

Dwelling Choices for the Children of Separated Parents (Separationsbarns boende)¹

By
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In the future one can count on social workers to an increasing degree taking part in counselling and advice regarding the children of divorce and other broken relationships. One can reckon with an increasing percentage, of these children being in joint custody, displacing the custody disputes from a question of legal custody to a question of where the children shall dwell. In this research review, the investigations are examined and compared for their effects on adjustment and development, of different custody and dwelling choices for the children of separated parents. The research results point rather universally to the advantages with that which the Swedes call half-dwelling, i.e. that parents aren't just in the legal sense both responsible for their children, but also in sharing the daily practical responsibilities through having the children living alternatively with them.

People in many countries have developed a policy and a system of rules, with the children's best interests as the guiding light, which allows separated parents to have shared custody of their children. A statistic which reflects this are the court/decisions about custody (where the parents have previously been married) which were made in the Family Court in Sweden in 1992. Here shared custody of children was 79%, mothers alone had custody in 19% of cases and fathers in about 2% (Vårdnadstvistutredningen, 1995).

In Sweden there is also a new law being created for the care of children. Previously the courts have been unable to decide on joint custody if either of the parents opposed it. Among the Scandinavian countries, the courts in both Finland and Norway already have that possibility. The trend is, however, undoubtedly that more and more decisions on joint custody are going to be handed down. This can, as the Swedish Vårdnadstvistutredningen (1995) points out, lead to parents, in the future, disputing the children's dwelling place rather than who has legal custody. This makes it much more important for all the participants, (in the counselling and/or processes of decision making about the dwelling place for children of broken relationships), to base their conclusions and operations on scientific knowledge and proven experience. Lassbo (1994) states that with regards to the family structure's effect on children's development, there is too little empirical knowledge and too much guesswork and theorizing.

Therefore a literary search into scientific research on this subject has been undertaken. Mainly, to investigate where science and proven experience stands regarding the dwelling of the children of separated parents, and in particular to look into the question of "half-dwelling" versus "whole dwelling" consequences. Searching via library data bases and search engines on the Internet gave a very poor result with regards to Scandinavian research in the area. The main part of the research which is reviewed here, comes from North America. Against these findings, the argument may be raised that the conditions in other countries are so different from Scandinavian conditions that no relevant conclusions can be drawn. Lassbo (1994) feels that for example countries with well developed social politics, such as those in Scandinavia,

¹ Originally published in *Nordisk Socialt Arbeid*, 1996(3):193-203.

cannot be compared in the social political arena with less developed countries. Welfare systems may create, for example, good external conditions for one-parent families to function successfully – which is one of the main messages in Lassbo's (op. cit.) article.

If one, in spite of the above mentioned objections, considers that children's psycho/social needs and development are pretty much the same in most countries, we should not ignore studies from non-Scandinavian countries, but instead gain essential information from them.

Distinctions and Methodologies

It must be pointed out that the main theme, in this review, is the comparison of the development of children and their feelings dependent whether or not they live with one parent (whole dwelling) or interchangeably with the mother and father (half dwelling). The goal of this review is not to compare children of separated parents, with those from intact families.

In the English language *sole custody* is the equivalent of our "ensam vårdnad", and *joint (or shared) custody* is that which we mean with "gemensam vårdnad", i.e. that both partners have in a legal sense control-custody of the children. In many early (1970's) works, but also in a number of later works one uses the term joint custody to refer to what we call *hälftenboende*, that is that children in a physical sense live interchangeably with mother and father.

This means that in a number of studies, where one wishes to study the effects of "sole custody (ensam vårdnad)" compared to "joint custody" proves difficult. This is partially due to the category "joint custody" including cases where the real spirit of the term has been carried through, as well as, cases where one of the parents (most often the father), in spite of the legal conditions, has met the children less often. In a similar way, in a number of cases, "sole custody" in reality has been more like joint custody, as contact with the non-custodial parent has occurred in a legal sense, to a high degree.

If one makes the not unreasonable assumption that it is the "*real contact*" with children that counts, rather than the legal agreement, which can influence children's development and adjustment. This means that the above differences found when comparing sole- versus joint custody tend to be underestimated.

The problem of definition was noted rather quickly, and a differentiation began to be made between

- a) *joint legal custody*, where the parents in a legal sense decide together about their children's schooling, etc., and
- b) *joint physical custody*, where parents share in the daily care of their children.

In this review I use the following translations:

sole custody = *ensam vårdnad*

joint (shared) legal custody = *gemensam vårdnad*

joint (shared) physical custody, shared parenting = *hälftenboende*

Those investigations that have been examined are very heterogeneous with regards to when and how measurements were taken, as well as, children's ages at the time of separation in

the respective investigations. Investigations include children from newborn until 12 years of age at the time of separation, and who were between 3 and 15 years of age at the time of the respective investigations. In a number of studies the investigations were only undertaken at one point after separation, in other cases separated families have been studied regularly up to four years after separation. The sample selection of separated families has also varied from random selection to systematic selection of, for example, families with high levels of conflict. In spite of all these differences, research results show a great deal of agreement, (more on this below).

Early Research on Caring for Offspring

Judging from the literature, it was first during the early seventies that research on questions of child care took off. Prior to that it appears sole custody, with the mother as the obvious care giver, was unquestioned.²

With increasing frequency in divorce and increasing thoughts of equality between the sexes, came a questioning of the established order with the mother as the natural and obvious custodial person. Joint custody and shared parenting (sometimes called *delad vård* or *växelboende*) began to show up as new alternatives to the established pattern.

Warning fingers were, however, soon raised. In a frequently quoted book, Goldstein et.al. (1973) argues against joint custody and shared parenting. Moving back and forth between parents could, he reasoned, create confusion, loss of feelings of roots, conflicts of loyalty, etc. The arguments were, however, not based on any investigations of the consequences of different forms of care, rather, they were based upon theoretical and logical reasoning. Later research would show that these fears were not justified. Steinman (1981) could for example refute the assumption regarding conflicts of loyalty for children in shared parenting situations. Luepnitz (1986) and Shiller (1986a) have both shown that shared parenting did not cause insecurity or confusion in children.

In a research review Collier (1988) writes:

“..... it is now clear that joint custody does not pose the kind of threat foreseen by Goldstein et.al., and in many cases it clearly offers substantial benefits to both children and parents.” (p 460)

The Effects of Divorce on Children

That children suffer in divorces ought not to need to be questioned. That they also have a developmental handicap is pointed out in almost all studies. Lassbo (1994) presented a line of studies which showed how children from one parent families in many respects are worse off than children in two parent families, but, presented at the same time a Swedish study which shows the differences are probably not so great.

(1) ² This view of course doesn't take in the longer historical perspective, where the man had custody and was the obvious care giver, with the exception of the period when the mother suckled/nursed the child. According to Magnus Eriksson's *landslag* (constitution) from 1350, children born out of wedlock should after the first three years of nursing with the mother, stay with the father until the child was seven years of age. After this both parents were responsible for the child's care. This law was in force, unchanged, for almost 300 years. (Vårdnadstvistutredningen, 1995).

When it was a matter of psychological effects of a divorce, it has been shown that the father's partial or total disappearance, which in reality has been the issue, does have negative effects. Parish (1987) reviews his own and other investigations which confirm that the father's absence has negative effects on the children, such as, poor social adjustment, anxiety, weakened self-image and problems in school.

When it's a matter of the social effects, the American statistics regarding the child's relationship in "fatherless families" has also been alarming. Children from "fatherless families"; run twenty times greater risk of showing behavioral problems; nine times greater risk of leaving school before graduation and ten times greater risk to be a user/misuser of narcotics etc. (Schildt, 1994). Lassbo (1994) suggests that the statistics are over interpreted and exaggerated, but the Swedish research pair, Öberg & Öberg (1992) has through in-depth interviews with "fatherless" children and "childless" fathers, in fact, shown the negative psychological importance of a child's lost contact with his/her father, which we can never ignore.

Both boys and girls are affected negatively by divorces, but several studies have shown that divorce impacts more seriously on boys than on girls in regards to the loss of daily contact with their father. (Wallerstein & Kelly, 1980; Kelly, 1981; Warshak & Santrock, 1983; Emery et.al., 1984)

The consequences of different forms of care on children

Boys and Girls

In studies where one has compared cases with fathers and respective mothers with solo care of children, one common characteristic that correlates with better adjustment in the children has been the similarity of gender between the caretaker and the children. (Warshak & Santrock, 1983), In other words, girls show more positive development if the caretaker is the mother, while boys show more positive development if the caretaker is the father. However, according to the same source, the development in both of these cases has more problems when compared to well functioning intact families.

Pojman (1982) has found that boys in shared parenting show similarly good adjustment to boys in well functioning intact families. Boys in share parenting showed also significantly better adjustment than both boys in sole care and boys in intact problem families. Also Shiller (1986 b) has reported similar results. Boys in shared parenting had fewer emotional and behavioural disturbances compared to when the mother had sole care.

Sole Parenting versus shared parenting

In Sweden there seems to be, judging after the results of a search, only one study where one has investigated families who, after divorce, have chosen different ways in the parenting question. It is the couple Bente and Gunnar Öberg (1985), both psychological family therapists, who have carried out in-depth interviews with sixty randomly drawn divorce families. Half of these had chosen shared parenting; the other half sole care. At the time of the interviews at least 5 years had passed since the divorce, and children were then anything between 5 and 18 years old. As this has to do with a qualitative study, there was no simple measurement by which one could compare the results of the two forms of care. From the view of the in-depth interviews the emphasis is however, that the picture of shared parenting takes precedence before sole parenting. In a later work, which can be recommended for reading,

(Öberg & Öberg, 1987) the authors list the advantages and disadvantages associated with different care forms. The longest and most convincing list of advantages is for shared care.³

In those investigations where one has, with a comparative quantitative design, compared the effects of sole parenting and respective shared parenting, do the results speak rather unanimously to the advantages of shared parenting.

Different psychological measurements, have with a whole line of investigations found that children in shared parenting show more positive development - a greater satisfaction, better adjustment, better ego strength and self-confidence etc in comparison with children in sole parenting. (Nunan, 1980; Cowan, 1983; Pojman, 1982; Livingston, 1983; Noonan, 1984; Shiller, 1984, 1986; Handley, 1985; Wolchik, 1985; Bredfield, 1985). Others, for example Karp (1982) have in logical agreement with these results, found that children in sole care had more conflicts with their parents compared with children in shared parenting.

In some investigations however, one finds only marginal or no difference between children in shared parenting and children in sole parenting environments. Kline et.al (1989) studied, for example, 93 children of divorce whose ages were between 3 and 14 years during a three year period after the divorce and found that it was "only" with regards to emotional adjustment that children in shared care showed marginally better results than children in sole parenting. Children in shared parenting had also, which by definition follows with shared parenting, but is therefore nonetheless important, *better access to both parents*. With regards to behavioural disturbances and social adjustment no differences were found between those children of shared parenting and those children in sole parenting.

What do children think?

Both Abarbanel (1979) and Luepnitz (1986) have found that shared care is what children themselves prefer, as it is that "family form" which gives the best continuity with both parents and which lies closest to the intact family that they themselves would prefer to see. In a comparison between sole parenting and shared parenting Luepnitz (1982) found that children in sole care, as a rule, were dissatisfied with the degree of involvement with that parent who didn't have care (that would say in the greatest number of cases - the father), while children in shared parenting were satisfied by their contact with both parents.

In a research review Kelly (1988) summarizes children's own descriptions:

³ List of the advantages with shared care

- ☐ The children continue a daily life with both parents, and they consequently don't become strangers to each other.
- ☐ The children feel that it is "Just": neither of the parents is favoured.
- ☐ The children are less likely to feel guilty and/or to miss his father.
- ☐ The children get to experience that they are loved and important to both parents, which strengthens self-confidence.
- ☐ The boys continue to have a father as a role model for identification.
- ☐ For small children with frequent changes can experience that they still live with both.
- ☐ The children can feel that they contribute to the parents meeting and have a near and good cooperation.
- ☐ There is no risk that contacts with either of the parents will cease in the teenage years.
- ☐ It can feel good to "have a rest" from one of the parents (especially for teenagers).
- ☐ A divorce is not experienced as a devastating loss, because the child has not lost any love and important person from their daily life. (Page 133)

Compared with children in sole maternal custody, joint (physical) custody youngsters were more satisfied with their arrangements (Handley, 1985, Luepnitz, 1982, 1986) and did not struggle with the sense of loss and deprivation so characteristic of children in sole custody families. (Luepnitz, 1982, Steinman, 1981). Most youngsters considered having two homes advantageous and the extra effort of making transitions between homes to be very worthwhile, because it enabled them to be close to both parents. (p.131.)

Visiting fathers and fathers with shared parenting

When it is a matter of children in sole parenting with the mother there is a well-ingrained tendency that fathers, in spite of the best intentions, appear to pull aside and disappear out into the periphery. Doctor Sanford L. Braver (1995), who has carried out 25 years of research about the effect of divorce reported about this from an ongoing study of fathers' experiences at a conference in 1995;

...their experience was not one of 'withdrawing' at all. Rather, they felt expelled, kicked out, thrust out of their children's lives. They felt that the system, their ex-spouses and society's attitudes in combination seemed to combine in such a way as to just get them out of the kid's lives, so they felt that the kids weren't really theirs anymore.

Irving et.al. (1984) could in a large empirical study instead show that fathers in shared parenting arrangements came to take a larger part in the children's daily lives than they did before the divorce. This meant that children in shared parenting, in fact had more daily contact with their fathers than before the divorce.

Risman (1986) has also found empirical support for the parental sex role, in that it is structurally effective and changes character when the relationship changes. The role of the father is not locked but is flexible and dependent on conditions. Fathers who have a concrete and daily care responsibility change their role behaviour so that they not only have more time with the children, but also be more of both "papa and mamma".

Mothers with sole custody and mothers with shared parenting

Luepnitz (1986) found in a study that mothers in shared parenting arrangements to a smaller degree suffered "burnout", compared with sole-parent mothers. Hanson (1985) found those mothers with shared parenting had better psychological health than sole parent mothers. Maccoby et.al. (1986) found that mothers with shared-parenting were more satisfied with their situation than sole parent mothers. Irving et.al. (1984) found that mother's satisfaction with shared parenting as a rule increased the longer time went by. Karen DeCrow, past president for the National Organisation for Women in the United States wrote on the 1st May 1994 the following in The Syracuse Times:

Shared parenting is not only fair to men and children, it is the best option for women after observing women's rights and responsibilities for more than a quarter century of feminist activism, I conclude that shared parenting is great for women, giving time and opportunity for female parents to pursue education, training, jobs, careers, professions and leisure.

There is a study however, where the picture is not as light for women with shared parenting. Leff (1995) interviewed 8 women, four years after a court decision⁴ against their will began shared parenting. It appears that if they were forced into shared parenting against their will it increased the conflicts which were originally the cause that the parents couldn't themselves come to agreement in the question of care, so that a court decision became necessary. This lessor light total picture however, writes Leff (op.cit) in his summary that:

Yet, four years later, [after shared parenting began] all of the participants admit deriving some benefits from it. Each woman agreed that the periods of "time-off" from their children provided them with great peace and freedom. All participants were pleased with the new, more powerful self that had emerged.

Policy recommendations and practical advice

Coller (1988) writes, after going through the research in this area, it seems that shared parenting is the form of care that ought to be given the highest priority and be the normal situation. In the condition that there are strong contraindicators against shared parenting joint legal custody with a sole residency is recommended. Sole legal and physical custody should be the very last option.

Contra indications against shared parenting can be a so high level of conflict between the parents that repeated mediation attempts do not succeed, with a pattern where parents are constantly pursuing court processes against each other with the children as a weapon. Mental illness, drug abuse and social maladjustment of either of the parents can as well be contra indicators.

When it comes to the reality of shared parenting Friedman (1994) who is a psycho therapist, with clinical experience of shared parenting children and their parents, considers that parents can neither nor need to be free of conflicts to succeed with shared parenting. However, one must learn to communicate openly about that one considers best for children. The parents should agree that they can disagree and still care for the children appropriately.

Regarding the schedule for residence Friedman suggests that for children under six it is best to begin with "split weeks" to later go over to a week/week or longer time interval to be with each of the parents. To avoid too much movement of clothes and other things back and forth, with the attendant forgotten things, [potential reasons for conflict], it is recommended that in the beginning to have double sets of clothes, playthings etc.

In the Swedish study of 60 divorced families (Öberg & Öberg 1987) shared parenting pairs had most often decided on a model where children lived alternating weeks with each parent. Some children changed homes more often than once a week. Children were

⁴ In several countries, as well as several states in the United States courts have the possibility of deciding for shared care and shared parenting if they consider that this is best for the children - even if, either or both of the parents initially oppose this. If Vårdnadstvistutredningens (1995) goes through, the Swedish courts will also have the possibility of deciding on shared care and parenting even if one of the parents opposes it.

Monday and Tuesday with one of the parents, Wednesday & Thursday with the other, and Friday to Sunday alternating, with each of the parents.

Öberg & Öberg write of this model:

In reality this means that one is five days in a row with each parent during a 14 day period. The schedule can seem more split up than in reality it is.

The advantage with this system is that both children and parents have fixed reoccurring days with each other. A mother can go to a course every Wednesday and know she is always free of children that evening. A child can play cello on Tuesdays and doesn't need to carry the instrument between homes every week.

Another advantage was formulated by a seven year old: "When one changes so often one doesn't have time to miss anybody and it feels almost as if one lives together with both the whole time." (P 74 - 75)

Öberg & Öberg (op.cit.) point out that parents must live near each other, so the children avoid long travel distances when with either parent. Geographically it is ideal that the parents live within the same school district according to Friedman (1994). Furstenberg et.al. (1985) has shown that the shorter the distance is between parent's dwellings the greater is the probability that shared parenting will function well.

For those of us that take it as a given that children should have their say is Friedman's (op. cit.) understanding of this question worthy of thinking about. In opposition to the common occurrence in several countries,⁵ warns Friedman (op cit), especially in questions of care and dwelling, to ask the children where they would like to live:

...it puts him or her in a no win situation that lasts a lifetime. A child is made up of both parents, Sometimes the guilt of this decision does not set until the child becomes a parent, but it almost always causes a deep sense of betrayal and the nagging "I should have been able to deal with it" when referring to the parent they did not choose.

Also in Sweden, Öberg & Öberg (1987) has come to a similar insight:

We think principally that the question of where a child should live should be decided by the parents [...] to allow younger children to choose with whom they should live will in most cases mean that one is putting the child in a difficult conflict of loyalties.

Öberg & Öberg mean however, that at the same time children who are teenagers should be included in the discussions even if the decision for the same reasons as above ought to be concluded by the parents.

⁵ Vårdnatsvistutredningen shows that courts in many countries regularly research the children's choice. Sometimes this research is connected to the children's age. In Iceland a child's choice is considered if they are 12 years of age or more. In Spain as in the Netherlands it always occurs if the child is 12 or more. In France the question is raised if the court decides it is suitable. Age is without importance but children under 7 are seldom investigated.

In summary, the research results point rather unanimously to the advantage for both children and parents with shared parenting. This is under the conditions that there are not particularly difficult conflicts to be overcome between the parents. A Canadian documentary film, *Dad's House - Mom's House* from the National Film Board of Canada,⁶ which also showed up in a search of the internet summaries and illustrates the knowledge of the situation very well, without bringing up all the studies which formed the basis for the researchers interviewed, parent's and children's comments. The film is in English, in an easily digested and living form, and can be recommended to those who wish to orient themselves in this question.

The problem is now you understand, how much should we draw our conclusion from the North American research which has been summarised above. One can for example Lassbo (1994) be so careful that one in principal leaves the practical working social worker without anything to say. One can also, which I suggest, choose to pay attention to the research that exists and come to the same conclusion as Collier (1988) that one in concrete cases should in the first instance try to bring about a smooth functioning shared parenting situation.

⁶ The film can be ordered from NFB's London Office; National Film Board of Canada, Grosvenor Square, London W1X 0AB, England. Tel: 00944-71 258 6482. Fax: 009944-71 258 6532.

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