

Shared Parenting and Family Violence

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Introduction: The Allegations Against Shared Parenting

Shared parenting, an arrangement in which separated parents both retain decision making responsibility for their children and significantly share parenting time, is on the rise both in the U.S. and around the world. Legislatures are increasingly promoting shared parenting, sometimes by the creation of legal presumptions that equal shared parenting, where parent time is shared in a substantially equal way, is in children's best interest. Critics allege that such presumptions put women and children at risk of abuse.

The allegations that the practice of shared parenting, including of course *equal* shared parenting, and a legal presumption in favor of it, puts parents at risk of intimate partner violence and children at risk of maltreatment are serious. They deserve to be evaluated in light of the best evidence available. This article provides that evaluation.

Domestic Violence: Forms and Prevalence

The term 'domestic violence' is often understood as a synonym for 'intimate partner violence'. I will use the term more broadly. I define 'domestic violence' as referring to violence between people having an intimate, familial, or co-residential relationship, either at the time of the violence or prior to it, where the relationship is essentially related to the violence. So understood, it includes not only intimate partner violence but child abuse by a parent or step-parent, violence between siblings, elder abuse by a relative, and more. Here, we'll focus on intimate partner violence and child abuse and neglect by a parent or step-parent.

Child Maltreatment

Child maltreatment includes both abuse and neglect. The most reliable data we have on the prevalence of child abuse comes from the U.S. Department of Health & Human Services, Administration for Children and Families, Children’s Bureau, which publishes detailed data in its annual *Child Maltreatment* report.

Child Maltreatment 2022, the most recent available, reports that 558,899 children were victims of child maltreatment in that year, approximately 7.7 per 100,000 children. The report indicates that 89% of child maltreatment is perpetrated by parents—either one parent acting alone, both parents acting together, or a parent acting with a nonparent. Approximately 20% of this maltreatment is perpetrated by two parents acting together. About 25% is perpetrated by fathers acting alone or with a nonparent and more than 40% is perpetrated by mothers acting alone or with a nonparent (Children’s Bureau, 2024, p. 46, Table 3-9).

Perpetrator	Victims	Reported Relationships	Reported Relationships Percent
PARENT	-	-	-
Father Only	-	125,489	24.5
Father and Nonparent	-	5,397	1.1
Mother Only	-	191,450	37.4
Mother and Nonparent	-	29,204	5.7
Two Parents of known sex	-	98,538	19.2
Three Parents of known sex	-	619	0.1
Two Parents of known sex and Nonparent	-	4,019	0.8
One or more Parents of Unknown Sex	-	1,162	0.2
Total Parents	-	455,878	89.0
NONPARENT	-	-	-
Child Daycare Provider(s)	-	2,091	0.4
Foster Parent(s)	-	1,754	0.3
Friend(s) and Neighbor(s)	-	3,958	0.8
Group Home and Residential Facility Staff	-	924	0.2
Legal Guardian(s)	-	1,731	0.3
Other Professional(s)	-	1,277	0.2
Relative(s)	-	29,919	5.8
Unmarried Partner(s) of Parent	-	19,196	3.7
Other(s)	-	17,489	3.4
More Than One Nonparental Perpetrator	-	2,318	0.5
Total Nonparents	-	80,657	15.8
TOTAL UNKNOWN	-	15,633	3.1
National	512,077	552,168	107.8

Based on data from 48 states.

Figure 1. HHS Data on Child Maltreatment Victims by Relationship to Their Perpetrator

The most extreme form of child abuse is the murder of a child. In 2022, HHS reports that there were 1,955 instances of child murders, roughly 2.73 per 100,000 children. Almost 82% of child murders are perpetrated by parents acting together, alone, or with a nonparent. Nearly 25% of these are cases where the parents acted together. In approximately 16% of cases, the perpetrator was the father, either acting alone or with a nonparent. And in just over 40% of the cases, the perpetrator was the mother, acting alone or with a nonparent (Children’s Bureau, 2024, p. 61, Table 4-4).

Table 4-4 Child Fatalities by Relationship to Their Perpetrators, 2022		
Perpetrator	Child Fatalities by Reported Relationships	Reported Relationships Percent
PARENT	-	-
Father Only	226	14.5
Father and Nonparent	21	1.3
Mother Only	473	30.2
Mother and Nonparent	161	10.3
Two Parents of Known Sex	363	23.2
Three Parents of Known Sex	2	0.1
Two Parents of Known Sex and Nonparent	26	1.7
One or More Parents of Unknown Sex	8	0.5
Total Parents	1,280	81.8
NONPARENT	-	-
Child Daycare Provider(s)	21	1.3
Foster Parent(s)	6	0.4
Friend(s) or Neighbor(s)	4	0.3
Group Home and Residential Facility Staff	4	0.3
Legal Guardian(s)	7	0.4
Other Professional(s)	2	0.1
Relative(s)	73	4.7
Unmarried Partner(s) of Parent	17	1.1
Other(s)	53	3.4
More Than One Nonparental Perpetrator	20	1.3
Total Nonparents	207	13.2
UNKNOWN	77	4.9
National	1,564	100.0

Based on data from 43 states.

Figure 2. HHS Data on Child Fatalities by Relationship to Their Perpetrator

One inescapable conclusion from these statistics, which have proven to be stable over the years, is this: we cannot determine who is a “safe parent” from the gender of the parent. Such a determination requires a determination based on the individual case without any preconceptions about whether mothers or fathers present more significant threats to their children.

Intimate Partner Violence

Intimate partner violence (IPV) includes violence between current or former spouses, unmarried partners, and other couples involved in an intimate relationship. A common misconception about IPV is that it is primarily, or almost exclusively, perpetrated by men against women as a mechanism of coercive control. This leads to a highly gendered conception of IPV as patriarchal domination. As two researchers put it, “[w]e use gender-specific terms ... because battering is not a gender neutral issue” (Pence & Paymar, 1993, p. 5).

While the image of a brutalizing man intimidating, assaulting, and battering a cowering woman is salient among our stereotypes, this form of IPV is not the most prevalent (see, for example, Michalski, 2005). And, the patriarchal domination conception of IPV fails to explain IPV in same-sex relationships. According to statistics from the Centers for Disease Control and Prevention (CDC), lesbian women experience all forms of IPV at higher rates than do heterosexual women and gay men experience most forms of IPV at rates higher than heterosexual women (Centers for Disease Control and Prevention, 2023). The patriarchal domination model also doesn’t explain IPV perpetrated by women against male partners. While the CDC does not currently report the sex of the perpetrator for IPV victimization, it does report that “prior findings have indicated that most female victims [97.1%] report male perpetrators, and most male victims [96.9%] report female perpetrators.” This allows us to make a reasonable estimate of the sex of perpetrators based on the sex of the victims. Combining the frequency of victimization by sex with previous data on the frequency that the perpetrator was of the opposite sex, we find that expectations of experiencing IPV from an opposite sex partner both in a person’s lifetime and in the previous 12 months is somewhat, but not significantly, higher for women than for men. By these calculations, 45.9% of women and 42.9% of men will experience IPV from an opposite sex perpetrator in their lifetime

and 7.3% of women and 6.5% of men will have experienced it in the previous 12 months. These numbers are shockingly high. But they do not show the extreme gender disparity that the patriarchal domination model of IPV implies.

“[S]ituational couple violence (a) is far and away the most common form of intimate partner violence, (b) is perpetrated about equally by men and women, and (c) can be extremely consequential” (Johnson, 2011, p. 291). Often the violence is mutual, with no primary aggressor. When it is one-sided in a heterosexual relationship, the woman is about as likely to be the perpetrator as the man. But it is important to underscore that women are more likely to be seriously injured even in instances of mutual IPV.

Shared Parenting and Child Maltreatment: The Allegation

A 2023 headline on *The Guardian*'s website read: “US child killings have risen rapidly – why are more states pushing for joint custody laws?” (Starr, 2023). A publication from the National Family Violence Law Center and the Domestic Violence Legal Empowerment and Appeals Project said: “[T]he growing body of evidence that children are being subjected to unsafe custody/visitation arrangements by family courts indicates that a presumption of 50-50 custody is likely to be harmful to the best interests of many children” (National Family Violence Law Center and Domestic Violence Legal Empowerment and Appeals Project, 2023).

In short, the allegation is that presumptions of equal parenting time when parents divorce put children at risk.

Shared Parenting and Child Maltreatment: The Evidence

Given how horrible child maltreatment—including, of course, child murder—is, this is a serious allegation and as such needs to be evaluated based on the best evidence available.

Unfortunately, the allegations are supported only by anecdotes—by the retelling of truly horrible stories that are, to be sure, emotionally moving. The story on *The Guardian*'s website, for example, focuses on a heart-wrenching story of a father who was awarded equal parenting time and killed his two children. Anecdotes are, though, of little probative value. One doesn't have to look hard to find stories of mothers who have murdered their children. (See, for example, this collection: ABC News, 2010). Nor is it difficult to find stories of parents, separated or together, of either sex who have murdered their child in circumstances other than a shared parenting arrangement. Courts have a weighty duty to protect children from dangerous parents. As we've seen though, a parent's sex does not determine whether the parent is a safe parent. If a court fails to identify a dangerous parent, restricting the children's time with that parent to the every-other-weekend "visitation" time, which is a *de facto* and sometimes a *de jure* presumptive minimum, doesn't protect the children.

Setting anecdotes aside, what does the evidence show about presumptions of equal parenting time and child safety? Some evidence comes from a comparison of child maltreatment rates in Ohio and Kentucky. In 2018, National Parents Organization led the effort to enact into Kentucky law the nation's first explicit presumption of equal parenting time when parents divorce. Ohio has no state-wide parenting time presumption and most counties use an every-other-weekend-and-one-evening-a-week schedule. These two neighboring states had dramatically different changes in child maltreatment rates.

Consider first the number of children who received an investigation or alternative response, an intervention by Child Protective Services. In Ohio from 2018 to 2022, the latest year for which we have data, this number fell from 110,550 to 102,858, a decline of just under 7%. In the same period, the number of children who received an investigation or alternative response in Kentucky fell from 83,902 to 52,816, a decline of over 37%! (Children's Bureau, 2024, p. 30, Table 3-1)

Children Receiving an Investigation or Alternative Response to Allegation of Child Maltreatment, 2018-2022, Kentucky and Ohio

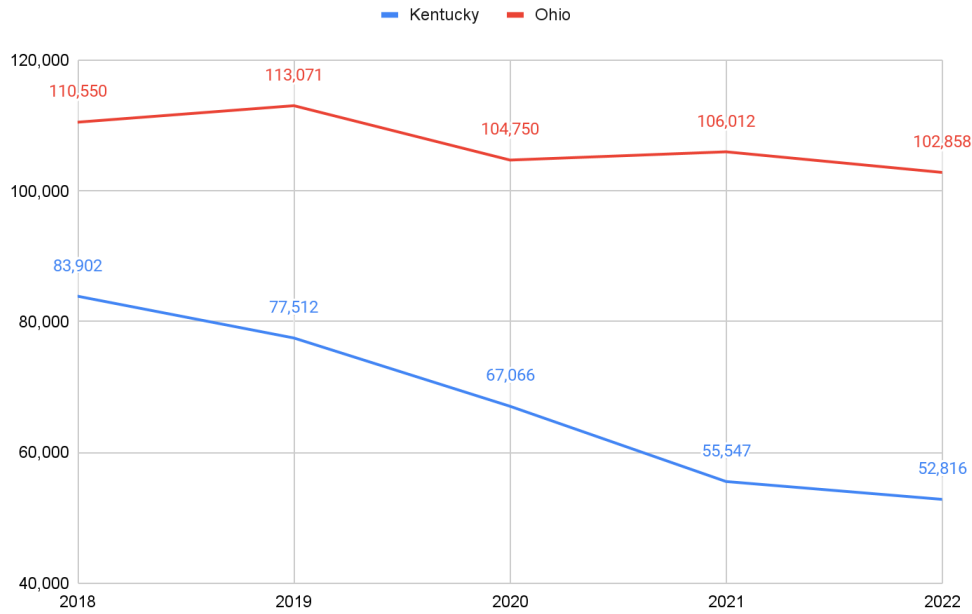


Figure 3. Children Receiving an investigation or Alternative Response
in Kentucky & Ohio, 2018-2022

State	2018	2019	2020	2021	2022	Percent Change, 2018-2022
Kentucky	83902	77512	67066	55547	52816	-37.05%
Ohio	110550	113071	104750	106012	102858	-6.96%

Table 1. Children Receiving an investigation or Alternative Response
in Kentucky & Ohio, 2018-2022

Turning from the statistics on the number of children receiving investigations or alternative responses to the number of child victims, we see a similar story. Between 2018 and 2022, the rate of child victims in Ohio fell by 10.8%. That sounds terrific until one notes that, during the same period, the rate of child victims in Kentucky fell by 48%! (Children’s Bureau, 2024, p. 34, Table 3-3)

Child Victims, 2018-2022, Kentucky and Ohio

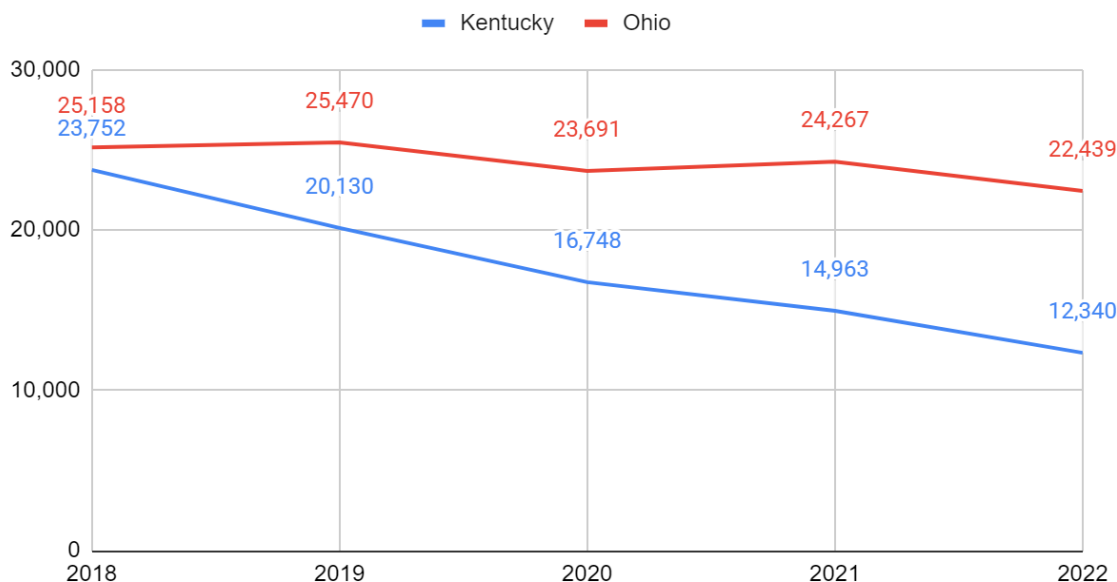


Figure 4. Child Victims in Kentucky & Ohio, 2018 - 2022

State	2018	2019	2020	2021	2022	Percent Change, 2018-2022
Kentucky	23,752	20,130	16,748	14,963	12,340	-48.05%
Ohio	25,158	25,470	23,691	24,267	22,439	-10.81%

Table 2. Child Victims in Kentucky & Ohio, 2018 - 2022

We also have evidence from within Ohio. While Ohio does not have a statewide presumption concerning parenting time, state law does require each county court to have a local parenting time rule. National Parents Organization has evaluated and graded each of Ohio’s 88 counties on their local parenting time rule, awarding ‘A’s to those that presumed equal or nearly equal parenting time and grades in the ‘D’ range for those counties that had presumptions of the every-other-weekend-and-one-evening-a-week sort. To determine the effect presumptions of equal parenting time have on child maltreatment, NPO reviewed data from the Annie E. Casey Kids Count project and correlated these data with the parenting time rules in Ohio’s counties. What

the data showed was that the counties that had adopted presumptions of equal shared parenting saw lower and declining rates of child maltreatment compared to the state’s overall rates and, even more so, compared with those counties that received ‘D’s in NPO’s evaluation.

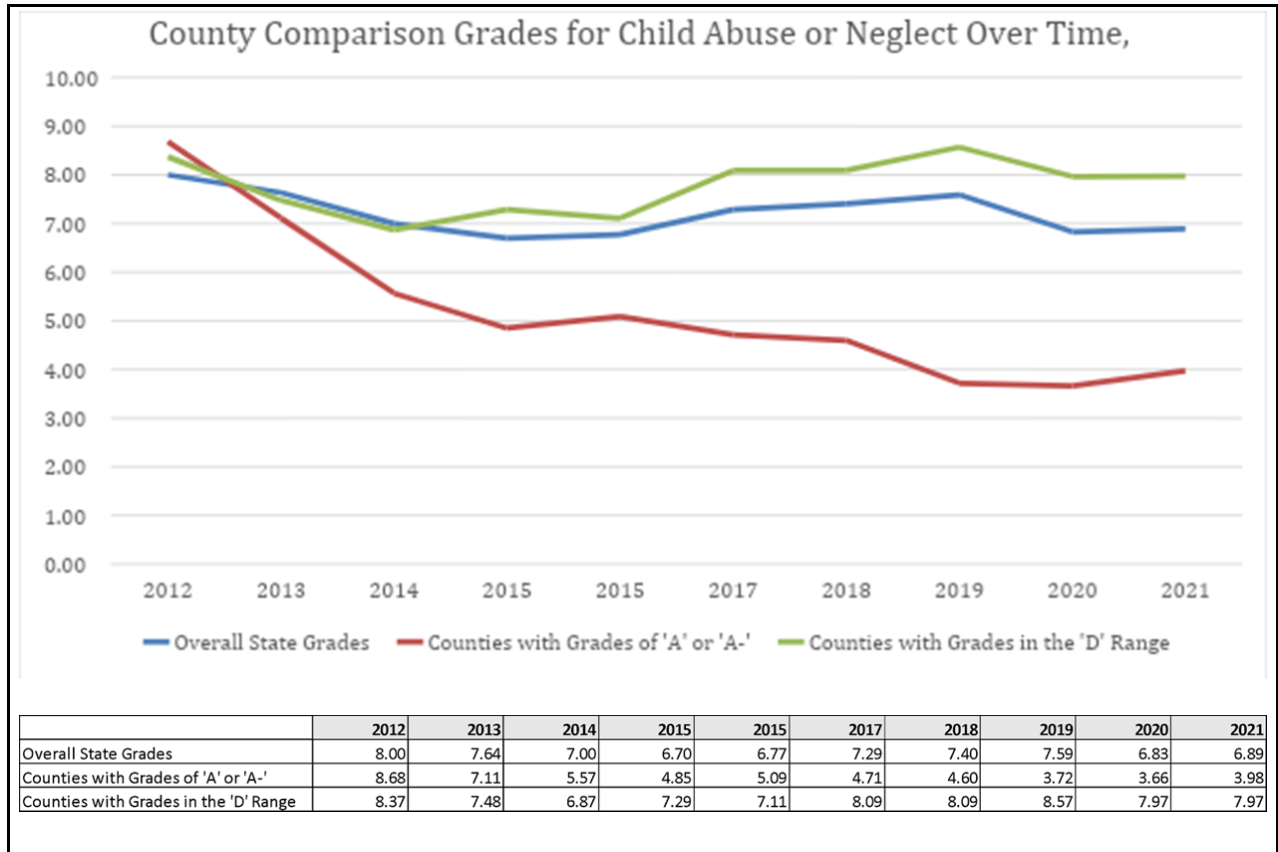


Figure 5. Child Abuse and Neglect Rates in Ohio Counties with Presumptions of Equal Parenting Time vs. Counties with Limited Parenting Time Schedules vs. Statewide Rates

At this point, we are aware of absolutely *no* statistical data indicating an increase in child maltreatment rates in regions with presumptions of equal shared parenting, either in comparison with previous rates or with similar regions without such presumptions. More research is warranted, of course. And it would be especially helpful to have a better understanding of *why* child maltreatment rates drop in those areas where there is a presumption of equal parenting. At this point, we’re left to speculate on the reasons for this. But, whatever the explanation might be, the

available evidence shows a strong correlation between presumptions of equal parenting time and *lower* incidences of child maltreatment.

Shared Parenting and Intimate Partner Violence: The Allegation

Critics of presumptions of equal parenting time also allege that such presumptions put parents at increased risk of intimate partner violence. As with the allegation concerning child murders and maltreatment, this concern is typically supported only with anecdotal evidence.

Sometimes the allegation that presumptions of joint physical custody put victims of IPV at risk rely not on anecdotal cases but on speculations. For example, The Advocates for Human Rights says: “A presumption of JPC *may* also give unfair advantage to batterer-parents in custody negotiations” (Advocates for Human Rights, 2012, emphasis added). It is equally appropriate to state, and similarly without any evidence, that a presumption of JPC *may* reduce the likelihood that a parent will become abusive. ‘May’s are cheap and difficult to refute. But, of course, what matters is not what *may* happen but what *does* happen. And the evidence tells another story about the relationship between presumptions of joint physical custody and the prevalence of IPV.

Shared Parenting and Intimate Partner Violence: The Evidence

When we turn from heartrending anecdotes and conjectures to evidence concerning IPV and presumptions of shared parenting, the story appears to be quite different. Again, some evidence comes from Kentucky. Writer Emma Johnson requested data from the Kentucky Administrative Office of the Courts cross-referencing domestic relations cases with domestic violence cases. The data, going back to 2010, shows a very significant and gratifying decline in such cases over the entire period. But the decline between 2010 and 2017 continued—and, indeed, accelerated—in the

period between 2017 and 2022 (Department of Information and Technology Services, Research and Statistics, 2023, p3).

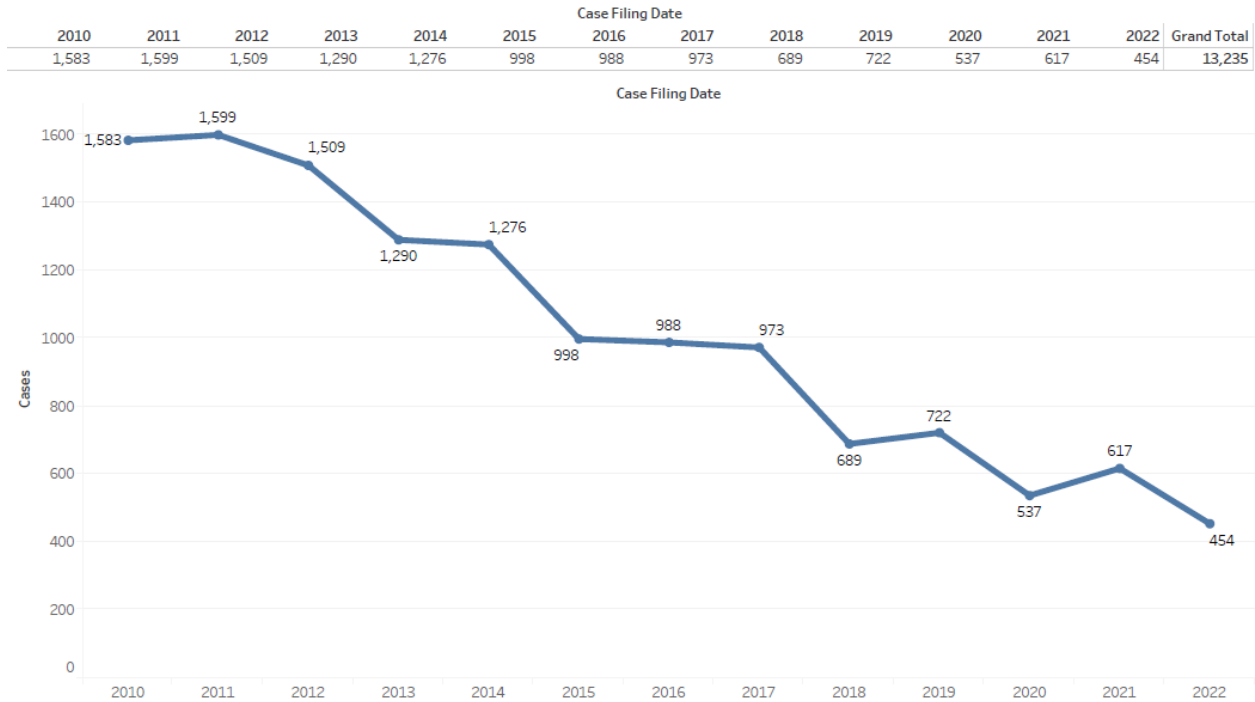


Figure 6. Kentucky Circuit Civil Domestic & Family Cases Filed 1/1/2010 - 12/31/2022

Statewide Cross Referenced With Domestic Violence Cases

There is even more compelling evidence from Spain, which provides a “natural experiment” about the connection between shared parenting and domestic violence. In Spain, between 2009 and 2011, five regions passed custody reforms that increased joint physical custody four-fold in just five years. Researchers compared the rates of intimate partner violence (IPV) in these regions before and after the change and with the rates of IPV in those regions that did not enact such reforms (Fernández-Kranz *et al.*, 2020).

The results of this “natural experiment” were stunning. The researchers found that the presumption of shared physical custody “led to a *large and significant decrease in intimate partner violence*, with the largest effects among couples in which the mother was more likely to

seek sole custody before the policy change” (p. 1, emphasis added). The policy “*significantly decreased domestic violence, with IPV falling by almost 50%*” (p. 3, emphasis added). And they also found “*evidence of a significant reduction of the number of female homicides committed by intimate partners after the joint custody reform*” (p. 3, emphasis added).

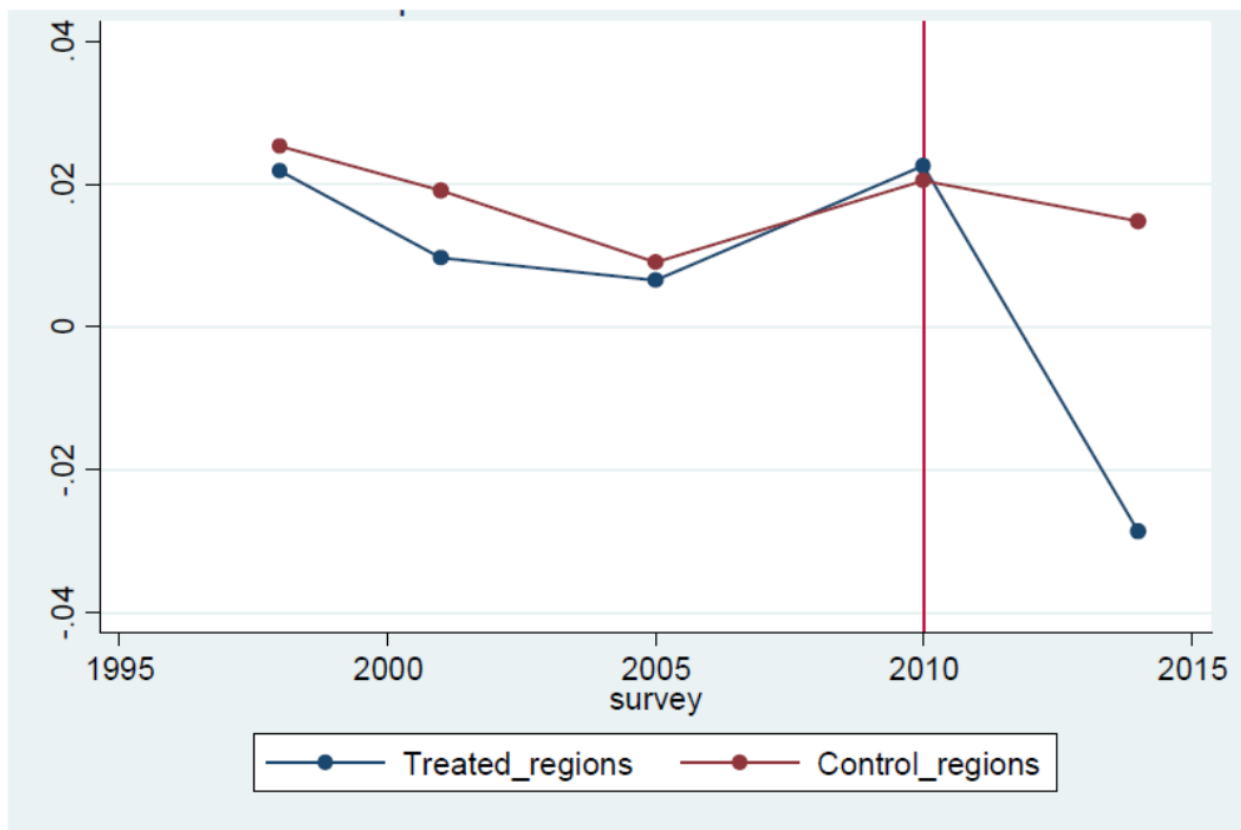


Figure 7. Difference in Non-extreme Violence when Minors are and are not Present:

Treated (Shared Parenting) versus Control (Non-shared Parenting) Regions

As with the issue of child maltreatment, it is important to emphasize that more research is desirable. But there have been no cases in which presumptions of equal parenting time have been shown to result in higher rates of IPV. The evidence we have now all points in the same direction. Presumptions of equal shared parenting when parents divorce is not part of the *problem*; it’s part of the *solution*!

Explaining the Effect of Shared Parenting Presumptions on Domestic Violence

While further research is indicated to determine the reasons that presumptions of shared physical custody are correlated with lower incidences of child maltreatment and intimate partner violence, there is a very plausible explanatory hypothesis for at least the second of the two correlations. It is given voice by Dr. Edward Kruk:

“Winner-take-all” adversarial processes and sole custody or primary residence orders are strongly associated with exacerbation or creation of parental conflict. Hawthorne and Lennings found that limiting fathers’ involvement in children’s lives via sole maternal custody judgments was correlated with their reported level of subsequent hostility toward their ex-wives. Inter-parental conflict decreases over time in shared custody arrangements, and increases in sole custody arrangements; inter-parental cooperation increases over time in shared custody arrangements, and decreases in sole custody arrangements. Fully half of first-time family violence occurs after separation, within the context of the adversarial “winner-take-all” sole custody system. This is no surprise, given the high stakes involved; when primary parent-child relationships are threatened, the risk of violence rises dramatically. When neither parent is threatened by the loss of his or her children, conflict diminishes. The culture of animosity created by the sole custody system seems tailor-made to produce the worst possible outcomes when there are two capable parents who wish to continue as primary caregivers, cannot agree on a parenting plan, and are forced to disparage each other within the adversarial system in an effort to simply maintain their role as parents. (Kruk, 2012, p. 37, citations omitted)

In 1972, in a message for the Celebration of the Day of Peace, Pope Paul VI said, “if you want peace, work for justice.” The message here is related. If we want peace between divorced and separated parents, we must work to protect the most vital interests of both of the parents: their cherished relationship with their children. But the importance of protecting these essential interests should not eclipse the most important reason for establishing rebuttable presumptions of equal shared parenting: the benefits to children. More than 40 years of research has established that the practice of shared parenting benefits most children, even when the parents are in (nonviolent) conflict (Bauserman, R., 2002; Nielsen, 2018, Vowels, *et al.*, 2023). And, recent research has shown that *the existence of a legal presumption of equal shared parenting* promotes the interests of children in the overwhelming majority of cases (Fabricius, 2019).

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