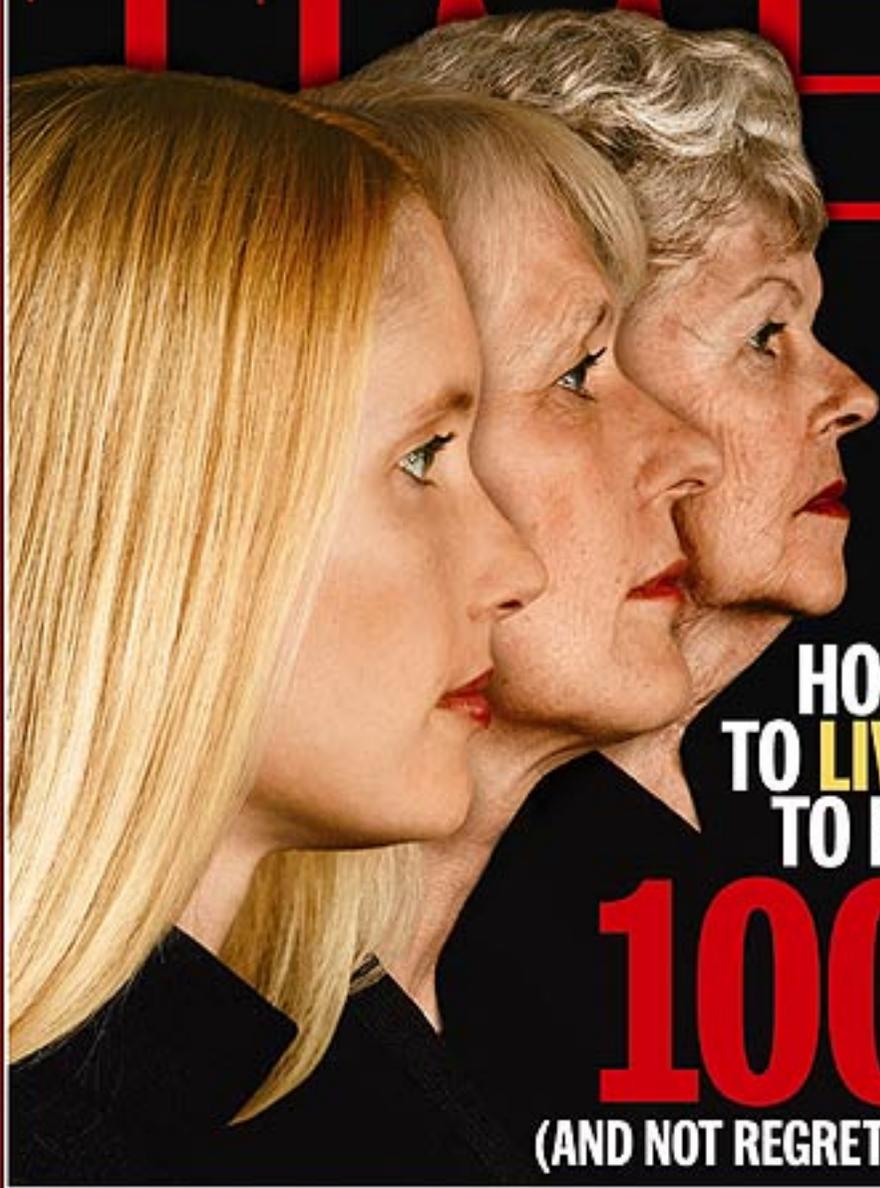


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Joint Custody Blues

By Pamela Paul

Nobody said raising kids after a divorce would be easy. But for Chuck Kabat, 38, a father of two from Dedham, Mass., it's a daily test. With his ex-wife Cathy living four blocks away and the two taking turns caring for their kids every few days, Kabat often gets frustrated. "For the first year, I felt completely out of control," he explains. "There were so many things to keep track of: How do I get them to soccer? Where do I find child care? Did they go potty before bedtime?" But the hardest part, even two years after the divorce, is keeping his cool with his ex.

"There are days when I want to just scream from the rooftops, 'How did this happen and why?'" Kabat says. "I've become a master at learning how to count to 10 when I get angry. But I don't have much choice except to behave with as much integrity and character as I can, because even though the marriage failed, we can make the divorce succeed, especially where the children are concerned."

A lofty goal and one all can agree on: do what's best for the kids. But what about the parents' well-being? Having to cooperate in a shared-custody arrangement after an acrimonious split can be exhausting, infuriating and interminably stressful. Yet joint custody is rapidly becoming the norm in the U.S., displacing the old-fashioned model of awarding custody to mothers. The arrangements vary. Joint legal custody means parents make shared decisions over major issues like education and medical treatment regardless of where the children live. Joint physical custody, which is steadily becoming the preferred arrangement in many states, is when kids divide their time between Mom's place and Dad's place, usually with at least a 70%-30% split. While custody laws vary widely by state, the trend in Wisconsin is probably typical: in 1981 joint physical custody was awarded in just 2% of divorce cases involving children; by 1998 the figure was 23%.

All around the country, more kids find themselves shuttling between quietly seething--or outwardly warring--parents. Mom has to raise her darling baby boy with her bitterest enemy. Dad has to negotiate ballet pickups and preteen dating policies with an ex he would rather forget. According to Isolina Ricci, author of the groundbreaking book *Mom's House, Dad's House: Making Two Homes for Your Child* published in 1980, shortly after joint custody entered the legal system 10% to 12% of divorcing parents continue to be hostile after their marriage is over. Today, she says, "learning how to navigate joint custody has become a difficult but necessary rite of passage for many people trying to

get past their divorce experience."

Often that translates into bickering over who bought the last pair of shoes or who took the kids to McDonald's one too many times. Others fight about more serious matters. Armin Brott's disputes with his ex-wife over religion and lifestyle mean that at Mom's house, his two daughters keep kosher as Orthodox Jews, but they drive on the Sabbath and eat vegetarian while at Dad's. Despite using a mediator, the two have trouble avoiding clashes. At first, says Brott, "all I wanted was for her to disappear into a hole in the ground, but here she is, every other day. I still sometimes have to restrain myself from yelling."

"Raising kids with joint custody means you have to stay in constant communication with a person you either a) hate, or b) still love and are therefore crushed, or c) both hate and love," explains Judy Corcoran, co-author of *Joint Custody with a Jerk: Raising a Child with an Uncooperative Ex*. "There's still anger, jealousy, hurt and fear that doesn't disappear just because the marriage ended. And those feelings are constantly reignited with every disagreement and drop-off."

Joint custody blues are a sign of the times, a by-product of egalitarian marriages between working moms and involved dads, replacing the old "tender years" policy, in which mothers were routinely awarded primary custody and fathers were relegated to visitation. The reasoning behind joint custody sounds sensible. Divorce is traumatic for kids; why have them suffer the additional pain of losing a parent? Moreover, studies show children do better when two parents are involved. Kids have higher self-esteem, better grades and fewer behavioral problems. Add to that deadbeat-dad prevention: fathers with joint custody are more likely to share the expense of raising kids. Finally, there's the growing fathers' rights movement, which advocates equitable custody laws.

For Jamie Ayers, 32, of Pittsburgh, Pa., there was never any question he would participate equally in raising his son Austin, 5. "The generation of fathers before mine didn't do everything they could for their children," he says. "I wanted to take responsibility for bringing a child into this world and be dedicated to raising him." Yet when he and Austin's mom Dawn Williams split up, Williams fought to retain sole custody. "It was incredibly frustrating," Ayers explains. "She knew it was important for our son to have a father in his life but couldn't emotionally deal with it."

Williams defends her behavior. "Austin was only 2, and I thought he needed the consistency of sole custody," she explains. "The courts today aren't interested in what's best for the child; it's all about parents' rights." Besides, she says, letting go of her son every week so he could be with his dad has been excruciating. "I want to know where my child is all the time, that he's eating three meals a day and that he's happy, but I have to go five days without knowing."

There may be good reason to worry. Because the shared-physical-custody trend is relatively new, the outcomes of such arrangements are just beginning to be examined. A small 2002 study at Ohio State University involving 59 children and mothers found that kids in joint custody arrangements in which the parents did not get along were likely to feel sad and behave less cooperatively with others. They were also inclined to intervene in parental conflict themselves, something child psychologists strongly

discourage.

For exes who find it impossible to get along, some psychologists suggest "parallel parenting." That means each household has its own set of rules, and the parents have a minimum of contact and communication. Richard Warshak, author of *Divorce Poison: Protecting the Parent-Child Bond from a Vindictive Ex*, estimates more than half of divorced parents sharing custody follow this path.

But even that arrangement won't keep the peace for the angriest exes. Some parents never accept the fifty-fifty split and appeal endlessly to the courts for modifications, says Candice Komar, a family-law attorney in Pittsburgh. "They'll say it's in the best interest of the child to change the custody arrangement," she says. "But the truth is, often it's because joint custody is driving these parents crazy. I've had people consult me because they fight over whether their child wears a spring coat or a winter coat--and I'm not kidding."

Parenting experts say legal wrangling is to be avoided if at all possible. Mediators and parent educators can help. So can new programs intended to disarm parents in contentious custody situations. Elizabeth Thayer and Jeffrey Zimmerman founded Parents Equally Allied to Co-Parent Effectively (PEACE) in 1998 to help high-conflict parents who are referred by their weary attorneys. So far, the program has trained more than 400 sets of parents in Connecticut and is expanding to other states. PEACE throws out the psychotherapy model of conflict resolution and approaches custody battles as a business. Get rid of the emotions and anger, Thayer says. Instead, think about the bottom line: What will the kids say about their parents' divorce when they're adults?

It's tempting to think that when parents fail to compromise, kids should decide for themselves where to live. Yet most courts try to protect children from having to make such choices, partly because parents will try to manipulate them. In Pittsburgh, Komar doesn't often hear testimony from kids younger than 11. "The first thing out of kids' mouths, whether they talk to the judge in chambers or talk to me," she says, "is, 'Don't make me pick.'"

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