

Shared parenting legislation 'not in the interests of children'

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Academics have analyzed the proposed legislation in light of research evidence on shared parenting

Proposed legislation to introduce and enforce a presumption of shared parenting time for separating couples is not in the interests of children, according to a briefing paper published by the Department of Social Policy and Intervention at the University of Oxford.

The term 'shared parenting' has no legal status but generally refers to a child spending an equal amount of time with each parent. Two Private

Members' Bills currently before Parliament seek to introduce and enforce a default position that children should spend a substantial amount of time with both parents in the event of separation. The Shared Parenting Orders Bill is currently scheduled for a second reading on 17 June.

With funding from the Nuffield Foundation, academics from the University of Oxford and Australia have analysed the proposed legislation in light of research evidence on shared parenting, with particular reference to Australia, which introduced similar legislation in 2006. They conclude:

*Introducing a default presumption that children should spend a substantial amount of time with both parents would overturn the provision in the Children Act 1989 that the welfare of the child should be paramount in deciding contact issues.

*There is no empirical evidence that increasing the amount of time spent with a non-resident parent improves outcomes for children. It is the quality of the relationship between parents and between parents and children, as well as practical resources such as housing and income that are important for children's well-being, not equal or near equal parenting time.

Shared parenting works best when separated parents are co-operative and flexible. However, cases that end up in court are often characterised by conflict between parents and concerns about child welfare. Therefore the cases subject to shared parenting legislation will be those in which shared parenting is least likely to be successful.

*Evidence from Australia, which has introduced similar changes, shows frequent misunderstanding of the legislation; an increased focus on fathers' rights over children's best interests; and an increased reluctance

from mothers to disclose violence and abuse. Indeed it has been so problematic that additional legislation has been presented to the Australian Parliament to deal with the safety issues.

*The [legislation](#) would primarily affect the small minority of separating parents (10%) who seek a decision on contact from the family court. However, there could be consequences for all children of separating parents, as parents often reach agreements in the 'shadow of the law', as advised by solicitors.

Mavis Maclean, joint Director of the Oxford Centre for Family Law and Policy and one of the briefing paper's authors said: "Children benefit from a meaningful relationship with both parents, but there is no evidence for legislating to prioritise shared parenting time over any other parenting arrangement. Instead, we should identify ways to assist separated [parents](#) to think carefully about arrangements that will best serve their [children](#)'s needs, and to put those above their own views."

Provided by Oxford University

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