

DOCUMENT RESUME

ED 225 078

CG 016-426

**AUTHOR** Lowery, Carol R.  
**TITLE** Child Custody in Divorce: How Parents Decide.  
**SPONS AGENCY** National Science Foundation, Washington, D.C.  
**PUB DATE** Aug 82  
**NOTE** 36p.; Paper presented at the Annual Convention of the American Psychological Association (90th, Washington, DC, August 23-27, 1982).  
**PUB TYPE** Reports - Research/Technical (143) -- Speeches/Conference Papers (150)

**EDRS PRICE** MF01/PC02 Plus Postage.  
**DESCRIPTORS** Adjustment (to Environment); Child Welfare; \*Decision Making; \*Divorce; \*Evaluation Criteria; \*Family Problems; Family Structure; \*Parent Attitudes; Parent Child Relationship; \*Parents  
**IDENTIFIERS** \*Child Custody

**ABSTRACT**  
 One of the most important (and frequently most difficult) decisions faced by divorcing parents is determining who will have custody of their children. To investigate parental beliefs about the standards used in deciding custody, 12 sets of parents completed a questionnaire and were interviewed. Results showed considerable agreement with the standards reported by judges in a previous study. Parents were generally in agreement with each other about the criteria that should be used and how those criteria should be applied to their particular situation. The parents emphasized avoiding a court battle over custody and listed the other parent as the person with whom they had discussed custody. The preliminary indications also suggest a tendency for educational workshops and mediation to be rated as more helpful than arbitration and professional evaluation. (Author/JAC)

\*\*\*\*\*  
 \* Reproductions supplied by EDRS are the best that can be made \*  
 \* from the original document. \*  
 \*\*\*\*\*

ED2-25078

**Child Custody in Divorce:**

**How Parents Decide**

**Carol R. Lowery**

**University of Kentucky**

U.S. DEPARTMENT OF EDUCATION  
NATIONAL INSTITUTE OF EDUCATION  
EDUCATIONAL RESOURCES INFORMATION  
CENTER (ERIC)

This document has been reproduced as  
received from the person or organization  
originating it.

Minor changes have been made to improve  
reproduction quality.

• Points of view or opinions stated in this docu-  
ment do not necessarily represent official NIE  
position or policy

"PERMISSION TO REPRODUCE THIS  
MATERIAL HAS BEEN GRANTED BY

*Carol R. Lowery*

TO THE EDUCATIONAL RESOURCES  
INFORMATION CENTER (ERIC)."

Paper presented at the annual meeting of the American Psychological Association,  
Washington, D.C., August, 1982.

The research on which this paper is based was funded, in part, by the National  
Science Foundation.

CG 016426

Child Custody in Divorce: A Preliminary  
Report on Parents' Decisions

Divorce is an increasingly frequent part of the lives of American families. Recent estimates indicate that about 40% of new marriages will end in divorce and that about 45% of today's children will spend some part of their first 18 years in a single-parent household (Bureau of the Census, 1979). One of the most important (and frequently most difficult) decisions faced by divorcing parents is determining who will have custody of their children. Although a variety of arrangements are possible (e.g., joint custody, divided custody, and split custody), one parent having full custody of all the children from the marriage, with the other parent having visitation rights, is by far the most frequent arrangement (Lewis, 1978; Moore & Davenport, 1979).

Research on children's adjustment following a divorce suggests that the choice of custodial parent may be important to children's subsequent adjustment. Hess and Camara (1979) looked at children ages 9 to 11 in intact families and in families two years after the parents' divorce. They found that parent-child relationships were a more important influence on children's functioning than parent-parent relationships in three out of four areas: peer relationship, work effectiveness in school, and aggression. Parent-parent discord was more important only in accounting for symptoms of stress in the children. [The authors also found that marital status (divorced vs. intact) was less important than any of the relationship variables (parent-child and parent-parent.)]

Hetherington, Cox and Cox (1978) followed a group of preschool children for two years after the divorce of their parents. Using multiple measures of emotional, social, cognitive, and sex-role development, they found that characteristics of the custodial parent and of the custodial parent-child relationship showed a much stronger influence on the child's adjustment in almost every area than did characteristics of the noncustodial parent or of his relationship with the child. The noncustodial parent continued to have an impact after two years only in the area of sex-role development.

Although frequent and continuing contact with the noncustodial parent is preferred and subjectively important to most children (Kelly & Wallerstein, 1977; Moore & Davenport, 1979; Rosen, 1977), the literature suggests that, as long as single-parent custody is the norm, priority should be given to selecting the parent who can best serve the developmental needs of the child. In the estimated 90% of divorce cases in which custody is not contested (Lewis, 1978), this decision is made by the parents themselves with little supervision or inquiry by the court (Lowery, 1979). At present, parents seldom receive any assistance or outside input in making their decision from either mental health professionals (an estimated 16%) or their attorneys (an estimated 13%) (Marschall & Gatz, 1975).

The only study to date which has examined the process by which parents make their decision about custody was a survey conducted by Marschall and Gatz (1975). They asked divorced members of Parents Without Partners to

note the importance of "fifteen traditional custody criteria" (p. 52) in determining the decision about the custody of their children. All subjects had decided custody by agreement with their spouse. The median time since their divorce was three years.

The investigation found that parents organized their decisions around five dimensions, in the following order of importance: continuity in the children's social and physical environment; keeping young children with their mother; the children's social-emotional ties; the moral character of each parent; and each parent's ability to supervise and provide for the children. The authors noted that the order of importance for these factors was related to whether the father or mother had received custody. Their subjects also reported that, with the benefit of hindsight, they would have given greater priority to the child's wishes and less importance to parental morals and the maternal preference with young children.

Although the Marschall and Gatz survey represents a preliminary basis for understanding parents' decisions about custody, it suffers from several major limitations. First, the survey questionnaire format imposed constraints on the parents' responses. The parents were limited to the 15 criteria listed. The investigators did not specify how they derived these items and they reported no procedures which would support the claim that these items were exhaustive in tapping all major aspects of the parents' decisions.

A second major drawback of the survey is the retrospective nature of the data. The authors did not report the range of time since the divorce

for their sample but the median time of three years suggests that the range was substantial. The exact nature and degree of distortion in describing a decision that was made months or years previous is unknown but is likely to be considerable. Their own data, with obtained differences between custodial and noncustodial parents on what was described as a consensual decision, suggests that significant and systematic distortions may occur. Unfortunately, the nature of the data precludes any conclusion about whether the obtained differences represent original differences in perception at the time of the decision between custodial and noncustodial parents or differences that evolved with their experience in the roles of full- and part-time parents.

A third and related problem with the survey is the limited sample. Although the subjects represented a cross-section of the population in geographic location, education, and socioeconomic status, fathers were somewhat underrepresented (37%) and the small number of mothers who did not have custody of their children (8) threatens the reliability of some of the statistical analyses. But the major limitation of the sample is that only one of the participants in a two-person decision was sampled. Although subjects reported that custody had been decided in agreement with their ex-spouse, the nature of the "agreement" is unknown. Given that irreconcilable differences in the marriage provides the context for the custody decision, it is naive to assume that the nature of the agreement is either homogenous for the entire sample or unrelated to subjects' perceptions of the decision. It would be necessary to sample

both partners in the decision in order to examine parental differences that occur as a function of the degree of consensus that is involved in reaching an "agreement" about custody.

The purpose of the present study is to examine thoroughly the process by which parents decide on custody of their children in a divorce. Although the right to make that decision theoretically resides in the court (United States Supreme Court, 1962), practically speaking, it remains with the parents in the absence of unusual interest on the part of the court or public complaint by a family member (Lewis, 1978; Lowery, 1979; Marschall & Gatz, 1975). At present, it is unclear how well parents make that decision, using criteria that approximate reasonable guidelines for determining the best interests of the child.

There is considerable discussion of the use of mediation or counseling as a substitute for the adversary process of the courts (Fuller, 1971; Gardner, 1976; Marschall & Gatz, 1975). It has been argued that the adversary process contributes to hostility and conflict between the spouses, making it more difficult for them to cooperate in the parenting relationship which continues after the marital relationship is dissolved. A nonadversary process for deciding custody may make it less likely that the children will be caught up in or used as pawns in property, maintenance, or other disputes stemming from the dissolution of the marriage (Tessman, 1978). However, a body of legal precedent (Marschall & Gatz, 1975) protects the parents' right to oversee the rearing of their children. Existing data suggests that parents themselves would probably not favor outside influence in the

decision process (Moore and Davenport, 1979). Before the court or child-advocates press for a change in the formal structure of custody decisions, a better understanding of how parents currently make that decision and their attitudes about what alternatives would facilitate that decision is necessary. Until the current process has been investigated empirically (beyond anecdotal reports of both the legal and mental health professionals' experiences with difficult cases), any change in the decision process may produce as many problems as it was intended to resolve.

#### Method

The present paper presents the results from an initial pilot sample of 12 couples. Potential subjects were identified from court records in a circuit serving a combined urban-county area of about 220,000, with an annual divorce rate of 7.15 divorce per 1,000 population. Out of 75 cases involving children during a two month period, the first 12 couples where both parties agreed to be in the study were selected.

The attorneys of potential couples were contacted by phone and given a brief explanation of the study. If the attorneys had no objections, each parent was contacted by phone or letter. Once both members of the couple agreed to participate, each parent was scheduled for an individual interview.

The procedure resulted in considerable attrition. With 23% of the potential sample, one or both parties had moved beyond a 60-mile radius of the jurisdiction. For 20% of the potential sample, the attorney for one

\* party expressed objections to his/her client's participation. Of the 14% who could not both be reached by phone and letters were sent to one or both parties, all the individuals either did not respond or returned a postcard indicating they did not want to participate. For 12% of the potential sample, there was no accurate locating information available from the court file or from the phone directory. Attrition from these sources, which prevented phone contact with subjects, totaled to 69% of the potential sample of couples.

Approximately one-third (31%) of the potential couples showed both parties to be accessible by phone. Relative to the total potential sample, another 8% had at least one of the two parties refuse to participate. Another 4% had reconciled, 2% had had their final hearing, and 3% were dropped due to excessive delay (over 120 days since the filing date of the petition) in securing the consent of the second member of the couple. Thus, 16% of the total potential sample of couples participated in the study.

The interview session with the final sample of 12 couples consisted of two components: an open-ended interview and two self-report questionnaires. The two components were counterbalanced to control for order effects across the two components.

Interview. The interview collected the following information from each parent: age, education, occupation, number and ages of children from this marriage and any other relationship, length of marriage, time and context of the decision about custody, and degree of consensus with the

ex-spouse about that decision. The interviewer then asked the parent to specify each criterion used in deciding custody, to describe how important it was, and whether that criterion favored the subject or the other parent to have custody. The interviewer continued with each criterion offered by the subject until the subject was unable to think of anything else that influenced the custody decision.

Each interview was tape-recorded. Subsequently, parents' reports were reviewed by the researchers and submitted to content analysis. Each factor identified by a parent was categorized as the same as one of the existing items on the Custody Decision Form or as a new item. The parent's description of the importance of each factor was coded on a three-category ordinal scale (mildly important, moderately important, very important). The parent's description of the factor's favorability was coded on a three-category nominal scale (favors father, favors neither, favors mother).

The interview responses of the initial sample of 12 couples were used to determine the adequacy of the Custody Decision Form (CDF). Items that occurred with greater than 5% frequency in the interview that were not on the Custody Decision Form were used to generate new items for the CDF for use with the subjects to be included in the major part of the project. This step corrects for a major limitation of previous research: correlational data analyses can yield markedly different results depending on whether or not measures of all relevant variables are included in the analyses (Hinkle, Wiersma, & Jurs, 1979).

In addition, the interviews from the first 12 families were coded by both researchers in order to establish adequate interrater reliability.

Questionnaires. Each parent was asked to fill out two versions (B & C) of the Custody Decision Form (CDF). Forms B and C represent modifications of the questionnaire developed by Lowery (1981; Note 1) to survey judges and clinicians on the criteria used in deciding custody. On Form C, parents were asked to rate 26 legal and psychological criteria on their importance for deciding custody. On Form B, the parents were asked to rate both themselves and the other parent on whether each criterion was favorable or unfavorable to their receiving custody. The items on Form B were identical to those on Form C, except that the two items on biological relationship were combined into one and the maternal preference item was eliminated as biased toward mothers.

Finally, each parent was given a copy of the Alternatives to Court Questionnaire. This instrument asked subjects to report the kinds of people (e.g., relatives, friends, professionals) with whom they discussed custody, what aspects of it were discussed, and what advice they received. The second part of the questionnaire offered a description of four divorce-related services (educational workshop, mediation, arbitration, and professional evaluation) and asked subjects to indicate how helpful they thought each would be and whether they would have been interested in using the service. Subjects were asked to fill out and return this questionnaire after their final hearing.

Results

The pilot sample of 12 couples showed the following characteristics. The average age of subjects was 34.7 (mothers: 34.5, fathers: 34.9). The average length of their marriage was 11 years (mode: 7 years). Although the court records showed that, on the average, couples had been separated 131 days before filing, the couples reported an average separation period of 222 days before filing. For all of the couples, the separation prior to filing for divorce was the first time in the marriage that the couple had separated. In 50% of the cases, the wife had filed the petition; in 33%, the husband had; and in 17% of the cases, the couple had filed a joint petition. None of the couples reported that either custody or any other aspect of the divorce was being contested at the time of the interview. On the average, subjects were interviewed 102 days after the petition was filed (mode: 42 days).

The average number of children per couple was 1.83, with a mean age of 6.86. Half of the children involved were boys, half were girls. All were living in the marital residence at the time of the separation.

Four of the subjects had had one prior marriage but none of these had children from the prior marriage.

The couples reflected a relatively high socioeconomic level. The average education for subjects was 16.5 years, with no significant difference between mothers and fathers. Although couples reported an average joint annual income of \$28,900 prior to separating, mothers reported a significantly lower individual annual income (\$9,708) than fathers (\$23,750) at the time of

the interview ( $t = 2.20, p < .02$ ). This pattern was virtually identical to that obtained with individual income during the six months prior to separating. At the time of the interview, fathers reported working significantly more hours per week outside the home ( $\bar{X} = 40.1$  hrs.) than mothers ( $\bar{X} = 24.0$  hrs.) ( $t = 2.31, p < .02$ ).

Forty-six percent of the subjects reported that custody was decided before or at the time they separated; 50% indicated the decision was made during the process of filing the petition; only 4% reported that the decision was made after filing. Fifty-four percent reported they were in complete agreement with their spouse regarding custody; 46% reported that the decision was less than consensual. Three of the couples agreed to and were awarded joint custody; one couple agreed to joint custody but it was disallowed by the court, with custody awarded to the mother; in the remaining eight cases, the mother received custody by agreement of the parties.

#### Interview Data

Subjects' responses to questions asking them to describe the factors they had considered and which of the two parents each factor favored to have custody were coded independently by two raters. A judgment was made as to which item from the CDF-C corresponded to the factor mentioned; that item number was assigned to the factor unless the factor was judged to be a new consideration, something not listed on the CDF. The raters showed 60% agreement in the classification of factors. The subjects' report of which parent the factor favored was coded using a three category system:

favors mother, favors father, favors both parents equally. The agreement between the raters on the coding of favorability was 85%.

The frequency with which the various considerations were mentioned by parents is shown in Table 1. Although a number of idiosyncratic considerations were mentioned by individual subjects, one factor mentioned by several subjects that was not on the CDF was a reluctance to get involved in a legal battle over custody. There did not appear to be any differences in the total number of considerations mentioned by a subject or in the number of considerations reported that corresponded to items on the CDF as a function of whether the subject was interviewed before or after filling out the questionnaires ( $t = 1.11, p < .10$ ;  $t = .57, p < .10$ ). On the average, subjects reported 4.88 criteria as influencing their opinion of what would be best for the children.

Across the considerations mentioned by subjects, 67% were described as specifically favoring the mother, 21% as favoring both parents equally, and only 12% as favoring the father to have custody within the respective couples.

#### Questionnaire Data

The Custody Decision Form - C asks subjects to rate the importance of 26 potential considerations in a custody decision. Subjects' responses were submitted to a multivariate analysis of variance (MANOVA); using sex of subject as a between-subjects variable. The analysis showed no significant effects for sex of subjects on the items. Subsequent analyses used the data combined across mothers and fathers. A within-subjects analysis of variance showed a significant difference among item ratings ( $F(25, 375) = 15.44, p < .001$ ). Post-hoc mean comparisons using the Bonferroni  $t$  statistic showed

a critical difference of 1.93; that is, any two items that show a difference of at least 1.93 points can be considered as having been rated differently. The mean importance rating assigned each item is presented in Table 1.

The second questionnaire (CDF-B) asked subjects to rate the extent to which each of the items from Form C favored the mother and favored the father in their case to have custody. That is, each subject rated self and the other parent on each item. The MANOVA showed no significant difference in the ratings as a function of the sex of the subject. Subsequent analyses used the data combined across mothers and fathers.

The analysis of variance using (1) item and (2) the parent being rated as within-subject variables showed a main effect for items ( $F(23, 414) = 5.63, p < .001$ ), a trend for the parent being rated ( $F(1,18) = 3.89, p = .06$ ), and a significant interaction between the two variables ( $F(23,414) = 1.92, p < .007$ ). The main effect for item is of no theoretical interest, indicating that the mean favorability ratings showed differences among the items. The main effect for parent as target and the interaction effect are of interest. The interaction effect indicates that the tendency for mothers to be rated generally as more favorable to have custody (mothers:  $\bar{X} = 8.43$ ; fathers:  $\bar{X} = 8.03$ ;  $F(2,18) = 3.89, p = .06$ ) depended on the particular item being rated. The means for the ratings assigned to mothers and fathers on each item are listed in Table 2. The Bonferroni  $t$  statistic for post-hoc paired comparisons (mother compared to fathers on each of the 23 items) showed a critical value of 1.34. That is, mothers were rated significantly different

from fathers on an item if the difference between the means is at least 1.34 points.

Out of the 12 couples in the sample, for six couples both parties returned a completed Alternatives to Court Questionnaire. Two unmatched mothers returned their questionnaires but one had to be excluded from the data set because of grossly incomplete information; the other mother's questionnaire was partially filled out and her responses were included for the items she answered. One unmatched father returned a completed questionnaire.

Given the small number of subjects (7 mothers, 7 fathers), only summary, descriptive statistics were calculated with the data. No attempt was made to compare fathers and mothers' responses due to the likely bias inherent in using such a small number of subjects per group. The means and modes for the items addressing the question of how frequently parents discuss custody with others and who those others are likely to be are presented in Table 3. As might be expected, the most frequently reported person is the other parent. Beyond that, the subject's attorney, the children themselves, a friend, and a family member were reported with about equal frequency. Frequency of discussion with the spouse's attorney, a member of the clergy, or with a professional person was negligible.

The results for the second part of the questionnaire are shown in Table 4. Although statistical tests are not appropriate, the means show some interesting trends for educational workshops and mediation to be rated as more helpful than arbitration and professional evaluation. There was also

a trend for mothers to report greater interest in participating in services of whatever sort than fathers. However, the sample size is too small to warrant conclusions about these trends and will have to be evaluated when the project is completed.

### Discussion

In summarizing the results obtained for the question, "What criteria do parents use in deciding custody?" the most striking finding is that the answer depends on how you ask them. Assuming that, for most decisions, individuals can integrate information on only about seven to nine variables (Miller, 1956), the eight criteria most frequently mentioned in the interviews present a substantially different picture from the eight criteria receiving the highest importance ratings. In terms of rated importance, parents designated the following criteria: (1) the emotional quality of the parent-child relationship; (2) the parent's sense of responsibility to the child; (3) the parent's desire to have custody; (4) the parent's ability to maintain a good relationship with the other parent; (5) the preference of the child; (6) keeping siblings together; (7) the parent's moral character; and (8) the parent's proper use of alcohol and drugs. When describing the criteria they actually used, parents did not mention the latter four criteria listed above but did mention the first four, plus the following: (1) providing continuity in the child's physical environment; (2) financial sufficiency; (3) time available to the child if the parent received custody; and (4) the parent's reluctance to get into a legal

dispute over custody. A likely explanation of this discrepancy is that, although a number of criteria are important on an abstract level, parents narrow the domain by identifying only those they deem relevant to their circumstances. A clue to one possible explanation for how parents determine what is relevant is contained in the results of the analyses comparing mothers' and fathers' scores on their suitability to have custody. The items mentioned in the interview overlap to some extent with those items that differentiated between mothers and fathers, more so than the items that received the highest importance ratings. This suggests that, in the parents' own decision process, they narrow the domain of considerations by considering only those things that may affect the children's adjustment which also happen to differentiate between them. The relatively few number of considerations reported per subject suggests that this narrowing process is not a conscious, deliberate activity but one that emerges from subjects' experience of themselves, their spouse, and their children within the network of family relationships.

Another interesting finding was that mothers and fathers were not rated substantially differently, overall, in suitability to have custody. Although this sample showed an unusually large number of couples agreeing to joint custody (33%), the mother was awarded custody in 75% of the cases. The item that most clearly favored fathers, financial sufficiency, may be discounted on the notion that court-ordered child support will correct any financial inequality. (This would be a rather naive stance in view of the current documentation and growing concern about

nonpayment of child support; three years after the divorce, it is estimated that only 26% of fathers are in full compliance with court-ordered support payments (Bratt, 1978).) Given that the parents themselves do not see each other as very much different in suitability to have custody, the reasons for the continuing tendency for mothers to be awarded custody far more frequently than fathers must lie elsewhere. Some pilot data from another study (Garrett-Fulks, Note 2) suggests that mothers who are not the custodial parent may be subject to pejorative bias in how they are perceived by others, a bias that does not operate for noncustodial fathers. This suggests that a major component which may be operating in parent decision-making is a form of social pressure that has more to do with the well-being of the adults than with that of the children. The issue of social discrimination that may accrue to the respective adults as a function of the custody arrangements they make certainly merits further investigation.

The results from the Alternatives to Court questionnaire presents some interesting observations. It would seem that custody is a very private decision. Other than the attorney and the other parent, and possibly the children if they are old enough, there was no other person who was reported as likely to have been consulted. Apparently this is not a decision that is discussed with any frequency with anyone other than the immediate parties.

This is consistent with the subjects' response regarding programs and services for divorcing parents. Although the small sample size

precludes firm conclusions, the preliminary indications suggest considerable interest in educational programs and possibly mediation, with a less clear picture for programs like arbitration and professional evaluation.

The results from the pilot stage of the project raise some interesting and valuable questions. What happens in the nearly half of divorces where parents report a less than consensual decision? What accounts for the continuing pattern of mother custody when greater suitability does not emerge on an item-by-item consideration? Do parents experience this decision as an isolating process where, for whatever reason, they discuss it only with their estranged spouse and their attorney? Would parents really welcome and use educational services during the divorce process? If they were more informed, would they feel less ambivalent about using some alternative procedures for deciding custody? Would fathers need extra encouragement to use resources that might be available? The results from the total project will help answer some of these questions. The rest will remain for additional researchers to answer.

Reference Notes

1. Lowery, C. R. Child custody in divorce: The contrast between the courts and the clinicians. Paper presented at the biennial convention of the American Psychology-Law Society, Cambridge, Massachusetts, October 1981.
2. Garrett-Fulks, N. Personal communication, 1981.

## References

- Bratt, C. S. Joint custody. Kentucky Law Journal, 1978, 67, 271-308.
- Bureau of the Census. Divorce, child custody, and child support (Special Studies Series P-23, #84). Washington, D.C.: U. S. Government Printing Office, June, 1979.
- Fuller, L. L. Mediation - Its forms and functions. Southern California Law Review, 1971, 44, 305-339.
- Gardner, R. A. Psychotherapy with children of divorce. New York: Aronson, 1976.
- Hesse, R. D., & Camara, K. A. Post-divorce family relationships as mediating factors in the consequences of divorce for children. Manuscript submitted for publication, 1979.
- Hetherington, E. M., Cox, M., & Cox, R. Family interaction and the social, emotional, and cognitive development of children following divorce. Paper presented at the Symposium on the Family, Institute for Pediatric Service of the Johnson & Johnson Baby Company, Washington, D.C., May 1978.
- Hinkle, D. E., Wiersma, W., & Jurs, S. G. Applied statistics for the behavioral sciences. Chicago: Rand McNally, 1979.
- Kelly, J. B., & Wallerstein, J. S. Part-time parent, part-time child: Visiting after divorce. Journal of Clinical Child Psychology, 1977, 6, 51-54.

Lewis, K. Single-father families: How they come to be and how they fare, according to some recent literature. Paper presented at the 30th Annual Meeting of the American Association of Psychiatric Services for Children, Atlanta, November, 1978.

Lowery, C. R. Child custody decisions in divorce proceedings: A survey of judges. Professional Psychology, 1981, 12, 492-498.

Marschall, P. H., & Gatz, M. J. The custody decision process: Toward new roles for parents and the state. North Carolina Central Law Journal, 1975, 7, 50-72.

Miller, G. A. The magical number seven, plus or minus two: Some limits on our capacity for processing information. Psychological Review, 1956, 63, 81-97.

Moore, N. V., & Davenport, C. V. Custody and visitation: An explication of prevalent patterns. Paper presented at the Biennial Meeting of the Society for Research in Child Development, San Francisco, March, 1979.

Rosen, R. Children of divorce: What they feel about access and other aspects of the divorce experience. Journal of Clinical Child Psychology, 1977, 6, 24-26.

Tessman, L. H. Children of parting parents. New York: Aronson, 1978.  
United States Supreme Court. Ford vs. Ford. United States Reports, 1962, 371, 187-194.

Table 1

Frequency and Importance  
of Custody Considerations

<u>Consideration</u>	<u>Frequency Mentioned in Interviews</u>	<u>Mean Importance Rating</u>
1. Each parent's ability to provide a stable, continuing involvement in a community.	13	8.56
2. The emotional quality of the relationship between the child and parent (e.g., trust, warmth, and interest that are mutual).	13	10.44
3. Each parent's sense of responsibility to the child (taking care of the child's need for adequate food, clothing, housing, medical care).	9	10.38
4. Each parent's financial sufficiency (ability to provide for the child).	9	8.94
5. The amount of time each parent would spend with the child if he/she did receive custody.	8	9.31
6. The wishes of the parent (whether the parent wants to have custody).	7	10.06
7. Each parent's ability to maintain a reasonably good relationship with the ex-spouse (e.g., in discussing issues related to the child).	5	9.81
8. Reluctance to get involved in a legal dispute over custody. <sup>2</sup>	5	---
9. The wishes of the child (e.g., did the child show a preference for one parent that wasn't temporary or superficial, even though the child may not have expressed it in words).	4	10.13
10. Mental stability of each parent.	4	9.69
11. The amount of time each parent would spend with the child if he/she did <u>not</u> receive custody.	4	9.13

Child Custody  
23

Table 1 (Continued)

<u>Consideration</u>	<u>Frequency Mentioned in Interviews</u>	<u>Mean Importance Rating</u>
12. Each parent's parenting skills (e.g., knows what to expect from the child, disciplines the child properly).	4	9.44
13. Each parent's ability or intention to provide a two-parent home (e.g., one parent plans to be married).	2	4.56
14. Each parent's willingness to continue the child's religious or moral training.	2	9.00
15. Keeping the child with the mother.	2	6.63
16. Each parent's affection for the child.	2	9.50
17. Placing the child with the parent of the same sex.	2	2.44
18. Prior custody of the child (e.g., child has been in the temporary custody of one parent during a marital separation).	1	6.44
19. Keeping the child with brothers and/or sisters.	1	9.75
20. Each parent's ability to provide access to schools.	1	8.18
21. Each parent's ability to provide contact with the child's relatives.	1	8.06
22. Physical health of each parent.	1	9.00
23. Reports or recommendations from professionals (e.g., physicians, psychologists, social workers).	0	6.13
24. Each parent's moral character.	0	10.19
25. Each parent's proper use of alcohol or drugs.	0	9.75
26. Biological relationship to the child when one parent is a natural parent and one is an adoptive parent.	0	6.19

24  
Child Custody

Table 1 (Continued)

<u>Consideration</u>	<u>Frequency Mentioned in Interviews</u>	<u>Mean Importance Rating</u>
27. Biological relationship to the child when one parent is a natural parent and one is a step-parent	0	6.56

<sup>1</sup> Items were rated on an 11-point scale, 1 = Of Little Importance to 11 = Highly Important. The critical difference between items was 1.93.

<sup>2</sup> Consideration reported in interviews but not an item on the CDF.

Table 2

Mean Ratings of the Extent to Which a  
Consideration is Favorable to a Parent Having Custody<sup>1</sup>

<u>Item</u>	<u>Mother</u>	<u>Father</u>
1. The wishes of the child.	8.68	8.58
2. The wishes of each parent (whether the parent wants to have custody).	10.26	9.37
3. Placing the child with the parent of the same sex.	5.74	4.74
4. Each parent's affection for the child.	9.37	9.21
5. Biological relationship to the child.	8.10	8.16
6. Prior custody of the child (e.g., child has been in the temporary custody of one parent during a marital separation).	7.68	6.37*
7. Keeping the child with brothers and/or sisters.	9.11	8.53
8. Each parent's ability to provide a stable, continuing involvement in a community.	8.68	8.53
9. Each parent's ability to provide access to schools.	8.84	8.53
10. Each parent's willingness to continue the child's religious or moral training.	8.42	7.63
11. Each parent's ability to provide contact with the child's other relatives.	8.37	7.63
12. Mental stability of each parent.	8.95	7.79
13. Each parent's proper use of alcohol or drugs.	8.32	7.79
14. Physical health of each parent.	9.11	9.37

Child Custody

26

Table 2 (Continued)

<u>Item</u>	<u>Mother</u>	<u>Father</u>
15. Each parent's sense of responsibility to the child (taking care of the child's need for adequate food, clothing, housing, medical care).	9.32	8.63
16. Each parent's moral character.	8.32	8.53
17. Each parent's financial sufficiency (ability to provide for the child).	7.16	9.05*
18. Each parent's ability or intention to provide a two-parent home (e.g., one parent plans to be married).	6.47	6.84
19. Reports or recommendations from professionals (e.g., physicians, psychologists, social workers).	7.58	6.89
20. Each parent's ability to maintain a reasonably good relationship with the ex-spouse (e.g., in discussing issues related to the child).	8.68	8.42
21. The amount of time each parent would spend with the child if he/she did <u>not</u> receive custody.	8.00	7.89
22. The amount of time each parent would spend with the child if he/she did receive custody.	8.63	8.16
23. The emotional quality of the relationship between the child and each parent (e.g., trust, warmth, and interests that are mutual).	9.42	8.53
24. Each parent's parenting skills (e.g., knows what to expect from the child, disciplines the child properly),	9.05	7.89

<sup>1</sup>Items were rated on an 11-point scale, 1 = Highly Unfavorable to 11 = Highly Favorable.

\*The critical difference between ratings, using the Bonferroni t statistic, is 1.34, for experimentwise  $\alpha = .05$ .

Child Custody

27

Table 3

Means, Standard Deviations, and Modes for Frequency  
of Discussing Custody with Others<sup>1</sup>

Type of Other	N	$\bar{X}$	SD	Mode	Modal Frequency
Spouse	14	3.07	1.68	5	4
Attorney <sup>2</sup>	13	1.62	.76	1	7
Friend <sup>3</sup>	15	1.47	1.60	0	6
Family Member <sup>3</sup>	19	1.26	1.29	0	8
Children	14	1.14	1.29	0	7
Children, None under Age 5	9	1.40	1.28	0,2	3,3
Professional	14	.57	1.28	0	11
Spouse's <sub>2</sub> Attorney	8	.38	.74	0	5
Clergy	14	.14	.54	0	13

<sup>1</sup>Items were scored as a 6-point frequency scale. A score of 0 was assigned if the subject reported not talking to a particular type of person. Otherwise, subjects' scores were their ratings on a 5-point scale, 1 = "Once" to 5 = "Very Often," of how often they discussed custody with that person.

<sup>2</sup>Three of the couples and the unmatched father reported using a joint attorney, reducing the sample size on these items.

<sup>3</sup>Some subjects reported discussing custody with more than one person in this category, increasing the sample size on these items.

Table 4

Means and Standard Deviations for  
the Ratings of Divorce Services<sup>1,2</sup>

	<u>Educational Workshop</u>			<u>Mediation</u>			<u>Type of Service</u> <u>Arbitration</u>			<u>Professional Evaluation</u>		
	<u>N</u>	<u><math>\bar{X}</math></u>	<u>SD</u>	<u>N</u>	<u><math>\bar{X}</math></u>	<u>SD</u>	<u>N</u>	<u><math>\bar{X}</math></u>	<u>SD</u>	<u>N</u>	<u><math>\bar{X}</math></u>	<u>SD</u>
<u>Helpfulness</u>	<u>14</u>	<u>7.43</u>	<u>1.79</u>	<u>13</u>	<u>7.00</u>	<u>1.63</u>	<u>13</u>	<u>5.62</u>	<u>2.57</u>	<u>13</u>	<u>6.46</u>	<u>1.51</u>
Mother	7	7.57	1.90	6	6.83	.98	6	6.83	1.60	6	6.67	.82
Father	7	7.29	1.80	7	7.14	2.12	7	4.57	2.88	7	6.29	1.83
<u>Interest in Participating</u>	<u>14</u>	<u>7.64</u>	<u>2.98</u>	<u>11</u>	<u>7.00</u>	<u>2.62</u>	<u>13</u>	<u>4.54</u>	<u>2.99</u>	<u>13</u>	<u>6.38</u>	<u>2.18</u>
Mother	7	9.43	1.81	5	8.40	1.52	6	6.33	3.14	6	7.50	1.22
Father	7	5.86	2.91	6	5.17	2.48	7	3.00	1.91	7	5.43	2.44

<sup>1</sup>Subjects rated the items on two 11-point scales, one where 1 = "Not at all helpful" to 11 = "Extremely helpful" and the other where 1 = "I would definitely not want to participate" to 11 = "I would definitely want to participate."

<sup>2</sup>The number of subjects answering each item varies since not all subjects answered all items.