

Craig Tuttle, MBA
310 South Indian Rd., Scott City, KS 67871
785-673-6127, cyplainsdrifter@yahoo.com
January 30, 2018

Testimony to the Kansas State Senate Judiciary Committee

SB 257 Creating a presumption of child's equal time with parents during court determinations of legal custody, residency or parenting time.

This is a Letter in Support to this bill SB257

Mr. Chairman, Members of the Committee, thank you for the opportunity to speak with you today. I am a Kansas resident, born in Quinter, KS. I am an entrepreneur in the software industry, and a farmer in Scott and Gove Counties. Education is Agronomy, KSU 1986, and Masters of Business, Texas A&M 1988.

Shared Parenting has worked in our family for seven (7) years – our situation at the beginning was ultra-high conflict. My wife did what is called Parental Child Abduction before we ever even talked about divorce. In 2011, my toddler daughter and six year old son were abducted from Scott County, Kansas, with the help of SRS and others – all eventually unsubstantiated claims. The 25th District Court made an Order that allowed me to engage the Missing Children's Department to find the children. The only explanation was "to protect the children". The children were found after 14 days, and the stage was set for what most would think would be a long custody trial, and probably a child abduction trial.

But, we didn't have a custody divorce trial or an abduction trial! At pre-trial all it took was for my attorney to stand up at pre-trial and say, "your honor, my client is willing to agree to joint physical custody..." [Shared Parenting]. The other side, paused for about three seconds and exclaimed, "Yes your honor, we would agree to that". And so it was. And to this day, neither parent has actually filed a Motion for more parenting time. Why did this happen in the way it did? Cooperating parents? No! Forgiveness? Probably not! Well....

The key point was this: the kids' Mom and I knew that if we could get Shared Parenting, we neither one would needlessly spend money going to trial and risk being the non-custody parent. My attorney let me know that our judge often ordered parents to have Shared Parenting, and thus we didn't try fighting in Court for more time. Our family is lucky and blessed we had a good judge. Little did we know how much our children would appreciate this fact. My son recently said, "Pa, I just want to see both my Mom and you" in response to their Mom recently moving east about six hours, so now we lost our Shared Parenting situation, but the kids are still at their usual home in Scott City.

Problem: There is old-style, out-dated thinking [look at the opposition in this Hearing] that are very vocal and in opposition due to more reasons than they might admit. Thus, just because a few judges stand up for the goodness of Shared Parenting, that is not enough. Not all Judges

consider Shared Parenting as a starting point like ours did. Thus, there is a big hole that parents fall into called “Residential Parent” and “Non-Residential Parent”.

Solution: Create the environment like our divorce pre-trial where the parents know and understand that first and foremost the Court will promote Shared Parenting. And the Court may change this presumption of Shared Parenting only if they are convinced by strong evidence of factors in statute that give the Court the authority to change to a different parenting time arrangement.

New Research in Support of Shared Parenting

After studying several old and recent studies of divorced families, I see over-whelming evidence that Shared Parenting is the right thing for children. I will focus on this meta-study of 60 studies of divorced families. Note: This is a compilation of the study in a format for your ease of reading and small enough to include with my testimony. I studied this meta-study myself and created my own “short version” comments in outline form myself, except for the conclusion is taken word-for-word from the study.

“Joint versus sole physical custody: Outcomes for children Independent of family income or parental conflict”, Adolescent & Educational Psychology, Wake Forest University, Winston Salem, North Carolina, USA January, 2018

First Meta-study to address these two questions

- (1) Are Joint Physical Custody outcomes for children significantly better or worse than Single Physical Custody outcomes?
- (2) If JPC has better outcomes, can this be due to parents having higher incomes or less conflict?

Other meta-studies [did not do a very good job]

- (a) Included only 5 of 39, 17 of 42 studies. Thus not all available data
- (b) Excluded the majority of studies where JPC children had better outcomes
- (c) Reported data incorrectly from several studies in ways that support the claim that JPC children have worse outcomes than SPC children
- (d) Concluding that, based on empirical data, JPC poses more risks and harm

General Conclusions for the 60 studies in this meta-study

- (a) In 34 studies, JPC children had better outcomes on all measures of well-being
- (b) In 14 studies they had better outcomes on some measures and equal outcomes on others
- (c) In 6 studies, there were no significant differences between the two groups on any measures
- (d) In 6 studies, JPC children had worse outcomes on one measure, but equal or better outcomes on all other measures

Notable conclusions

- (a) JPC was linked to having better relationships with their parents, stepparents, and grandparents in 24 of 25 studies that assessed family relationships
- (b) In 4 studies of grandparents, JPC had better relationships with grandparents

People are especially concerned about these 6 Negative outcomes of JPC [negligible almost]

- Only 6 of 60 studies had worse outcomes for JPC than SPC, and in those 6, only on one measure of “well-being” is lower with JPC. See these 6 studies below:
- (1) A study (of the 60), media has misrepresented that Toddlers have less attachment to their Mothers and “problems behaviors” to their mothers and less persistent at tasks, etc. Key point: None of these were significantly different than children in married households, thus the extra focus and attention to them was unwarranted.
 - (2) A study looked at boys in JPC. Key point: Eight, or 16% of the JPC boys with father “sometimes” didn’t get along with peers,” compared to 32, or 8% of JPC boys living with their mothers. In contrast, JPC girls were four times less likely than SPC girls to “sometimes not get along” with peers.
 - (3) A study shows that “highly conscientious” adolescents with need to plan ahead and be organized “dissatisfied with their lives” than SPC. However, the “least conscientious” adolescents were less depressed in JPC. The study did not report how many “highly conscientious” adolescents there were in the study – based on their comments there must have been very few, “We observed very few changes in the effect sizes of the control variable by entering the personality variables.
 - (4) A study showed JPC teens were more depressed and dissatisfied than SPC teens when they had bad relationships with their fathers. In high conflict families, 8 years after divorce, girls were more depressed in JPC, on the other hand, in these families boys were less depressed in JPC. Overall, the relationship with both parents mattered more than the custody arrangement, OR parental conflict.
 - (5) A study, of SPC and JPC adolescents in high conflict families, children outcomes again depended on the quality of their relationships with their fathers. When children had good relationships with their fathers, there was no difference between JPC and SPC in high conflict families. This suggests that it is not the level of parental conflict that matters, but the quality of children’s relationships with their parents.
 - (6) One study stands apart from the other 59 due to the children (0-5) living in impoverished, inner city, minority families where only 20% of the parents had been married/lived together. On the other 13 measures of well-being, there were no significant differences linked to how often the children overnights with their father. Only one measured, the five-year-old JPC children had better outcomes in terms of having better social behavior than the SPC children.

JPC versus SPC Conflict and co-parenting

- (a) In 14 of the 19 studies that addressed if JPC parents have substantially less conflict/more cooperative parenting; the results varied so that conflict and cooperation are not likely to account for JPC’s children’s better outcomes.
- (b) Are the JPC parents a unique group who agree to their plan “voluntarily” and without being “forced” to agree to share? The 7 studies that specifically addressed this, the answer is “No”. The percent of parents opposed to JPC were 30% to 80%. Even so, JPC children had better outcomes.
- (c) In 19 studies, of conflict, JPC children had better outcomes in all measures in 9 studies, equal or better in 5, equal in 2 studies, and worse outcomes on one (1) measure in 3 studies.

JPC and SPC outcomes independent of family income

- (a) Question is whether JPC children have better outcomes because their parents are wealthier than SPC parents. Note: older studies that show JPC parents are wealthier without comparing children's outcomes, cannot conclude that income accounts for better outcomes
- (b) In 18 of 25 studies, children's outcomes were better on all measures, equal to better in 4 studies, equal in one study, worse outcome on one measure in 2 studies that showed equal or better in all other measures
- (c) 2 studies show that higher family income, may, in fact, be disadvantageous to the children and that other factors – such as quality of the parent-child relationship may matter more than income

JPC and SPC with Educated parents

- (a) Swedish study, show children more stressed and anxious with well-educated and wealthier parents
- (b) French study, SPC children were also just as likely as JPC children to be caught in the middle of their parents' arguments. Money did not buy happiness in the sense that wealthier children were not more protected from their parents' conflicts.

JPC and SPC – Income and Conflict by Buchannan et al

- (a) Neither conflict nor income can be held accountable in any simplistic way for the better outcomes of JPC children.

Conclusion

As the studies summarized in this article demonstrate, JPC is linked to better outcomes than SPC for children, independent of family income or the level of conflict between parents. This is not to say that children do not benefit in any way from living in higher income families or from having parents with low conflict, cooperative co-parenting relationships. What these studies do mean is that the better outcomes for JPC children should not be attributed to higher family incomes or to low conflict between their parents. Moreover, all 30 studies that assessed children's relationships with their parents and other relatives found better outcomes for the JPC children. Given this, it is highly likely that family income and parental conflict are less closely linked to children's well-being than the quality of their relationships with their parents, stepparents, and grandparents. As researchers continue to explore the factors that might explain children's better outcomes in JPC families, it is clear that shared parenting families are on the rise and that children are benefitting from this new family form.

Reference(s)

Linda Nielsen (2018): Joint versus sole physical custody: Outcomes for children independent of family income or parental conflict, *Journal of Child Custody*, DOI: 10.1080/15379418.2017.1422414