

“Split Residence as a Post Divorce Option”

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SPLIT RESIDENCE AS A POST-DIVORCE OPTION

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INTRODUCTION

The experience of working with separated parents in the Family Court, and the results of research into divorced families (Atkinson, 1984; Hodges, 1991) have shown that split residence, which implies that at least one child in the family lives with each parent, is rarely considered to be in the best interests of children and is adopted by only a small proportion of separated parents.

Judicial decisions in the Family Court have also reflected the belief that split residence is not in children's best interests. Judges have consistently avowed that siblings should not be separated 'except in exceptional or special circumstances' as for example, where 'the children detest one another; the children are of mixed race; the children are widely separated in age; and neither parent has the means to care for all the children (Mathieson & Mathieson, 1977). As recently as 1994, the Full Court of the Family Court included among its guidelines for the appointment of a Separate Representative for children cases where parents propose to separate siblings (Re K [FLC 92-461]).

The attitude of judges to split residence is undoubtedly influenced by social scientists who at times have proclaimed rather emotively that the separation of siblings in split residence is generally far from desirable unless 'exceptional circumstances' demand it (Kaplan, Ader-Ridder & Hennon, 1991). The authors cited as examples of 'exceptional circumstances' a child's preference to reside with one particular parent, the peculiar needs of an individual child or the existence of different psychological parents for different children. It is difficult to accept that any of these three examples could be considered 'exceptional' as they seem to be factors commonly found among families.

Objections to split residence

One objection to split residence as a viable post-divorce family option is that it further fractures a family already broken by parental divorce. When not only a non-residential parent is separated from children but also siblings are separated from each other, there are undeniably more separations between various family members. What is to be established is whether or not these physical separations result in a weakening of relationships between family members.

Another objection to split residence is that it deprives children of the important support of siblings at a stressful time in their family's history. Sibling studies have shown that siblings are important to children (Lamb & Sutton-Smith, 1982), that sibling relationships are generally the longest lasting of all human relationships (Bank & Kahn, 1982), and are a source of comfort and strength for children in a strange situation (Bowlby, 1969) or when separated from both parents (Stewart, 1983). Studies of siblings in divorced families have found that they often comfort each other amidst the turmoil associated with the divorce (Kris & Ritvos, 1983; Waters, 1987; Wallerstein, 1985), and can assist younger children to accept the losses inherent in divorce (Kaplan, Ade-Ridder & Hennon, 1991; MacKinnon, 1989). Results such as these have led to the conviction that split residence is likely to deprive children of an important source of support and thus prolong their adjustment to divorce (Kaplan, Hennon & Ade Ridder, 1993).

Some anticipate that split residence is likely to result in the formation of unhealthy parent/child alliances which could impede children's adjustment to their parents' divorce (Eno, 1985; Greif, 1990). Others are concerned about the capacity of fathers to assume full-time responsibility for children (Greif, 1990), and the added societal pressure on mothers who do not have all their children residing with them (West & Kissman, 1991).

Empirical evidence

As there have been very few published studies of families with a split-residence arrangement (Greif, 1990; Kaplan, Ade-Ridder & Hennon, 1991; Kaplan, Hennon & Ade-Ridder, 1993), any conclusions about its impact on the adjustment of children seem premature. Greif (1990) researched only split-residence families where fathers were the residential parents.

He gratuitously interpreted children's unhappiness to stem from them being caught up in the parent sub-system. However, there is no clear evidence that split residence is more likely than other post-divorce family arrangement to result in unhealthy intergenerational alliances or to impair the adjustment of children.

Moreover, the empirical evidence on which rests opposition to split residence is not consistent. For example, Stocker, Dunn and Plomin (1989) found that sibling relationships to be often troubled rather than supportive in dysfunctional or conflictual families. Eno (1985) found that it was more likely for strong parent/child alliances rather than sibling alliances to form after divorce, while Hetherington (1987) showed that siblings of divorced parents tended to become more hostile towards each other, possibly because they ended up competing for scarce parental resources. Results such as these highlight the danger of assuming that siblings of divorced parents are able to provide important support to each other and to facilitate children's adjustment to the parental divorce.

As many fathers have begun to assume a more active role in raising children and now want greater involvement with their children following divorce, the need to collect solid evidence on families with split residence would seem to have become more urgent. Split residence is one arrangement that provides fathers with the opportunity to be responsible for the daily care of children. To reject it on the basis of anticipated but not documented outcomes which are considered harmful to children leaves society and the Family Court vulnerable to claims that 'the system' is biased in favour of mothers in determining post-divorce family arrangements.

My research into split-residence families, undertaken with the approval of the Family Court, aimed to collect empirical data about such families, and to ascertain the short term impact of split residence on children's contact with non-residential parents, on parents' payment of child support and on the strength of sibling relationships. In order to find a sample of two hundred families with split residence, it was necessary to search through almost eleven thousand applications which were filed between January 1994 and August 1995 at the Parramatta Registry of the Family Court. The registry serves a predominantly low socio-

economic, multicultural population living in the western areas of Sydney and New South Wales.

RESEARCH METHOD

The data for this research came from a number of sources. Applications filed in the Court provided important demographic details about these families. Initially some of these details were compared with those of two hundred families with sole residence drawn from the same population of applicants to the Court. Questionnaires were then mailed to three hundred and eighty-four parents in the split-residence families together with an invitation to talk further about their experience of split residence. Parents were also asked to allow their residential children to be involved in the research.

Fifty-four respondents, including six sets of ex-partners, returned the Questionnaires. Of the forty-six who indicated they were willing to talk about their experience, thirty-nine parents participated in interviews. Most interviews were conducted in participants' homes, but some were done by telephone because participants lived in rural areas or interstate. During the parent interviews, thirty children agreed to complete, with their parents' consent, the Piers-Harris Children's Self-Concept Scale and a Children's Questionnaire. Eighteen of these children were then interviewed briefly about their experience of split residence.

RESULTS

Demographic details. Split residence was not a contentious issue in most families as only 17% of the families had applied to the Court for an Order regarding the children.

The comparison between families with split residence and sole residence showed, as expected, that split-residence families were significantly larger, and the children in them older. The oldest child (under 18 years of age) was far more likely to be male in split-residence (60.5%) than in sole-residence families (43%). In families with split residence, 72% of oldest children (79.3% of the males and 60.7% of the females) were in the care of fathers. In only 7% of families with sole residence were fathers the residential parent.

A further comparison of two-child families in both samples showed split-residence families had more mixed-sex dyads (66% compared to 47.7%), fewer female dyads (14% compared

to 31.8%) and about the same number of male dyads (20%). The tendency for mixed-sex dyads to be most commonly split, and female dyads least frequently split was found also in split-residence families with more than two children. When the age gap between siblings in two-child families from both samples was compared, the only significant difference was found among male dyads where in split-residence families it was larger than in sole-residence families.

Contrary to expectations, the data showed that first children in the care of fathers were not significantly older than those in the care of mothers. Of those living with fathers, male first children were not significantly older than female first children. Overall, the results provided some support for separated siblings to be in the care of the same-sex parent (Clare-Stewart & Hayward, 1996; Schachter, 1982; Waters & Dimock, 1983) even though only a quarter of the parents later identified this as a factor in deciding the parent with whom children resided. A slender majority of sons (53.3%) lived with fathers, but the vast majority of daughters (70.5%) resided with mothers.

Decision to adopt split residence:

This study failed to support claims that parents often adopt split residence to meet their own needs, such as to avoid paying child support or to punish ex-partners (Kaplan, Ade-Ridder & Hennon, 1991). Children's wishes emerged as the most common factor (70%) contributing to the separation of siblings, with 45% of respondents identifying either a close or conflictual parent/child relationship as a salient factor. Only 17% of respondents considered that children made the decision to adopt split residence, but most indicated that they had consulted their children before making the decision. In over 80% of families, split residence was the family arrangement by the time parents were able to file for divorce one year after their separation. In most families, the adoption of split residence occurred in reasonably civil circumstances, but in four families it seems that the children were caught up in the parental dispute which then resulted in split residence. Parents identified the age of children and the parenting capacity of both parents as factors to be considered before adopting split residence.

Attitude of family members to the adoption of split residence

Respondents rated their own and ex-partners' happiness with the decision to separate siblings, and children rated their level of happiness with the decision. Responses which were on a Likert-type scale of one to six, ranging from 'not at all happy' to 'extremely happy', indicated that respondents were significantly less happy (mean of 1.65 with a standard deviation of 1.03) than were ex-partners (mean of 3.24 with a S.D. of 2.02) with the decision. Respondents attested to this level of discontent even though the majority of them indicated that *they* were the ones who made the decision to separate children, or at least made it in conjunction with ex-partners. Children also indicated that they were not altogether happy with being separated from siblings (mean of 2.63 with a S.D. of 1.47) despite respondents' perceptions that children's wishes were the main reason split residence was adopted.

Respondents commonly attributed their unhappiness to their belief that siblings should remain together following parental divorce, intimating that some parents adopted split residence on the basis of children's wishes but contrary to their own principles. As one mother put it:

"The children have the right to see each other, they have the right to love each other, they have the right to be together. I have no right to separate them. They have made the choice to separate themselves, but I wasn't happy with that. I could not have taken the girls with me, as I would have felt very guilty".

A number of respondents, who were mainly mothers, attributed their unhappiness with the decision to the separation from a child that split residence involved. Some admitted that this was the main source of their discontent. One mother commented:

"The only reason I was unhappy about separating the kids was because they were my children, and to part with them, it's just hard. It was more because I would miss them, not so much that the kids would miss each other".

Some attributed their unhappiness in part to their concern about the parenting capacity of ex-partners, and others to their belief that children need to be in the care of mothers.. A few

parents attributed their ex-partners' unhappiness to the loss of child support resulting from the arrangement.

Respondents cited reasons that they were happy to adopt split residence. They said that they knew it was what the children wanted, that it gave the opportunity for both parents to be involved in the daily care of children, and it reduced sibling conflict. By way of contrast, they attributed their ex-partners' happiness to the opportunity split residence gave ex-partners to hurt respondents by separating them from a child, and to the pressure some ex-partners were able to put on respondents to reconcile. Two respondents believed that ex-partners had suggested split residence in order to alleviate their feelings of guilt at instigating the divorce.

The reasons for children's low level of happiness with adopting split residence were not altogether clear. Some certainly seemed to identify the family arrangement with their parents' divorce about which they were understandably far from happy.

Frequency of contact in families with split residence

One surprising result of this research was the frequent contact that most children had with non-residential parents and separated siblings. Respondents and children indicated that children saw non-residential parents at least fortnightly in approximately two-thirds of the families. Children were in contact with non-residential parents by telephone or letter on at least a fortnightly basis in an even greater proportion of families.. Only three respondents indicated that they rarely or never saw their non-residential children and five replied that their residential children rarely or never saw their other parent. Early post-divorce family turbulence and large geographical distances between divorced parents emerged as factors impeding frequent contact.

The study showed that children had much the same frequency of contact with their separated siblings as they did with non-residential parents. In almost 60% of the families, children saw separated siblings at least weekly, and approximately 75% of children saw them fortnightly. In only five families did children rarely or never see separated siblings.

Overall, children were more satisfied than parents with the amount of contact that they had with non-residential parents and separated siblings. Respondents were far less satisfied with their own contact with non-residential children than they were with their ex-partner's frequency of contact. Interestingly, 15.4% of respondents thought their ex-partners had too much contact with non-residential children. Approximately half of the respondents were dissatisfied with the frequency of contact that separated siblings were having with each other.

The high frequency of contact to emerge from this research suggests that a positive outcome of split residence is that it is conducive to both parents remaining in the lives of all the children. This is in contrast to research evidence that in sole-residence families a considerable proportion of non-residential fathers lose contact with children over the years (Burns, 1980; Montemayor, 1984), and especially in low socio-economic families (Furstenberg & Nord, 1985). There is further evidence that some residential mothers admit to denying children contact with non-residential fathers as a way of punishing fathers (Fulton, 1979). A possible explanation for the high frequency of contact in split-residence families is that mothers, shown to be more committed to maintaining contact with non-residential children (Furstenberg & Nord, 1985), are always in the role of non-residential parent. They may well provide the incentive for fathers to maintain contact with their non-residential children.

Payment of child support:

Another surprising result of this study was that one parent paid some child support for non-residential children in 58.3% of families, failing to confirm claims that parents adopt split residence as a way of avoiding the payment of child support. The significance of this result, however, is reduced by the low socio-economic status of the families in the sample. Both parents in a number of families were unemployed and thus not liable to pay child support. On the other hand, the avoidance of paying child support is made more difficult by the involvement of the Child Support Agency, which of necessity assesses parental responsibility for child support whenever one parent is drawing on social security benefits.

Impact of split residence on children's relationships and adjustment

Respondents rated the closeness between separated siblings both prior to and following the adoption of split residence. Overall, respondents did not perceive that split residence had affected the strength of the relationship between the siblings. Those who believed separated siblings were not as close as they had been, often attributed the weakening in the relationship to factors other than split residence. Others attributed the greater closeness between separated siblings to the fact that split residence meant that the children were not overexposed to each other. As one father put it:

“ I think the kids are closer now to each other than they were prior to the separation. There have been some pluses, but it is hard to say it. I am a little uncomfortable to admit that it has been to their advantage not to be in each other's pockets, but now that I have experienced it, I think it has”.

The children indicated that they thought there had been no significant change in their relationship with separated siblings as a result of split residence. Interestingly, they rated sibling relationships to be quite close to very close, suggesting that from their perspective factors other than sibling conflict prompted the adoption of split residence.

The children's scores on the Piers-Harris Children's Self-Concept scale did not differ significantly from the scores of primary and secondary school age children in research conducted by Amato (1984) for a population of Australian children. This result, clearly limited by the small sample size, supported the expectation that split residence would not impact unfavourably on children's self-concept, an important measure of their adjustment to their post-divorce situation.

Impact of split residence on relationship between children and parents:

Respondents confirmed expectations that they would perceive that both they and their ex-partners were closer to residential than non-residential children, a perception that was shared also by the children. It is impossible to determine the impact of split residence on that closeness which could have not only predated split residence but in fact been a determining factor in its adoption. A result that is both surprising and difficult to explain is that

respondents considered themselves to be significantly closer to all the children in their family than were their ex-partners.

Success of split residence for family members:

Respondents believed that split residence had been mildly to quite successful for family members. They perceived that ex-partners had benefited most by it, and that they had benefited the least, with the children in between. Respondents thought that their residential children had adjusted better to the family arrangement than their non-residential children, perhaps suggesting that respondents saw themselves more useful to children than were ex-partners. The three most common factors that they identified as crucial to the success of split residence were geographical proximity, regular contact between separated siblings and good communication and co-operation between parents.

Children were far more positive in their rating of the success of split residence. They considered that it had worked equally well for themselves and their separated siblings, assessing it to have been significantly more successful than their parents did. Despite their positive attitude towards split residence, children were reluctant to recommend it to others, stressing each family situation was different. Their comments often reflected the importance of siblings, as when one teenage boy commented:

“Go with whoever has the most children. To stay with your brothers and sisters.... I think it would help if they were with one another”.

Comments by respondents reflected a variety of views towards split residence. One father who previously had been unsuccessful in his application to the Family Court for residence of his four children, commented:

“ I would say to anyone that under no circumstances should the children be separated. It is important to keep all the children together. I think the sibling relationship is the most important whereas it is easy to manipulate the relationship between parents and children”.

Another father, who began by warning parents to be careful about separating children, went on to say:

“ Yes, I would recommend this arrangement, depending on the people. It has worked out very well for us and is in fact getting better. Friends ask how can we do it, and I say what is the other option? This is a lot better for the kids”.

CONCLUSION

This research has provided valuable information about families with split residence and has challenged the accuracy of predictions of the dire consequences of separating siblings after divorce. Despite the methodological limitations of the study, not the least of which was its reliance on parents’ self-reporting, it seems reasonable to conclude that most parents did not choose to adopt split residence for mainly selfish interests. The results rather suggest that parents in these families were in fact very child-focussed in that they adopted a post-divorce arrangement that they personally did not like, but which they perceived was what their children wanted.

The results provided little evidence that separating siblings necessarily implies a greater fracturing of families than occurs, say, in families with sole residence. Neither parents nor children perceived that sibling relationships had been weakened in the short term by the separation of siblings. The research also failed to find any greater weakening of parent/child relationships than would be expected to occur between children and non-residential parents in any post-divorce family arrangement.

This study also failed to support claims that split residence is likely to result in the formation of residential parent/child alliances with subsequent alienation from non-residential parents. In only about three families was it obvious that children had aligned themselves with their residential parent in their hostility towards non-residential parent. Such a result raises the possibility that parent alienation is more a product of post-divorce family dynamics than of the particular family arrangement adopted.

Parents’ cautious assessment of the success of split residence seems to have been linked in part to their experience of the divorce itself. The evaluation of split residence was at times tinged with sadness over the loss of an intact family as well as the pain of separation from children. It would be interesting to compare assessments of parents in this study with those

of non-residential parents in families with sole residence, as both entail the pain of separation from children. It is unlikely that many non-residential parents would evaluate a sole-residence arrangement very highly.

One important advantage of split residence to emerge from this study was the improvement in the quality of the sibling bond that separation of siblings effected. Both parents and children acknowledged that siblings appreciated each other more because they were not constantly exposed to each other. Split residence also provided many adolescent boys with the opportunity to live with their fathers, perhaps a important step towards the establishment of their independence from mothers.

This study was not able to consider the long-term impact of split residence on sibling relationships, but comments by parents on their own sibling relationship served as a reminder that sibling relationships, like any other, tend to be volatile and to fluctuate throughout life. Belief in the life-long nature of close sibling relationships, which split residence is thought to endanger, may smack of a certain romanticism. Moreover, there is currently no evidence that siblings living with different parents during childhood can still not develop a sound bond, which would serve as a source of support and comfort at various stages throughout life.

There is much more research that needs to be done into split residence to test further its impact on children after divorce. Comparative studies with families with sole residence may help determine whether post-divorce family dynamics rather than family form are more crucial to children's adjustment. This current research has not only raised doubts about the predicted negative outcomes of split residence, but has shown its real advantages, particularly in keeping both parents involved with the family and in promoting regular contact between children and non-residential parents. It appears there are solid grounds for proposing that split residence is a viable post-divorce option.

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