

Joint physical custody of children in Europe: A growing phenomenon

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As union dissolution becomes more frequent around the world, the living arrangements of children of separated parents have become an important issue. Joint physical custody (JPC) is believed to be the best solution for them, and probably also for their parents. Mia Hakovirta, Daniel R. Meyer, Milla Salin, Eija Lindroos and Mari Haapanen study the prevalence of JPC in European countries.

A growing number of children are affected by parental divorce or separation. When parents do not live together, the children's living arrangements (physical custody) are determined either by the parents themselves or by a family court. For much of the last century in Europe, physical custody was typically awarded solely to the mother, with some fathers being awarded limited scheduled visits. Policies then changed to give fathers more time with their children and to give parents the possibility of joint physical custody (JPC, also known as shared care). Nowadays, children can live primarily with their mother or father (an arrangement called sole physical custody, or SPC) or can spend substantial time with both (JPC). Although some scholars restrict the definition of JPC to cases where children spend exactly half of their time with each parent, in a recent paper we decided to use a broader definition, including cases where children spend at least a third of their time with each parent (Hakovirta *et al* 2023).

Practicing joint physical custody (JPC) has been linked to several positive outcomes for children and parents, such as better co-parenting and less inter-parental conflict (Augustijn 2023). For children, JPC is associated with better socio-emotional and psychological well-being, as well as lower levels of stress (e.g. Nielsen 2018, Steinbach 2019, Turunen 2017). In addition, some studies indicate that mothers' well-being and life satisfaction are higher under JPC than under sole physical custody (SPC) (Augustijn 2023).

In our study, we use European Union Statistics on Income and Living Conditions survey data

(EU-SILC) to describe levels and trends of JPC in several European countries. We break our results down by children's age and by JPC type, equal or unequal, which is a novel contribution to the comparative literature. Under unequal joint physical custody, children spend 10 to 14 nights per month with one parent (and 16 to 20 nights per month with the other) while under equal joint physical custody the children spend 15 nights with both parents.

Results

Figure 1 shows children's physical custody arrangements in 2021. Across Europe, 12.5% of children in separated families lived in equal JPC arrangements, 8.2% lived in unequal JPC arrangements, and 79.3% lived in the more traditional sole physical custody arrangement.

Figure 1: Physical custody arrangements of children in separated families by child's age. Selected European countries, 2021, weighted %



Notes: *Eastern European countries* are the Czech Republic (CZ), Estonia (EE), Croatia (HR), Hungary (HU), Lithuania (LT), Romania (RO), and Slovenia (SI). *Northern European countries* are Denmark (DK), Finland (FI), and Sweden (SE). *Southern European countries* are Cyprus (CY), Greece (EL), Spain (ES), and Italy (IT). *Western European countries* are Austria (AT), Belgium (BE), and France (FR).

Source: Hakovirta *et al* (2023).

Even though direct comparisons with previous studies are not possible, our results show a significant increase in the prevalence of JPC in less than 20 years. Substantial cross-national variation exists. Equal JPC is most common in Sweden (42.5% of children in separated families), followed by Finland (23.8%) and Belgium (19.6%). More than one in ten children in separated families in Slovenia, Denmark, Spain, and France live under this type of arrangement, but only, 5% or less in nine countries (Czech Republic, Croatia, Hungary, Lithuania, Romania, Cyprus, Greece, Italy, Austria). Unequal JPC arrangements are most common in Denmark (26.2%), followed by Sweden (11.2%), Slovenia (11.1%), and Belgium (10.7%).

Table 1 breaks down these results by children's age. Sole physical custody is more common for the youngest (0-5 years) and the oldest (16-17 years) children, reaching 84.8% and 82.5% respectively. JPC is more prevalent at the intermediate ages (6 to 15), especially the equal type, accounting for 13 to 16% of the total.

Table 1. Physical custody arrangements of children in separated families by child's age. Selected European countries, 2021, weighted % (unweighted total)

Region	Country	Children's age (years)	Sole physical custody	Unequal JPC	Equal JPC	Total
			%	%	%	
Europe	All 17 countries	0-5	84.8	6.2	9.0	1,375
		6-10	74.7	9.5	15.8	2,462
		11-15	78.6	8.4	13.0	3,620
		16-17	82.5	7.7	9.8	1,645
Eastern European countries	Czech Republic	0-5	91.3	5.6	3.1	101
		6-10	87.5	9.7	2.8	146
		11-15	79.7	11.7	8.6	223
		16-17	94.0	3.6	2.4	82
	Estonia	0-5	82.2	10.7	7.1	52
		6-10	79.6	8.5	11.9	109
		11-15	81.2	8.6	10.2	155
	Hungary	16-17	85.1	9.6	5.3	54
		0-5	88.7	9.7	1.4	59
6-10		94.8	4.6	0.6	64	
Northern European countries	Denmark	11-15	96.4	3.3	0.3	187
		16-17	95.1			56
		0-5	67.2	31.8	1.0	51
		6-10	53.0	31.1	16.9	135
	Finland	11-15	58.7	24.2	17.1	183
		16-17	75.2	17.0	7.8	72
		0-5	79.2	6.8	14.0	64
		6-10	61.2	10.8	28.0	175
	Sweden	11-15	65.8	7.6	26.6	261
		16-17	76.4	5.2	18.4	165
		0-5	52.0	10.0	38.0	93
		6-10	40.6	13.5	45.9	174
Southern European countries	Spain	11-15	42.5	10.2	47.3	281
		16-17	61.1	10.4	28.5	119
		0-5	81.7	6.3	12.0	222
		6-10	71.7	7.7	21.6	398
	Italy	11-15	76.8	7.6	15.6	591
		16-17	88.8	4.0	7.2	284
		0-5	97.4	0.4	2.2	142
		6-10	94.8	3.1	2.1	226
		11-15	95.0	3.4	1.5	270
Western European countries	Belgium	16-17	90.8	7.3	1.9	128
		0-5	80.6	6.3	13.1	145
		6-10	65.5	11.7	22.8	223
		11-15	65.5	13.6	20.9	337
	France	16-17	77.5	5.6	16.9	142
		0-5	84.0	7.4	8.6	221
		6-10	69.8	10.7	19.5	351
		11-15	76.1	10.0	13.9	522
		16-17	75.6	10.7	13.7	244

Source: Hakovirta *et al* (2023).

Discussion

JPC is becoming more common: we estimate that it concerned 13.0% of children aged 11-15 not living with both parents in 2021, compared to 5.7% in 2002-2010.

The rate of equal JPC is highest in mid-childhood, at ages 6 to 10, with lower rates for younger and older children, especially those aged 16-17. This is the expected pattern if we presume that young children are more in need of residential stability (or more in need of maternal attachment) and older children want fewer residential transitions to facilitate peer relationships.

In all age groups, and considering unequal as well as equal JPC, we see substantial variation across countries, with clear regional differences. Consistent with prior studies we find that in Northern European countries - Belgium, France, Spain, and Slovenia - children are more likely to experience JPC. Traditions and legal contexts differ across countries: for example, in Belgium and Spain, JPC has been the presumptive arrangement for at least the past decade. Even though some countries have substantially more JPC than others, our results show that the overall increase in JPC is a widespread phenomenon. In eight countries for which there are data from 2002-2010 in Steinbach and colleagues (2021), and for which we have sufficient numbers of children aged 11-15 to make indicative comparisons, equal JPC arrangements have increased. Only in Hungary and Italy have they declined, and in both of these countries equal JPC is quite uncommon (2.5% and 2.8% in the early data and 0.5% and 1.9% in recent data). In several countries, increases are large, with rates doubling or more in Croatia, Estonia,

Finland, Spain, and Sweden.

These changes are substantial, and may have widespread implications for the lives of these children and their parents. Whether social policy has kept pace with this new reality is a matter of debate.

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