

# SHARED RESIDENCE AFTER SEPARATION: A REVIEW AND NEW FINDINGS FROM THE NETHERLANDS\*

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In 2009 the Dutch legislator introduced a law that sought to encourage shared residence. We summarize key findings on shared residence from prior work in the Netherlands, and present new data. Previous research showed that shared residence has increased steadily in recent decades. Our recent estimates revealed that shared residence increased from nearly 20% in 2008 (prereform) to 28% in 2010 (postreform). Official court data showed a decline again to a little over 20% in 2013. We also found shared residence to be less a stable arrangement than mother or father residence. Consistent with earlier studies, parents with shared residence were found to be well-resourced parents with little conflict and few personal problems. These parents were also more likely to maintain this arrangement, but the instability of shared residence also appeared to be related to practical circumstances and to children's needs. Earlier findings on the consequences of shared residence for child and parent well-being were mixed, but suggest positive effects.

Key Points for the Family Court Community:

- Shared residence in the Netherlands has increased steadily in recent decades, with a temporary upsurge shortly after a major law reform promoting shared residence.
- Shared residence appears to be less stable than mother or father residence.
- Parents who opt for shared residence at separation and maintain this arrangement are mainly a select group of well-resourced parents who report little conflict and few personal problems.
- A change from shared to sole residence also tends to be related to practical circumstances and children's needs.
- Evidence from Dutch studies on the consequences of shared residence for child and parent well-being is mixed, but suggests positive effects.
- Legislating for shared residence in the Netherlands appears to have only been partly successful in promoting shared residence.

**Keywords:** *Divorce; Joint Custody; Legislative Reform; Shared Parenting; and Shared Residence.*

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## I. INTRODUCTION

Rising divorce rates from the late 1960s onward prompted the Dutch legislature to change laws regarding divorce in the early 1970s. Reforms were meant to make divorce easier by relaxing the grounds on which spouses were granted a divorce, resulting in the introduction of no-fault divorce on October 1, 1971. Two decades later, divorce laws changed again. This time, changing gender roles, in particular, the increase in fathers' involvement in childrearing, drove law reform. On November 2, 1995, a first step was taken toward promoting shared parenting and strengthening the father's legal position after divorce: divorcing parents could request joint legal custody instead of the default of sole (maternal) custody (Staatsblad, 1995). But the request had to be joint, meaning that one of the parents (often the mother) could easily deny the other parent access to parental authority by refusing a request by the other parent (Nikolina, 2015). On January 1, 1998, joint legal custody was introduced (Staatsblad, 1997); divorcing parents by default continued to share parental authority and responsibilities over their children. Sole legal custody became the exception and was only granted if the child was drawn into a conflict or suffered from a lack of parental communication and cooperation (Nikolina, 2015).

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The legislative reforms in the 1990s concerned legal custody and the parent with physical custody (mostly mothers) could still limit the other parent's access to the children (Antokolskaia, 2011). On March 1, 2009, a new law came into force that went a step further by promoting joint physical custody (Staatsblad, 2008). Besides strengthening the father's postdivorce position, concern about the potentially harmful effects of divorce on children was another important reason for the law reform (Nikolina, 2015; Westphal, 2015). A central element of the Promotion of Continued Parenting and Proper Divorce Act was that a child whose parents have joint legal custody "has the right to equal care and upbringing by both parents" (Staatsblad, 2008, literal translation).<sup>1</sup> Equal involvement by both parents was assumed to be in the children's best interests. The law is silent about how exactly to interpret "the right to equal care," and this led to initial uncertainty in legal practice. A ruling of the Dutch Supreme Court in 2010, however, made clear that the law does not prescribe a shared-residence arrangement (i.e., joint physical custody) in which children spent about an equal amount of time at each parent's home (Antokolskaia, 2011; Nikolina, 2015). So, contrary to what is often believed, the 2009 reform encourages rather than prescribes equal-time arrangements (Nikolina, 2015).

In this article, we describe empirical evidence about shared residence—defined as equal-time arrangements—in the Netherlands. We address four questions: (a) Has the prevalence or incidence of shared residence changed over time, especially after 2009? (b) How stable is shared residence, and do dependent children go with their mother or father if shared residence changes? (c) Who opts for shared residence, and who is most likely to change to sole residence at a later moment? and (d) What are the consequences of shared residence for the child and parent well-being? The remainder of this article is in two parts. We first summarize key Dutch findings from previous research on these questions. We then present new data to obtain a more comprehensive and contemporary image of shared residence in the Netherlands.

## II. PREVIOUS STUDIES OF SHARED RESIDENCE

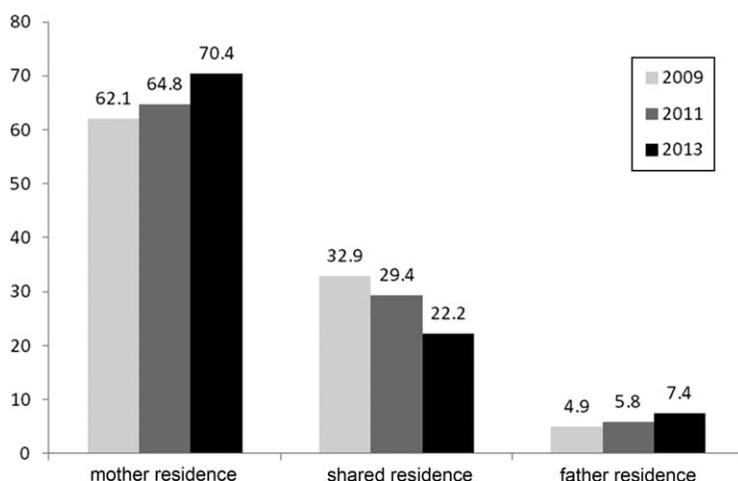
### A. INCIDENCE OF SHARED RESIDENCE

Trend data on the prevalence or incidence of shared residence are not readily available in the Netherlands. However, comparisons between cohorts and between older and recent studies point to an increase in shared residence over the past decades. Data from 1998 show that shared residence rose from less than 1% for cohorts divorced prior to 1980 to almost 5% for cohorts divorcing from 1980 to 1998. Mother residence was by far the most common in the 1980s and early 1990s (Kalmijn & De Graaf, 2000).

In more recent years, however, a steady increase in shared residence has occurred. According to data from Statistics Netherlands, shared residence increased from about 15% for cohorts divorcing before 1999 to 20% for those divorcing between 2000 and 2007 (CBS, 2009). Other studies using data from the early to late 2000s show similar rates of shared residence, ranging from 15 to 22% (Bakker & Mulder, 2013; De Graaf, 2005; Kalmijn, 2016; Spruijt & Duindam, 2009).<sup>2</sup>

There are less than a handful of studies pertaining to the years after the legislative amendments of 2009 encouraging shared residence. Data from 2013 show that two thirds (66%) of adolescents reported living primarily with their mother, 7% reported living primarily with their father, and just over one quarter (27%) reported being in a shared-residence arrangement (Spruijt & Kormos, 2014). Note that these data include parental divorces and separations that occurred both before and after the 2009 law reform, masking the impact of the reform.

Official statistics from Statistics Netherlands provide figures about the incidence of shared residence in the years following the 2009 reform. In Figure 1, we present these estimates derived from court data for the period 2009 to 2013. The figure depicts children's main residence arrangement according to the divorce decree. The incidence of shared residence stipulated in divorce decrees was highest in 2009 (the year of the law reform), with one third of divorcing parents opting for shared



**Figure 1** Children's main residence in divorce decrees from 2009 to 2013 (in %).

*Notes.* Father residence can also refer to oldest partner and mother residence can refer to the youngest partner (e.g., same-sex couples); Shared residence also includes the category "other"; The figures refer to formal relationships (marriage or registered partnership) and exclude informal ones, as cohabiters do not have to go through a court procedure.

*Source:* CBS (2014).

residence at the time of divorce. By 2013 (i.e., 4 years later), this percentage had declined to 22%. Unfortunately, data referring to earlier or later time points are not available. Care is needed in interpreting the patterns in Figure 1 because it can take several years for changes to bed down.

## B. CORRELATES OF SHARED RESIDENCE

If shared residence is not prescribed by law—as is the case in the Netherlands—parents opting for this arrangement may be a select group. A preference for shared residence might, for instance, depend on parents' financial resources because equal or near-equal care of children can be expensive in terms of housing (Bakker & Mulder, 2013). Practical issues related to parents' employment might also be important because both parents need to be home to spend time with the children (Bakker & Mulder, 2013). Furthermore, an egalitarian division of childrearing tasks prior to separation or gender-egalitarian attitudes might increase parents' preference for shared residence (see, e.g., Juby, Le Bourdais, & Marcil-Gratton, 2005; Kalmijn & De Graaf, 2000). Because shared residence can be demanding in terms of coordination and cooperation, high-functioning parents who get along may be more likely to choose shared residence than parents in high conflict.

So, who opts for shared residence? Findings are scattered across several studies in the Netherlands. An important limitation of most studies is that they examine associations between background characteristics and shared residence at a single point in time: typically, at the time of the survey. This cross-sectional approach not only makes it difficult to make causal inferences but also to disentangle whether background characteristics affect the choice of initial residence arrangement (i.e., at the time of divorce or separation) or whether these characteristics are related to changes in residence arrangements at a later point in time.

Notwithstanding these important methodological limitations,<sup>3</sup> the overall picture arising from the scattered Dutch findings is that shared residence tends to be the preserve of parents with high levels of education (Bakker & Mulder, 2013; Spruijt & Duindam, 2009), high incomes (Bakker & Mulder, 2013), progressive and gender-egalitarian attitudes (Kalmijn & De Graaf, 2000), low levels of

conflict (Spruijt & Duindam, 2009; Spruijt & Kormos, 2014), few personal problems, no history of illness of the mother (Kalmijn & De Graaf, 2000), and a more egalitarian division of paid and unpaid labor (Bakker & Mulder, 2013; Kalmijn & De Graaf, 2000).

Certain social-demographic features also seem to be characteristic of shared-residence families. Specifically, shared residence has been found to be more common among native Dutch families (Spruijt & Duindam, 2009); families with boys; older children, particularly in their early teens (Kalmijn & De Graaf, 2000; Spruijt & Duindam, 2009; Spruijt & Kormos, 2014); and large families (Kalmijn & De Graaf, 2000). Mothers with shared residence are more often repartnered, whereas the reverse holds for fathers (Bakker & Mulder, 2013; Kalmijn & De Graaf, 2000); and former partners live relatively close to each other (Bakker & Mulder, 2013).

### C. SHARED RESIDENCE: CHILD AND PARENT WELL-BEING

An important rationale for the 2009 law reform was that continuing involvement by both parents is assumed to be in children's best interests. In shared residence, the loss of contact with either parent is minimized, and children continue to have access to the support and resources of both parents (Amato, 1993). This assumption has, however, been criticized. Because children are likely to alternate between two homes more frequently or experience a longer absence from each parent, shared residence can be associated with instability, and this may be harmful to children, especially young children (Fehlberg, Smyth, Maclean, & Roberts, 2011; Harris-Short, 2010). Furthermore, children run a greater risk of being exposed to parental conflict, suggesting that shared residence is especially harmful in the presence of enduring high levels of parental conflict (Harris-Short, 2010; Kalmijn, 2016).

Dutch evidence about variations in child well-being across residence arrangements is limited and mixed.<sup>4</sup> Small-scale studies that only include few cases with shared residence have found no significant (Spruijt & Duindam, 2009; Spruijt & Kormos, 2014) or a limited beneficial effect of shared residence on child well-being—only for boys and bordering at the 5% significance level (Kalmijn, 2016).

A recent large-scale study by Westphal (2015) found that children in shared residence had significantly higher well-being than children in sole (maternal or paternal) residence. This study also showed that it is important to take the selectivity of parents who opt for shared residence into account. Parents' background characteristics (e.g., their higher educational levels) and the lower amount of postseparation conflict in shared residence families explain a substantial part of the beneficial effect of shared residence. Children's well-being, however, remains higher in cases of shared residence, once selection and conflict is controlled. The presumed harmful effect of the instability believed to be associated with shared residence does not find support: the number of monthly transitions between parents' homes had the opposite (i.e., positive) effect on child well-being and shared residence is not found to be particularly harmful to young children (Westphal, 2015). The conflict argument is also not supported: shared residence was not found to be particularly harmful to children in cases where parents reported high conflict (Kalmijn, 2016; Westphal, 2015).<sup>5</sup>

While Dutch policy remains silent about any presumed effects on parents, findings about the consequences of shared residence for parent well-being are scarce in the Netherlands. Apart from the possibility that selectivity underpins the tendency for shared-residence parents to report higher well-being than other parents, shared residence may combine the best of two worlds: it may enable parents to enjoy their children and have a good relationship with them, while at the same time enjoy the benefits of having more time to spend on other activities than parenting (Botterman, Sodermans, & Matthijs, 2014). Dutch evidence is mixed on this. Two small-scale and methodologically less-advanced studies found no significantly higher well-being among parents with shared residence (Spruijt & Duindam, 2009; Spruijt & Kormos, 2014). A larger-scale study, however, found that mothers and fathers with shared residence reported higher levels of life satisfaction than other parents—especially nonresident parents (Van der Heijden, Gähler, & Härkönen, 2015).

Another study examined the time pressure experienced by parents. Although time pressure is related to well-being, it particularly refers to the demands of parenting instead of its joys. Mothers with shared residence experienced less time pressure than sole-resident mothers, whereas shared-residence fathers experienced somewhat more time pressure than nonresident fathers (Van der Heijden, Poortman, & Van der Lippe, 2016).

### III. NEW FINDINGS

Below we present new findings from a recent data set: New Families in the Netherlands (NFN; Poortman, Van der Lippe, & Boele-Woelki, 2014). NFN is an internet survey conducted in 2012–2013 among parents with minor children who officially divorced (if married) or started living apart (if cohabiting) in the year after the 2009 law reform (i.e., 2010) or in the year before the reform (i.e., 2008). Details about the study can be found in the Appendix.

We first present figures illustrating changes surrounding the law reform and figures on the stability of shared residence. As our summary of previous research showed, comparable data from before and after the 2009 reform have thus far not been available. Furthermore, we do not know how enduring shared residence is.

Next, we present the results of an analysis where we relate a range of background characteristics to the likelihood of shared versus sole residence. Unlike previous research, we look at the initial residence arrangement at the time of separation and relate these to pre-separation characteristics. Our analysis also includes far more parents with a shared-residence arrangement than previous research in the Netherlands.

In the final part of this section, we analyze changes in residence arrangements in the 2 years following parental divorce or separation. The question, “Which parents are most likely to change from shared to sole residence?” has thus far not been addressed in previous Dutch research.

#### A. SHARED RESIDENCE: TRENDS AND STABILITY

In Table 1, we present pre- and post-reform incidence estimates of children’s residence arrangements at the time of the divorce or separation (see top panel of Table 1). These central point estimates show the trend in shared residence around the time of the law reform.

A comparison of residence arrangements at the time of divorce shows that the incidence of shared residence among formerly married parents increased by 45%: from nearly 20% in 2008 (prereform) to 28% in 2010 (postreform) at the cost of sole residence arrangements. At both time points, mother residence was most popular (75% and 68%, respectively), whereas father residence is relatively uncommon (5% and 4%, respectively). Furthermore, shared residence is slightly more common among formerly married parents than among formerly cohabiting parents (28% versus 24%, respectively).

Table 1 also shows the estimates for children’s residence arrangement 2 or 5 years after the divorce or separation (lower panels, Table 1). On average, 19% of parents who divorced in 2008 reported shared residence 5 years later. For the postreform sample, 23% of formerly married parents and 21% of formerly cohabiting parents reported shared residence 2 years since the divorce or separation. A comparison of these estimates with those at the time of divorce or separation suggests that some parents changed from shared to sole residence, especially in the postreform sample. The percentages in Table 1 are, however, group averages and do not reveal change at the individual level.

Table 2 shows change over time for individual children in the 2010 sample by cross-tabulating the child’s main residence at the time of separation with those 2 years later. To prevent (nearly) empty cells, formerly married and formerly cohabiting parents are combined.

There is a fair degree of stability across all three groups, with between 80 and 97% of children in the original parenting arrangement on divorce/separation still in that arrangement 2 years later. That

**Table 1**

Children’s Residence Arrangements at Different Time Points and Durations Since the Divorce or Separation

<i>Residence arrangements</i>	<i>Formerly married, divorced in 2008</i>	<i>Formerly married, divorced in 2010</i>	<i>Cohabiting, separated in 2010</i>
<i>At time of divorce/separation</i>			
Mother	75.2	67.6	73.7
Shared	19.5	28.3	23.9
Father	5.3	4.1	2.3
<i>N</i>	484	1734	857
<i>Two years since divorce/separation</i>			
Mother	–	69.8	76.3
Shared	–	23.4	20.9
Father	–	6.8	2.8
<i>N</i>		1774	921
<i>Five years since divorce/separation</i>			
Mother	71.4	–	–
Shared	19.3	–	–
Father	9.3	–	–
<i>N</i>	473		

Note. Data are weighted; Unit of analysis is the household.

said, shared residence appears to be the least stable arrangement of the three postseparation arrangements: 20% of children with a shared-residence arrangement at the time of divorce or separation changed their main residence 2 years later, mostly to mother residence (15%). Stability is higher for sole residence. In particular, mother residence is stable with 97% of children remaining in this arrangement in the first years after separation. The percentage of stable father residence is also higher than for shared residence (86% versus 80%).

**B. CORRELATES OF SHARED RESIDENCE AND ITS STABILITY**

To explore the characteristics of families who initially opt for shared residence at the time of divorce or separation, we examine the associations between residence arrangements and pre-separation characteristics of the (a) child, (b) parents, and (c) parental relationship (Table 3). We control for reporting differences by respondent gender.

**Table 2**

Change in Children’s Residence Arrangements in the First 2 Years Following Divorce or Separation

<i>Residence two years later</i>	<i>Residence at the time of divorce/separation</i>		
	<i>Mother</i>	<i>Shared</i>	<i>Father</i>
Mother	1730 96.6%	103 14.9%	9 10.0%
Shared	39 2.2%	552 80.1%	4 4.4%
Father	21 1.2%	34 4.9%	77 85.6%
Total	1790 100.0%	689 100.0%	90 100.0%

Note. Data are weighted; unit of analysis is the household.

**Table 3**

Multinomial Logistic Regression of Residence Arrangements on Preseparation Child, Parent, and Relationship Characteristics: Unstandardized Coefficients

	<i>Shared vs mother residence</i>	<i>Father vs mother residence</i>	<i>Father vs shared residence</i>
<i>Child characteristics (preseparation)</i>			
Age child at divorce/separation	.054**	.255**	.201**
Child is boy	-.057	-.054	.003
Number of problem domains child	-.006	-.006	.000
Number of children	.102	.188	.086
<i>Parent characteristics (preseparation)</i>			
Mother education	.093**	-.224**	-.316**
Father education	.114**	.155*	.041
Mother working hours	.024**	.019~	-.005
Father working hours	-.002	-.006	-.005
Mother work commute distance	-.000	.009	.010
Father work commute distance	-.005*	-.007	-.002
Gross household income (in 1000)	.001	.001	.000
Father's contribution to child care	.828**	1.057**	.229
Number of problem domains parents	-.120~	.179	.298*
<i>Relationship characteristics (preseparation)</i>			
Parental conflict	-.140*	-.108	.033
Conflict during procedure	-.175**	.110	.285*
Registered partnership (vs married)	.063	.079	.016
Cohabitation (vs married)	-.019 <sup>a</sup>	.334 <sup>a</sup>	.352 <sup>a</sup>
<i>Controls</i>			
Respondent is woman	.403**	.146	-.257
<i>LR Chi2</i>	490**	490**	490**
<i>N</i>	2,478	2,478	2,478

\*\* $p < .01$ ; \*  $p < .05$ ;  $p < .10$  (two tailed).<sup>a</sup>Difference between cohabitation and registered partnership is not significant.

Note. Unit of analysis is the household.

The child's gender and the number of children bear no relation with the choice of residence arrangement. The same holds for the extent to which children experienced multiple problems. However, the child's age matters. Shared and, in particular, father residence are more likely than mother residence when the child was older at the time of divorce or separation.<sup>6</sup> Young children are thus most likely to live with the mother, which might be explained by the view that children in the tender years need physical care.

Parental characteristics also matter. Shared residence is most common among highly educated parents. A higher education of the mother in particular is associated with a higher likelihood of shared residence as compared to sole residence; father residence is particularly unlikely in cases where the mother is highly educated. Mother residence, on the other hand, is particularly unlikely in cases where the father is highly educated. The popularity of shared residence among highly educated parents is likely due to their more egalitarian gender-role attitudes. Although greater financial resources might also explain the role of education, as shared residence is expensive, income effects are not statistically significant. Time restrictions matter as well. The more hours the mother worked prior to separation, the more likely shared residence (and to some extent, father residence) is compared to mother residence. Mothers who work many hours probably have less time for childrearing and thus choose to share childrearing tasks with the father. The father's working hours are not associated with residence arrangements, but the likelihood of shared residence vis-à-vis mother residence is lower if the father works farther away from home. Shared residence not only requires fathers to be home

more often than when the child lives with the mother, but it can also require considerable coordination and flexibility, and this may be particularly difficult when commuting times are long. The greater the father's preseparation contribution to childrearing, the greater his postseparation contribution in the form of either shared or father residence. In cases of high father involvement prior to separation, parents or the judge may be more inclined to opt for shared or father residence to ensure continuity for children.

Preseparation parental problems (e.g., psychological problems, substance abuse, violence) decrease chances of shared versus sole residence. Families in which one (or both) parent(s) has personal problems may be less able to meet its high demands in terms of coordination and flexibility, or one parent may have serious concerns about the other parent's parenting capacity.

In addition, the amount of parental conflict preseparation, particularly during the settlement, is negatively associated with shared residence. Parents who reported little conflict more often opt for shared than sole residence, which is not surprising because these parents may be more willing and able to share childrearing after separation. We see no significant differences between former marriages or legal or informal cohabitations.

Because shared residence appeared to be the least enduring arrangement, we go on to examine which characteristics of the child, of the parents, and of the relationship are related to the instability of shared residence (Table 4). Besides preseparation characteristics, we also include some postseparation characteristics in the analysis: whether the mother or the father lived with a new partner, postseparation conflict levels, and the distance between the homes of the ex-partners.<sup>7</sup> The analysis models whether or not parents who initially opted for shared residence at the time of divorce or separation have changed to sole residence in the following 2 years. Numbers are too low to distinguish between sole mother and father residence.

Table 4 shows that a change from shared to sole residence is more likely at younger and older ages, with the lowest likelihood of such a change when the child was about 7 years old at the time of divorce or separation. The reason for this U-shaped relationship between the child's age and the instability of shared residence may be that shared residence may turn out to be too demanding when a child is very young, whereas an older child may no longer want to alternate between two homes in the longer run and is better able to articulate this. Furthermore, when one of the children experienced multiple problems prior to separation, a change from shared to sole residence is more likely. Stability may be considered to be best for these children. A more pessimistic interpretation is that one of the parents and/or the child might withdraw from the relationship in case the child has problems, as has been found for nonresident fathers and their adolescent children (Hawkins, Amato, & King, 2007).

Higher-educated parents who initially opted for shared residence are less likely than lower-educated parents to change this arrangement in the following 2 years. The father's, but not the mother's, employment situation is also predictive of change. When the father had a long work commute prior to separation, the likelihood of changing to a sole-residence arrangement is higher, probably because long commutes are hard to combine with an equal-time arrangement. The father's working hours are negatively related to the likelihood of changing the child's main residence. Further analyses show that this negative association can be attributed to unemployed fathers: fathers who did not work prior to separation are more likely to change from shared to sole residence than working fathers, suggesting that as soon as these fathers find a job, residence arrangements are adjusted to facilitate his employment. Fathers who were more involved in childrearing prior to separation are found to less often change to sole residence, though the estimate is only significant at the 10% level. Preseparation relationship characteristics are not related to instability.

Finally, in cases where the father co-resides with a new partner, a change from shared to sole residence is more likely than in cases where the father lives alone. By contrast, the mother's repartnering is not related to a change in residence arrangements. Not surprisingly, parents engaging in a lot of conflict and parents who live farther away from each other are more likely to have changed from

**Table 4**

Logistic Regression of Likelihood of Change from Shared to Sole Residence on Pre- and Postseparation Characteristics: Unstandardized Coefficients

	<i>Change from shared to sole residence vs stable shared residence</i>
<i>Child characteristics (preseparation)</i>	
Age child at divorce/separation	-.241*
Age child squared	.018**
Boy	-.227
Number problem domains child	.278*
Number of children	-.073
<i>Parent characteristics (preseparation)</i>	
Mother education	-.139*
Father education	-.121*
Mother working hours	.007
Father working hours	-.020*
Mother work commute distance	.001
Father work commute distance	.008*
Gross household income (in 1000)	-.003
Father's contribution to child care	-.320~
Number of problem domains parents	.194
<i>Relationship characteristics (preseparation)</i>	
Parental conflict (preseparation)	.193
Conflict during procedure	-.116
Registered partnership (vs married)	.006
Cohabitation (vs married)	.044 <sup>a</sup>
<i>Postseparation characteristics</i>	
Re-partnering mother	-.056
Repartnering father	.615*
Parental conflict (postseparation)	.456**
Distance parents' homes	.065**
<i>Controls</i>	
Respondent is woman	-.311
<i>LR Chi2</i>	155**
<i>N</i>	741

\*\* $p < .01$ ; \* $p < .05$ ;  $p < .10$  (two tailed).

<sup>a</sup>Difference between cohabitation and registered partnership is not significant.

Note: Unit of analysis is the household.

shared to sole residence. In these cases, shared residence may be difficult because of its high demands in terms of cooperation and coordination.

#### IV. DISCUSSION AND CONCLUSION

After legislating joint legal custody in the late 1990s, the Netherlands went a step further. Since March 1, 2009, Dutch children have the right to equal care from both parents. It was initially uncertain how to interpret this right, but it turned out that the law was meant to promote—rather than prescribe—shared residence (Antokolskaia, 2011). Besides promoting shared residence, the law sought to mitigate the adverse consequences of divorce for children as shared residence was presumed to be in children's best interests (Nikolina, 2015). In the present article, we summarized key Dutch findings and presented new evidence about shared residence that shed light on how successful the 2009 law reform has been in promoting shared residence. The earlier and new empirical evidence lead to four main conclusions.

First, shared residence has increased markedly over time in the Netherlands, from less than 1% for cohorts divorcing before 1980 to about 20% of divorcing parents in the first decade of the 21st century. There appears to have been only a temporary upsurge in shared residence following the 2009 law reform. Whereas almost 30% of parents opted for shared residence in the first 2 years after the reform, this percentage reverted to just over 20% in 2013. More recent estimates of shared residence are needed, however, to be more definitive about this apparent trend.

Second, shared residence appears to be the least enduring of the three most common residence arrangements. For parents who divorced just after the law reform, we found that a fifth of parents who opted for shared residence at the time of divorce or separation changed to a sole, mostly mother, residence in the following 2 years—a finding that is in line with studies from other countries, though the sparse evidence is mixed (Berger, Brown, Joung, Melli, & Wimer 2008; Smyth & Moloney, 2008).

Third, Dutch parents who opt for shared residence appear to be a selective group. Consistent with prior work, we found parents who chose shared residence at the time of divorce or separation differed from other parents in that they, particularly mothers, tend to be highly educated and reported lower levels of parental conflict pre-separation and few parental problems. Although practical considerations in relation to parents' employment situation pre-separation also played a role, shared-residence parents tended to be well-resourced parents. These parents are likely to be both more willing and able to meet the high demands of shared residence in terms of coordination, flexibility, and cooperation.

Well-educated parents and those with little conflict were at the same time found to be least likely to change from shared to sole residence—again suggesting that these parents are more willing and able to make shared residence work. Practical factors making it hard to make shared residence work also appeared to be predictive of a change in shared residence. For instance, longer work commutes of fathers, a greater distance between former partners, or children being in their preschool years were related to a change from shared to sole residence. Parents also seem to change residence arrangements in response to children's (changing) wants and needs, as residential transitions were found to be more common when children were older or when children experienced multiple problems.

Fourth, shared residence does not appear to be harmful for children or parents. Our summary of previous studies showed that Dutch evidence is limited and mixed but in any case did not support the pessimistic view of the critics who point at the possibly harmful instability that comes with shared residence and the greater exposure to parental conflict. Shared residence was found to be unrelated or positively related to child or parental well-being, and no harmful effects were found for younger children or in cases of high parental conflict. It is noteworthy that the selectivity of shared-residence parents in terms of their resources and conflict levels explained a large part of the beneficial effects on children.

The current state of Dutch research suggests that the 2009 law reform was only partly successful in promoting shared residence. Although more research is needed before definitive conclusions can be drawn, the rise in shared residence just after the reform seems to have been a temporary upsurge. Furthermore, shared residence was found to be relatively less stable than a mother or father residence. A short-lived upsurge in shared residence following law reforms has been noted elsewhere (see, e.g., Smyth, Chisholm, Rodgers, & Son, 2014, in the Australian context) and fits well with the legislative ambiguity that initially surrounded the law. This ambiguity may have led parents, legal practitioners, and judges to more often settle for shared residence, than they otherwise might have done pre-reform. For that same reason, shared residence may have been particularly unstable. Some instability may thus be specific for this group of parents who broke up just after the law reform, when there was still uncertainty about how to interpret the law. To be sure, more research over a longer time period is needed regarding the stability of shared residence in the Netherlands.

It also remains to be seen whether the Dutch legislature's more general objective of mitigating the harmful consequences of divorce by stimulating shared residence is met. This is a more complex question to test empirically. To recap: the Dutch law encourages shared residence. Hence, the group of parents opting for shared residence turned out to be selective in terms of their resources, conflict

levels, and other problems. This selectivity may partly explain why some Dutch research finds positive outcomes for children and parents related to shared residence. Although the most advanced studies control for many selectivity factors and still find that children in shared residence do better, selectivity cannot be ruled out: some selectivity factors are not controlled for or the groups differ so much that statistical techniques can hardly correct for these differences. Selectivity raises the question not only of whether shared residence actually has beneficial effects on children but also whether positive effects continue to exist if the Dutch legislature were to prescribe shared residence. For parents with fewer resources or more conflict it may be much harder to make shared residence work (which the stability analysis infers), attenuating the beneficial effects that continuing involvement of both parents may have on children (Fehlberg et al., 2011; McIntosh & Chisholm, 2008).

One of the surprising features of the legislative push for shared residence in the Netherlands is the sparse evidence base available to drive policy debate and legislative drafting. As our review showed, there are relatively few empirical studies on shared residence in the Netherlands. Although there is a rapidly growing evidence base from around the world about the benefits and risks to children of equal-time arrangements, the Dutch evidence is far from clear to offer guidance to practitioners for whether a shared-time arrangement is likely to work well for particular children or families. More research is needed about the conditions under which shared residence serves child well-being in the Dutch context. There is nonetheless an emerging international consensus that a number of child, parent, and co-parental factors warrant close attention when shared residence is under consideration (see, e.g., Pruett, Deutsch, & Drozd, 2016). These factors include parents' resources, the parental alliance, logistical issues (e.g., distance between homes, work routines, etc.), and the needs and preferences of children of different ages.

Our findings on the stability of shared residence also hint at the importance of reevaluating children's residence arrangements in the years following separation. Parents' work and family circumstances can change, as can—and often do—children's needs and preferences; shared residence may thus not be the best option for some children and parents in the longer run. More research in the Netherlands is required to determine the associations between stability and child well-being to improve understanding of the benefits and risks associated with changes in a child's living arrangements.

## NOTES

\* NFN data was collected by Utrecht University in collaboration with Statistics Netherlands (CBS) and was funded by grant 480-10-015 from the Medium Investments Fund of the Netherlands Organization for Scientific Research and by Utrecht University. We thank Bruce Smyth for his comments and suggestions on earlier versions of this article.

1. Other elements of the law were that (a) parents were obliged to draw up a parenting plan (i.e., binding agreement about how parents will exercise their parental responsibilities) and (b) people were no longer allowed to go through a flash annulment procedure to avoid having to go to court. These two aspects of the law, in particular the mandatory parenting plan, sought to promote a more careful divorce with less potential for (later) conflict.

2. Rates may vary depending on the period in which data was gathered and on the research design with respect to: (a) whether reports from parents or children are used, (b) the measure for shared parenting, (c) the average age of children in the sample, (d) the average duration since divorce in the sample, and (e) which divorce cohorts are covered.

3. Other limitations are that all studies have small numbers of parents with shared or father residence arrangement. Father residence is sometimes excluded (Bakker & Mulder, 2013) or combined with shared residence (Kalmijn & De Graaf, 2000). In addition, some analyses include only a few background characteristics at once (Spruijt & Duindam, 2009; Spruijt & Kormos, 2014), leaving results merely descriptive. Finally, information is often available for only one of the partners. Analyses are thus split by gender without controlling for the other parent's characteristics (Kalmijn & De Graaf, 2000; Bakker & Mulder, 2013).

4. These studies have some limitations. Most studies include only a few cases with shared residence (Kalmijn, 2016; Spruijt & Duindam, 2009; Spruijt & Kormos, 2014) and some exclude father residence (Kalmijn, 2016). Furthermore, some studies include few controls when analyzing the effect of shared residence on child well-being (Spruijt & Duindam, 2009; Spruijt & Kormos, 2014), so that the likely selectivity of shared-residence families may partly explain the findings. Comparisons are difficult because studies vary in the outcomes that are studied. Furthermore, some studies gathered data among parents (Westphal, 2015) and others among adolescents (Kalmijn, 2016; Spruijt & Duindam, 2009; Spruijt & Kormos, 2014).

5. Kalmijn's study (2016) includes few cases with shared residence, which may explain why his findings are not statistically significant—even though the estimates suggest that shared residence is less beneficial for boys in cases of high conflict.

Westphal's (2015) study includes more cases with shared residence but finds that father residence—not shared residence—is particularly harmful in cases of high conflict. She suggests, however, that her findings may be due to the small number of shared-residence parents with high conflict in the sample.

6. We also included a squared term for the child's age to check for nonlinear relationships. Only for the likelihood of father vis-à-vis shared residence, the quadratic term was statistically significant at the 5% level (with the nonquadratic term being not significant), indicating that the chance of father residence becomes increasingly higher the older the child.

7. Causality may be a problem for postseparation characteristics, especially for the repartnering and distance variables. For instance, long distances between parental homes may prompt parents to change from shared to sole residence or such a change enables either parent to move over greater distances.

8. Although only parents who officially divorced or separated in 2010 according to the registers of Statistics Netherlands were sampled, parents also reported other dates in the survey. The year 2010 was, however, by far the most common answer. The same applies to the control group for 2008.

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## APPENDIX

NFN is an online survey held in 2012–2013. Statistics Netherlands sampled parents of minor children who officially divorced or separated from a cohabiting union in 2010 (i.e., 1 year postreform). This was the main sample. In addition, a control group of parents who officially divorced in 2008 (i.e., 1 year prereform) was sampled (this group only includes formerly married parents). Both parents from a former household were approached to participate. The response rate for the main sample was 39% on the person level and 58% on the household level. For the control group of parents who divorced before the law reform, the response rates are, respectively, 44% and 65%. In total, NFN includes 4,481 parents in the main sample and 792 in the control group. Both samples were not entirely representative of the population, and weights were constructed to adjust for selectivity.

We selected parents who reported they divorced or stopped living together in the period 2010–2012 for the main sample (i.e., just after the law reform).<sup>8</sup> Similarly, for the pre-reform control group, we selected parents who officially divorced in 2006–2008 according to parents' reports (i.e., just before the law reform). We randomly selected one of the parents in case both parents participated. Also, we only include cases with valid information. The number of cases therefore varies across analyses depending on the precise variables being analyzed. Measures in the analyses are as follows:

*Residence arrangements.* Parents reported about a focal child. This child was selected in such a way that the child's age centered around the age of 8 years old at the time of the divorce/separation. Parents were asked about the focal child's main residence at (i) the time of divorce/separation, and (ii) the time of the survey. Specifically, parents reported with whom the child lived most of the time: with me, with the ex-partner, with both an equal amount of time, or other. We excluded the other category and constructed a gender-specific measure. The answer "with both an equal amount of time" was coded as "shared residence."

*Number of children* refers to the children respondents had or adopted with the ex-partner.

*Child's age at the time of separation* is the age of the focal child at the time of official divorce (if married/registered partnership with ex-partner) or the time of living apart (if cohabiting).

*Boy* indicates whether the focal child was a boy (coded as 1) or a girl (coded as 0).

*Child problems* refers to whether one of the respondents' children experienced the following before parents split up: (i) physical problems (e.g., handicap, attention deficit–hyperactivity disorder); (ii) behavioral problems (e.g., aggressive behavior, skipping classes, stealing); or (iii) social or psychological problems (e.g., being bullied, depression). We counted the number of problem domains.

*Mother education* captures the mother's highest obtained level of education, ranging from 1 (elementary school not finished) to 10 (postgraduate education, e.g., notary, physician, Ph.D.).

*Father education* likewise captures the father's highest obtained level of education using the same response scale.

*Mother working hours* refers to the mother's contractual number of weekly working hours in the last year before the parents split up. In case the mother did not work, 0 hours were assigned, and working hours of over 100 were set to 100 to avoid too much leverage by these extremes.

*Father working hours* is measured in the same way as mother's working hours.

*Mother work commute distance* refers to the number of minutes it took the mother to travel from home to work (one way) in the last year before the parents decided to split up. In case the mother did not work, 0 minutes were assigned, and high values (over 500 minutes) were set to 500 to avoid too much leverage by these extremes.

*Father work commute distance* is measured in the same as mother's commute time.

*Gross household income (in 1,000s)* is the gross yearly household income in the year before the official divorce or before they started living apart, divided by 1,000.

For *father's preseparation contribution to child care*, respondents indicated who did most (1 = respondent much more often than ex-partner to 5 = ex-partner, much more often than respondent) of the following childrearing tasks during the relationship with the ex-partner: changing diapers; washing, bathing child; taking child to bed; playing games at home, crafting; talking with the child about what is on his/her mind; and outings with the child such as the playground, zoo, cinema, and so on. We made these items gender specific in the direction of the share of the father in childrearing and created a scale by taking the mean.

For *parental preseparation problems*, respondents indicated if they or their ex-partner had one of the following problems during the relationship: (i) serious physical illness, handicap; (ii) serious psychological problems; (iii) violence, drug or alcohol addiction; and (iv) in contact with the police (except traffic offenses). We counted the number of problem domains.

For *preseparation conflict*, respondents indicated how often the following things happened between them and their ex-partner in the last year prior to separation: that there were tensions or disagreements; there were heated discussions; either partner made strong accusations; they did not want to talk to each other for a while; and arguments got out of hand. Answering categories ranged from 1 (*not*) to 4 (*often*). We created a scale by taking the mean.

*Conflict during procedure* refers to whether there were many conflicts about the things that had to be settled at the time of divorce/separation: 1 = *no conflicts* to 4 = *many conflicts*.

*Union status* refers to whether the former relationship was a marriage, registered partnership, or cohabitation. Dummies were created.

*Respondent was a woman* is coded 1 if the respondent was a woman and 0 otherwise.

*Repartnering mother* refers to whether the mother co-resided with a new partner at the time of the survey (1 = *yes*).

*Repartnering father* is measured in the same way as mother's repartnering.

*Distance between ex-partners* refers to the number of minutes it takes to travel between the ex-partners' homes (one way) at the time of the survey.

*Postdivorce conflict* refers to conflict at the time of the survey: 1 = *almost never* to 4 = *very often*.

Descriptive statistics of the variables are available upon request.

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