits to children in a wide variety of circumstances and its effect on parental conflict/cooperation.
Nielsen, L. (2017). Re- examining the research on parental conflict, coparenting, and custody arrangements. <i>Psychology, Public Policy, and Law</i> , 23, 211–231.	This article addresses four questions: (1) How much consideration should be given to co-parenting conflict when determining parenting time, (2) Do children have better outcomes when their divorced parents have low levels of conflict, (3) are children’s outcomes worsened by parents taking their divorces to court, and (4) are children’s outcomes better in sole-physical custody situations if the parents are conflicted and uncooperative?
Nielsen, L. (2018). Joint versus sole physical custody: Children’s outcomes independent of parent–child relationships, income, and conflict in 60 Studies, <i>Journal of Divorce & Remarriage</i> . 59(4) 247-281.	This article reviews the outcomes for children in joint physical custody (JPC) compared to those in sole physical custody (SPC) controlling for income, coparenting conflict, and quality of the parent-child relationship. Regardless of income, conflict, or the quality of children’s relationships with their parents, JPC generally children had better outcomes on most or on all measures.