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**Father by Law:  
Effects of Joint Legal Custody  
on Nonresident Fathers' Involvement with Children**

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A National Survey of  
**FAMILIES**  
*and*  
**HOUSEHOLDS**

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Effects of Joint Legal Custody on Nonresident Fathers' Involvement with Children**

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## **Abstract**

Family membership and household composition do not always coincide. Joint legal custody after divorce formalizes the relationship between fathers and children who live apart. Policy makers hope that explicit acknowledgment of nonresident fathers' rights and responsibilities will increase their involvement with children. This paper uses prospective data from the National Survey of Families and Households (NSFH) to examine the association between joint legal custody and two aspects of nonresident fathers' contributions to children -- the frequency of visits between fathers and children and child support payments. The analysis examines approximately 160 families in which parents divorced between interviews conducted for waves 1 (1987-88) and 2 (1992-94) of the NSFH. Controlling for the quality of family relationships before separation and socioeconomic status, fathers with joint legal custody see their children more frequently, have more overnight visits, and pay more child support than fathers in families in which mothers have sole legal custody. However, among those with a formal child support order, fathers with joint legal custody pay about the same percentage of the child support order as fathers without joint legal custody. These findings support the view that joint legal custody encourages some aspects of paternal involvement after divorce.

Demographic trends of divorce and nonmarital childbearing affect the family experiences of U. S. children. Between 1950 and 1990, the U.S. divorce rate nearly doubled (2.6 vs. 4.7 per 1000 persons) (NCHS, 1995: Table 1). Over roughly the same period, the number of children involved in divorce more than tripled so that by 1990, 1,075,000 children were involved in divorce each year (NCHS, 1995: Table 3). At the same time that marital instability increased, there was also a striking increase in nonmarital fertility, from about 14 births per 1000 unmarried women of childbearing age in 1950 to nearly 44 per 1000 in 1990 (NCHS, 1975: Table 1-30; NCHS, 1996: Table 15). As a result, roughly a quarter of all children will live in a single parent household due to divorce and another quarter will live with a single parent due to nonmarital childbearing (Bumpass and Raley, 1993). Thus, nearly half of children born today are likely to live apart from one of their biological parents for at least part of childhood (Bumpass and Sweet, 1989).

A key difference between children's experience living with a single parent today compared to the middle of this century is that in the earlier period most children who lived with a single parent had lost a parent through death (Bane, 1976). Today, most children in a single-parent household have another parent living elsewhere. The vast majority, 87-88% of children, live with their mother and have a nonresident father (Saluter, 1994: Table F; Nord and Zill, 1996: Figure 1). This paper examines an instance in which family membership and household composition do not coincide. The paper investigates the extent to which nonresident fathers remain involved in children's lives after divorce. It asks whether joint legal custody increases nonresident fathers' time with children and contributions to child support.

Joint custody laws try to improve children's welfare after divorce by increasing nonresident parents' financial contributions to children and facilitating contact between parents and children who live apart. A goal of joint custody is to make divorced children's lives more like the lives of their

peers in two-parent households (Wallerstein and Blakeslee, 1989; Felner and Terre, 1987). Joint legal custody is the formal right to make decisions about children's lives, regardless of where the children live. Married parents share this right. When parents divorce, states require that parents explicitly reallocate the rights and responsibilities for children, including decision-making rights. State laws increasingly distinguish between these legal decision-making rights and physical custody, which describes which parent lives with the children (Emery, 1994).

Predictions about the effects on children of recent custody reforms hinge on the relative importance of role-oriented and selection interpretations of results from previous research. This research reports positive associations among joint legal custody, child support payments, and visiting between divorced fathers and children, and negative associations between joint custody and conflict between divorced parents (e.g., Pearson and Thoennes, 1988; Gunnoe and Braver, 1996; Arditti, 1992).

Role-oriented interpretations claim that the status of legal custodian alters nonresident parents' expectations of their obligations to children. Nonresident parents, usually fathers, respond by spending more time with children and paying more child support to fulfill the role of a "good father" (e.g., Seltzer 1991b). To the extent that the status of legal custodian encourages nonresident parents to take a more active role in child rearing after divorce, laws facilitating joint legal custody are likely to increase the amount of time that nonresident parents spend with their children and nonresident parents' financial contributions to children (Mnookin et al., 1990).

Selection interpretations claim that cooperative parents are more likely to choose joint legal custody than parents whose relationship is more conflicted. Similarly, families in which both parents take an active role in child rearing and have a good relationship with the children may be more likely

to acquire joint legal custody than those in which the mother provides nearly all of the child care.<sup>1</sup> According to this interpretation, parents' cooperative relationship or the quality of the parent-child relationship explains both the choice of joint legal custody and nonresident parents' greater involvement with children after separation. Selection interpretations are bolstered by findings of unmeasured heterogeneity in comparisons between families with alternate custody arrangements (Seltzer, 1991a) and stability in family relationships and children's behavior before and after separation (Koch and Lowery, 1984; Block et al., 1988; Cherlin et al., 1991).

Other selection interpretations argue that the effects of joint legal custody on such outcomes as child support orders and payments actually reflect pre-existing income and education differences between parents who acquire joint legal custody and those who do not. Parents of higher socioeconomic status are more likely to have joint legal custody than lower status parents (Koel et al., 1988; Seltzer, 1990; Nord and Zill, 1996). Taking account of parents' economic resources explains, in large part, the higher child support awards and payments among families with joint legal custody (Seltzer, 1991a). Similarly, Stephens (1996) and Nord and Zill (1996) find that once other family characteristics are taken into account, nonresident fathers with joint legal custody see their children no more frequently than fathers without joint legal custody. Whether or not selection interpretations invoke the quality of family relationships before divorce or economic resources, these interpretations imply that studies that do not take account of parents' relationship before separation overstate the benefits for children of joint legal custody.

Understanding the causes and effects of joint legal custody requires data gathered both before

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<sup>1</sup>Previous studies provide conflicting evidence about whether fathers who are heavily invested in child rearing before divorce continue this involvement afterwards (e.g., Lowery, 1986; compared to Hetherington, 1993; Wallerstein and Kelly, 1980; Maccoby and Mnookin, 1992).

and after separation to control the effects of pre-separation characteristics of families on legal custody arrangements and on paternal involvement after separation. Previous longitudinal designs first observe families at the time of separation or divorce (Kurdek, 1988; Isaacs, 1988; Pearson and Thoennes, 1988; Maccoby and Mnookin, 1992, Gunnoe and Braver, 1996). These studies do not include information about the quality of parents' and children's relationships before the parents decided to divorce, and therefore cannot fully address the question of how pre-existing family characteristics affect postdivorce involvement. Retrospective reports of attachment to children and conflict before separation may overstate continuity before and after separation. This paper uses prospective data from the U.S. National Survey of Families and Households (NSFH) to examine who gets joint legal custody and the effects of joint legal custody on nonresident fathers' time with children and child support payments after divorce, controlling for the quality of pre-separation family relationships.

## **Data**

### **Study Design and Sample**

The NSFH is a personal interview survey of a national sample of adults in households first interviewed in 1987-88. Data from the face-to-face interview are supplemented by responses to a self-administered questionnaire and from a mail-back survey of the primary respondent's spouse or cohabiting partner. The sample of primary respondents is 13,008, and the overall response rate at time 1 (NSFH1) was approximately 74% (Sweet, Bumpass, and Call 1988). The original design includes oversamples of adults in some types of families and some minority groups. In the first wave, the survey included a detailed series of questions about a randomly selected minor child in the

respondent's household.

The second wave of the survey (NSFH2), fielded from 1992-94, attempted to reinterview all members of the original sample. The follow-up was conducted as a face-to-face, computer-assisted interview with self-administered questionnaires. The follow-up design includes interviews with the original spouse or partner, whether or not that person is still living with the primary respondent. The response rate for original respondents at the second wave was 82%. For original spouse/partners who separated from the primary respondent during the interval between surveys, the response rate was 71% (Sweet, project memos, May, 1995; November, 1995). The random child selected in the first interview was the focus for additional detailed questions in the follow-up interview.

This paper uses data from 164 families in which parents were married or cohabiting at time 1 and separated in the interval between the interviews.<sup>2</sup> The analysis is restricted to divorced families because joint legal custody is still rare among families of children born outside of marriage. In the mid-1980s, about 6% of families with a child born out-of-wedlock had joint legal custody, compared to 27% of maritally separated families (Seltzer, unpublished tabulations, NSFH, reports from resident mothers with and without any type of legal arrangement). Using data from the 1990-91 Survey of Income and Program Participation, Nord and Zill (1996) also show that joint custody is much more common among divorced than never-married parents.

Because this analysis focuses on custody and child support, the sample is also restricted to cases in which the random child was under 18 at the second interview and in which the parents'

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<sup>2</sup>The sample includes only cohabiting couples who formalized their union by marriage before separating, because some aspects of the child support system (e.g., paternity adjudication) work differently for children whose parents were not married. There are only 5 cases in which parents of the random child were cohabiting at time 1 and then married, and separated by time 2.

relationship was not ended by the death of one of the partners. The restriction on the age of the random child means that the sample includes only families in which the random child was 12 or younger at the 1987-88 interview. The sample is limited to cases in which the random child lives with the mother at the second interview and the father is the nonresident parent. There are too few cases in this sample to allow a separate investigation of families in which children live with their father and the mother is the nonresident parent (approximately 50 cases, including those with and without legal agreements). Finally, the analysis is restricted to cases in which the parents have a legal agreement that covers arrangements concerning their children, about 70% of the families who separated between the two interviews. The unit of analysis is the family. Sample weights are available to take account of unequal probabilities of sample selection.

### **Overview of Information Sources**

At the time of NSFH1, before the parents separated, the data include reports from each parent on the quality of their relationships with their children, the quality of their relationship with each other, socioeconomic status and family composition. These characteristics are independent variables in the analysis. The follow-up survey includes information about the timing of separation and divorce, where children live, the nonresident parent's financial contributions to children and the frequency of visits between the nonresident parent and the random child. The NSFH asked both mothers and fathers and both resident and nonresident parents about custody, child support and visiting arrangements. For these time 2 variables I use data from the mother in all but 18 cases. All of the analyses control for who the respondent is.

### **Measures**

Key variables for the analysis include the quality of family relationships and parents' income

and education at time 1 when the family all lived together, whether the parents' legal arrangement at separation/divorce is for joint legal custody or not, and the level of nonresident fathers' involvement with children after separation. Table 1 shows means and standard deviations for all variables except those measuring fathers' involvement, which are reported in the discussion of custody differences in involvement.

Table 1 about here.

**Quality of Family Relationships at Time 1:** There are three measures of the quality of parents' relationship when they lived together. All three use information from both the mother and father. The first identifies couples in which either spouse reported that disagreements occurred at least several times a week during the year before the time 1 interview on: household tasks, money, spending time together, sex, having another child, in-laws, and the children. It is a dichotomous variable coded 1 if arguments occurred at least several times a week and 0 otherwise. The second is a measure of aggressive conflict styles. It is also a dichotomy coded 1 if the parents reported that they "argue heatedly" very often or always, or if either parent reported that they had engaged in physical violence, including throwing things at each other or other physical arguments, and 0 otherwise. The third indicator of pre-separation marital quality is the mean of both parents' responses to the question: "Taking things all together, how would you describe your marriage?" The response scale ranged from 1, very unhappy, to 7, very happy. The three measures of pre-separation relationship quality are correlated in the expected directions. The correlation between disagreement and aggressive conflict style is .30, between disagreement and marital happiness is -.23, and between aggressive style and happiness is -.30. These items are also correlated in the expected directions with the likelihood that parents separated in the interval between the surveys. Conflict increases the

chance of a marital separation and happiness decreases it. These relationships persist net of socioeconomic status, although the association between whether the couple had frequent disagreements and separation lacks statistical significance. (Tables not shown.)

The quality of the father's pre-separation relationship with the random child is measured as his response to a self-administered item asking: "How would you describe your relationship with each of these children." The item refers to a list of all of the father's children. Responses ranged from very poor to excellent on a 7-point scale. The analysis treats this as a dichotomous variable indicating whether or not the father reported an excellent relationship with the random child at time 1. Treating the variable as a dichotomy takes account of the highly skewed responses. The analysis includes a variable to indicate whether or not the father responded to this question at time 1.

**Joint Legal Custody:** Parents were asked whether they had joint legal custody if they reported that they had a legal agreement that covers child support, alimony, custody or visitation at the time 2 interview. The question asking about joint legal custody defined the term to reduce response errors that confuse legal and physical custody.<sup>3</sup> Parents with joint legal custody are coded 1 on this variable; those with other custody arrangements are coded 0. Other work on custody shows that when children live with their mother, legal custody is assigned either to both parents (joint legal) or only to the mother, except in very rare cases (Seltzer, 1990).

**Nonresident Fathers' Involvement:** Time that nonresident fathers spend with children is measured by frequency of visits with the random child and overnights at the father's home. Both measures refer to the random child originally selected in the time 1 interview. The first item is a

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<sup>3</sup>The question wording was: "Today, many states allow for joint legal custody. Joint legal custody means that both parents have equal decision-making rights regardless of where the child lives. Does your legal agreement give (child's) (mother/father) an equal say in making decisions about (him/her)?"

closed-ended question: “During the last 12 months, how often did (child) see his/her father in person?”<sup>4</sup> Responses were: not at all, about once a year, several times a year, 1 to 3 times a month, about once a week, more than once a week. For children who had seen the father in the past year, parents were asked how many times the child had stayed overnight with the father during the past year. Children with no contact in the past year are coded as having 0 overnights. For those separated less than a full year, the parent’s response is annualized.

Child support received (paid) is measured as a continuous variable for the amount received in the last year, in 1993 dollars. The continuous variable includes values of 0 for mothers who did not receive any support. Child support includes transfers made as the result of a child support order as well as informal transfers. Those with and without orders reported about informal transfers, including payments to a third party. Payments were annualized for parents separated less than a full year. The analysis also includes a measure of compliance with child support orders. This is defined as the amount paid divided by the amount owed. More than 90% of this sample had a child support order. The variable is undefined for those without formal orders. The pay-to-owe ratio is treated as a 5-category variable to take account of lumpiness in its distribution: 0, 1-49%, 50-89%, 90-109%, and 110% or more.

### **Outline of Analysis**

The analysis addresses two questions. First, is joint legal custody more likely when parents have less pre-separation conflict or fathers are closer to their children before divorce? This analysis

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<sup>4</sup>For families separated less than 12 months, all questions about contact referred explicitly to time since the nonresident parent and random child stopped living together.

is based on a logistic regression. Independent variables includes the following variables all measured at the first interview when the family lived together: each parent's education and income, the number of minor children, whether any children were under age 6, union duration, and the quality of parents' relationship with each other and the father's relationship with the child. The analysis also controls for race-ethnicity of the primary respondent. There are too few cases to provide separate analyses for African Americans (n=19) and Mexican Americans (n=10) the two largest minority groups in this sample.

Second, does joint legal custody affect fathers' involvement after divorce, taking account of the quality of family relationships before separation? In this analysis, I estimate ordered logit equations for the frequency of visits and the pay-to-owe ratio. I use tobit regressions for the number of overnights and total child support paid to take account of the high percentage of cases with the value 0 on these variables (28% and 18%, respectively). Independent variables are whether or not the parents share joint legal custody, the time 1 variables included in the prediction of joint legal custody, number of years separated and whether the separation occurred in the past year.

There is an ambiguous causal relationship between fathers' involvement with children after divorce, on the one hand, and whether parents remarry or cohabit and the distance between the parents' homes, on the other hand. Because of the potential endogeneity of these family characteristics, I do not include them in the models predicting contact and child support. I did, however, re-estimate the models reported below with the remarriage/cohabitation and distance variables. Including these variables does not alter the pattern of custody differences in paternal involvement.

All analyses include dummy variables for whether or not the time 2 information was reported

by the mother or father and to indicate mean substitutions for variables with missing data. Numbers of cases vary slightly across measures of father's postdivorce involvement due to missing data on these outcomes.

## **Results**

### **Who Gets Joint Legal Custody?**

Table 1 shows that about half of the families in this sample have joint legal custody. This is somewhat higher than for divorces in the mid-1980s, when about 41% of parents in divorced single-mother households with a legal agreement had joint legal custody (Seltzer, unpublished tabulations, NSFH, wave 1). This continues a trend toward increased adoption of joint legal custody in the 1970s and 1980s (Seltzer, unpublished tabulations, NSFH, wave 1).

Table 2 reports the results of the logit analysis of who gets joint legal custody. The first column shows the zero-order association between each of the independent variables and joint legal custody. The second column reports the net effects, taking account of both the quality of family relationships and socioeconomic status. Only father's education and income increase the likelihood of joint legal custody. The effect of father's education is marginally statistically significant, even after other family characteristics are taken into account. None of the measures of the quality of family relationships before separation affects joint legal custody. Consistent with previous research, this pattern suggests that there may be socioeconomic selection in legal custody arrangements (Koel et al., 1988; Seltzer, 1990, Nord and Zill, 1996). There is no evidence that the quality of parents' relationship with each other or the father's relationship with the child before separation affects the

likelihood that the family will get joint legal custody at divorce.<sup>5</sup> Nor does including the marital quality and father's relationship with child alter the general pattern of associations in the multivariate model. In fact, the model fits the data quite poorly ( $\chi^2 = 25.2, p = .24$ ). This suggests that although the quality of parents' relationship with each other predicts marital separation, other characteristics of families or fathers may be more important for predicting legal custody arrangements. For instance, conflict closer to the time of separation may be a better predictor of joint legal custody than marital quality several years earlier. I examined interactions of marital quality by time separated to determine whether conflict or happiness in the year before separation had a stronger effect on joint legal custody than in the years before separation, and the interactions were all statistically insignificant. (Tables not shown.)

Table 2 about here.

### **Effects of Joint Legal Custody on Father's Involvement after Divorce**

Estimates of father's involvement for all cases and differences in involvement by legal custody type are shown in Table 3. About a third of children in this sample see their father at least once a week. This is somewhat higher than in other national surveys, such as SIPP and the original NSFH cross-section, which show that about a quarter of children have at least weekly contact with their nonresident father (Nord and Zill, 1996; Seltzer, 1991b). The more frequent contact in this sample

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<sup>5</sup>In analyses not shown, I examined the effects on joint legal custody of several other family characteristics at time 1, including mothers' and fathers' agreement with a statement about wanting to be free of the responsibilities of child rearing, whether there were sons in the household, and whether mothers and fathers thought that being a parent would be worse if they were divorced. None of these variables had a significant effect on joint legal custody, although the coefficient for the effect of mother's attitude toward freedom from child rearing responsibilities approached statistical significance at the .10 level in some models. I also examined the effect on legal custody of acquiring a divorce in a state with a preference or presumption for joint legal custody. Families who divorced in a state with a preference for joint legal custody were more likely to acquire joint legal custody than those in states without a preference. However, none of these variables, including the state law variable, altered the patterns reported in Table 2 when incorporated in the model.

is probably because it is restricted to recently divorced families. Contact between nonresident fathers and children declines over time (Seltzer, 1991b). Mean child support payments are also high relative to other national studies. The average annual payment for this sample is about \$4,800 a year. Again, this reflects that the current sample is recently separated families. In addition, child support payments are higher in this sample because it is limited to maritally disrupted families. Nonresident fathers of children born outside of marriage both owe and pay less support than fathers of children born in marriage (Beller and Graham 1993).

Compared to those without joint legal custody, fathers with joint custody are more likely to have seen their child at least weekly, more likely to have had overnight visits and to have had more overnights during the course of the year. Note that these differences are statistically significant at conventional levels. Among families in which children spent at least one night in their father's home, those with joint legal custody had more overnights than those with mother custody, but this difference is not statistically significant. There are also custody differences in child support practices. Compared to fathers without custody, those with joint legal custody pay about \$1,600 per year more in child support. Fathers with joint legal custody also pay a higher percentage of their child support order, but the custody difference is not statistically significant.

Table 3 about here.

The effects of joint legal custody on fathers' involvement with children after divorce are examined in more detail in Table 4. This table shows the association between joint legal custody and paternal involvement, once custody differences in the quality of predivorce family relationships and parents' incomes and education before divorce are taken into account. The first row of the table shows that the significant custody differences observed in the previous table persist, net of other

family characteristics. Joint legal custody increases the frequency of visits and the number of overnights children spend in their father's home. Joint legal custody also increases the amount of child support paid, but the absence of a custody effect on the amount of support paid compared to the amount owed suggests that joint legal custody may increase payments because nonresident fathers with joint custody owe more child support than fathers without legal custody. This is consistent with evidence from Wisconsin, that higher child support awards explain much of the difference in payments for fathers with and without joint legal custody (Seltzer, 1991a).

Table 4 about here.

The results in Table 4 show no effect on visiting and child support of the quality of parents' relationship before separation. Neither conflict between parents nor parents' marital happiness affects fathers' involvement after divorce. Only the quality of a father's relationship with his child before separation influences the number of overnights the child spends with him. Fathers who, at time 1, described their relationship with their child as excellent have more overnight visits with their child than those who reported a lower quality relationship. Father's income and mother's education increase child support payments, but taken with the results for the pay-to-owe ratio, parents' socioeconomic status probably affects payments by increasing the likelihood of a formal child support order and increasing the total amount of support owed.

Adjusted and unadjusted custody differences in involvement are reported in Table 5. The adjusted estimates are calculated using the results reported in Table 4. All variables are evaluated at the sample mean, except for legal custody type. Unadjusted values are based on models with no regressors except legal custody type. The first row of Table 5 shows that even after taking account of a wide array of family characteristics before separation, nearly forty percent of nonresident fathers

with joint legal custody saw their child at least weekly, compared to about a quarter of fathers in families in which mothers had sole legal custody. Similarly, when fathers have joint legal custody, their children spend roughly two weeks more in overnights at their father's home than when fathers do not have legal custody. Comparing the adjusted and unadjusted figures shows that taking account of family characteristics before separation explains little of the custody difference in fathers' contact with children after divorce.

Table 5 about here.

The last panel of Table 5 reports predicted custody differences in annual child support payments. Despite the importance of child support orders in accounting for custody differences in financial contributions, the predicted payments are useful because they include families who do not have a child support order as well as those who do have an order. The table shows that, compared to fathers without custody, fathers with joint legal custody pay about \$1,200 a year more in child support.

### **Summary and Conclusions**

My findings show that neither conflict nor marital happiness before separation affect the likelihood that parents will acquire joint legal custody at divorce. The quality of a father's pre-separation relationship with his child also has no effect on legal custody, among divorced families in which children live with their mother. However, socioeconomic status before separation, specifically father's education, does increase the likelihood of joint legal custody at divorce. Parents with more resources may acquire joint legal custody because they are more aware of joint custody as an alternative to sole custody arrangements.

I also find that fathers with joint legal custody see their children more frequently and have more overnight visits with them than fathers without custody. Higher levels of contact among fathers with joint legal custody cannot be explained by how well parents got along with each other before separation, although the quality of the father-child relationship before separation does increase overnight visits after divorce. Compared to fathers without legal custody, those with joint custody pay more child support. There are, however, no custody differences in the extent to which nonresident fathers comply with child support orders, once socioeconomic status and other family characteristics are taken into account.

The findings reported here support role-oriented interpretations and work against selection interpretations of the association between joint legal custody and time that nonresident fathers spend with their children. By using prospective data, in which both parents report about conflict and the quality of family relationships before separation, this analysis provides stronger evidence that pre-existing differences between families do not explain the positive association between joint legal custody and paternal involvement after divorce than evidence from studies that first observe families after parents have petitioned for divorce. The poor predictive value of the relationship variables, however, suggests that other aspects of parents' relationship affect the adoption of joint legal custody and paternal involvement after separation. Conflict about the process of separation and disruption of family relationships may cause both mothers and fathers to reassess their commitment to child rearing, perhaps causing a disjuncture between the attitudes expressed earlier in family life and those that directly affect legal arrangements at divorce. Social scientists lack the longitudinal data on both family relationships at the time of separation and relationships before the disruption, which are necessary to understand the process by which parents' establish postdivorce child rearing patterns.

Parents may also differ in the circumstances under which they adopt joint legal custody. Those with sufficient resources to hire a lawyer may acquire joint legal custody as a result of the lawyer's advice, rather than as a matter of personal preference or parents' expectations about how well they will be able to get along in postdivorce child rearing. For instance, Mnookin and his colleagues (1990) find that when either parent or both parents had a lawyer, joint legal custody was more common than when lawyers were not involved in the divorce case. Thus, socioeconomic resources may predict joint legal custody, because socioeconomic resources affect access to legal advice. Information about use of lawyers is not available in the NSFH.

Despite drawbacks of this analysis, it provides direct evidence to help adjudicate between role-oriented and selection interpretations of a joint legal custody effect. That the custody effect persists even after taking account of other important differences in the quality of family relationships and economic resources before separation, suggests that the role of legal custodian may foster fathers' participation in child rearing after divorce, reinforcing family ties across household boundaries. The status of legal custodian may reduce ambiguity in fathers' and mothers' expectations about nonresident fathers' rights and responsibilities to children after divorce. By clarifying that divorced fathers are "by law" still fathers, parents' negotiations about fathers' participation in child rearing after divorce may shift from trying to resolve whether fathers will be involved in child rearing to the matter of how fathers will be involved. Whether parents manage these negotiations without exposing their children to serious disagreements or loyalty battles will affect the benefits for children of shifting the agenda about fathers' involvement (Emery, 1994; Buchanan et al. 1991). At least on the dimension of increased contact between nonresident fathers and children, joint legal custody may, as advocates claim, make the lives of children after divorce more similar to their lives before divorce

or to the lives of their peers in two-parent households.

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**Table 1. Means and Standard Deviations for Parents with Legal Agreements**

Variable	Mean	Standard Deviation
Joint legal custody, t=2 (1=yes)	.488	
Mother's education (years), t=1	12.9	2.07
Father's education (years), t=1	13.0	1.80
Mother's annual income, t=1 (\$10,000s)	1.26	1.50
Father's annual income, t=1 (\$10,000s)	3.46	2.87
Number of minor children, t=1	1.73	.874
Youngest child under 6, t=1 (1= yes)	.799	
Duration of union (years)	10.7	4.64
Race-ethnicity: (White and Other omitted)		
African-American (1=yes)	.116	
Mexican-American (1= yes)	.061	
High disagreement, t=1 (1= yes)	.402	
Aggressive conflict style, t=1 (1=yes)	.494	
Marital happiness, t=1 (1=very unhappy, ..., 7=very happy)	5.33	1.24
Father had excellent relationship with child, t=1 (1=yes)	.549	
Years separated	3.34	1.69

**Source:** National Survey of Families and Households, waves 1 (1987-88) and 2 (1992-94).

**Notes:** Number of cases is 164. Data are unweighted. Income data are in 1993 dollars.

**Table 2. Logit Analysis of Effects on Joint Legal Custody of Family Characteristics and Relationship Quality**

Variable	Gross Effect	Net Effect <sup>a</sup>
Mother's education (years), t=1	.030 (.076)	-.045 (.101)
Father's education (years), t=1	.158* (.090)	.214* (.118)
Mother's annual income, t=1 (\$10,000s)	-.010 (.104)	-.045 (.135)
Father's annual income, t=1 (\$10,000s)	.103* (.062)	.105 (.079)
Number of minor children, t=1	-.164 (.182)	.032 (.276)
Youngest child under 6, t=1 (1= yes)	-.137 (.390)	-.144 (.583)
Duration of union (years)	-.004 (.034)	-.064 (.064)
Race-ethnicity: (White and Other omitted)		
African-American (1=yes)	-.553 (.504)	-.729 (.617)
Mexican-American (1= yes)	.483 (.665)	.556 (.751)
High disagreement, t=1 (1= yes)	.082 (.319)	.297 (.394)
Aggressive conflict style, t=1 (1=yes)	-.246 (.313)	-.170 (.384)
Marital happiness, t=1 (1=very unhappy, ..., 7=very happy)	.162 (.128)	.197 (.166)
Father had excellent relationship with child, t=1 (1=yes)	-.466 (.377)	-.464 (.443)
Constant	---	-1.27 (2.27)
-2*log likelihood, 21 degrees of freedom	---	202.02

**Source:** National Survey of Families and Households, waves 1 (1987-88) and 2 (1992-94), families in which mother had physical custody at time 2.

**Notes:** Number of cases is 164. Standard errors are in parentheses. Data are unweighted.

<sup>a</sup>The analysis includes dummy variables to identify cases with means substituted for missing data on parents' educations, income, and quality of father's relationship with child before separation. The model also controls for years separated, whether the parents were separated for less than a full year, and whether the time 2 information is reported by the mother. Income data are in 1993 dollars.

\*Indicates  $p \leq .10$ .

**Table 3. Differences in Nonresident Father's Involvement by Legal Custody Arrangement**

	All Cases	Parents Have:		Statistical Significance
		Joint Legal Custody	Other Arrangement	
Visits at least weekly (1=yes)	34.6%	44.0%	25.0%	p ≤ .01
Any overnights (1=yes)	71.7%	83.1%	61.0%	p ≤ .01
Mean nights spent in father's home in past year	29.2 (39.5)	37.0	21.7	p ≤ .05
Mean nights, if any overnights	40.8 (41.3)	44.5	36.0	n.s.
Mean child support paid in past year	\$4,809 (4,951)	\$5,619	\$3,984	p ≤ .05
Total support paid/total owed, if any owed	76.2%	81.1%	71.1%	n.s.

**Source:** National Survey of Families and Households, waves 1 (1987-88) and 2 (1992-94), families in which mother has physical custody at time 2.

**Notes:** Data are weighted. Standard deviations in parentheses. Numbers of unweighted cases vary due to missing data on measures of father's involvement. Unweighted Ns are: 163 for weekly visits, 155 for overnights, 153 for number of nights, 158 for child support payments, and 148 for paid/owed. Child support is in 1993 dollars. Total nights and child support are annualized for families separated less than a year.

**Table 4. Effects of Joint Legal Custody and Selected Family Characteristics on Nonresident Father's Involvement with Children at Time 2**

Independent Variables	Dependent Variables			
	Visits/Yr.	Overnights/Yr.	Child Support Paid (\$/Yr.)	Support Paid/Owed
Joint legal custody (1=yes)	.660** (.314)	22.7*** (8.66)	1479* (808)	.340 (.353)
Mother's education, t=1	.066 (.081)	2.57 (2.38)	435** (217)	.155 (.099)
Father's education, t=1	-.095 (.099)	2.99 (2.80)	24.8 (256)	-.091 (.120)
Mother's annual income, t=1 (\$10,000s)	.010 (.109)	1.40 (2.98)	44.4 (281)	-.127 (.122)
Father's annual income, t=1 (\$10,000s)	.049 (.060)	-.511 (1.64)	645*** (155)	-.022 (.067)
High disagreement, t=1 (1= yes)	.266 (.331)	-7.34 (9.40)	1133 (877)	.346 (.366)
Aggressive conflict, t=1 (1=yes)	-.359 (.324)	-11.5 (9.02)	-31.7 (850)	-.044 (.369)
Marital happiness, t=1	.100 (.137)	1.91 (3.76)	141 (352)	-.085 (.153)
Father had excellent relationship with child, t=1 (1=yes)	-.476 (.389)	21.4* (11.0)	-387 (991)	-.513 (.416)

(table continues)

**Table 4. Effects of Joint Legal Custody and Selected Family Characteristics on Nonresident Father's Involvement with Children at Time 2**

Independent Variables	Dependent Variables			
	Visits/Yr.	Overnights/Yr.	Child Support Paid (\$/Yr.)	Support Paid/Owed
-2*log likelihood	496.9	1206.0	2605.6	372.1
Degrees of freedom	24	24	22	22
N	163	153	158	148

**Source:** National Survey of Families and Households, waves 1 (1987-88) and 2 (1992-94).

**Notes:** Parameters for frequency of visits and for amount paid/owed are ordered logit coefficients. Parameters for overnights and total child support paid are tobit coefficients.

Standard errors are in parentheses. Data are unweighted. The analysis includes dummy variables to identify cases with means substituted for missing data on parents' educations, income, and quality of father's relationship with child before separation. Models also control for race-ethnicity, number of minor children, whether the youngest child was under 6 at time 1, union duration, years separated, whether the parents were separated for less than a full year, and whether the time 2 information is reported by the mother. Models for visits and overnights control for the referent child's age and sex. Income and child support data are in 1993 dollars. Number of overnights and child support payments are annualized for part-year separations.

\*  $p \leq .10$ ; \*\*  $p \leq .05$ ; \*\*\*  $p \leq .01$

**Table 5. Adjusted and Unadjusted Differences in Father's Involvement by Legal Custody Arrangement**

	Parents Have:		
	Joint Legal Custody	Other Arrangement	
Percent who visit at least weekly			Adjusted
38.4	24.4		
Unadjusted	43.7	26.3	
Mean overnights in past year			
Adjusted	37.8	22.8	
Unadjusted	41.6	24.6	
Mean child support paid last year (\$)			
Adjusted	\$5,070	\$3,875	
Unadjusted	\$5,410	\$3,934	

**Source:** National Survey of Families and Households, waves 1 (1987-88) and 2 (1992-94), families in which mother has physical custody at time 2.

**Notes:** Adjusted values based on estimates in Table 4. Except for legal custody type, all variables are evaluated at the sample mean. Unadjusted values are based on models with no regressors except legal custody type.

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