



Columbine Counseling Center

VOTE NO ON THE 50/50 PRESUMPTION¹

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The school bus lurches forward and turns towards the curb. The driver brings the bus to a stop and opens the door. Joey and Brittany get off last. Their father greets them and points to the back seat of their late model Honda.

The drive home is short. Joey and Brittany tell dad about the school day. He listens with interest as they pull into the garage. Dad does pick-ups on Tuesdays and Fridays. Mom arrives home a half hour later.

The above scenario occurs throughout the country every day. Many parents today share parenting responsibilities as never before. Should Brittany and Joeys' parents get divorced, that shared relationship will undergo enormous change. Each will have primary parenting responsibility some of the time. For the divorce to be successful, they will have to learn a new form of cooperative behavior.

Fortunately for Joey and Brittany, most parents accomplish this difficult task without litigation. Approximately 75% of all divorcing families solve the problem of reorganization. They do so under present state laws, generally described nationwide as the best interest of the child standard.

Should Colorado adopt what has come to be known as the 50/50 presumption standard, the 75% who settle will have yet another task to accomplish. They will have to overcome a prescription that is unnecessary. It is argued here that divorcing parents have enough on their plate, adjusting to the ending of a relationship and developing a newly structured, stabilized family life, without the unnecessary focus on a forced solution to parenting time.

For those who litigate, the task becomes even more complex under such a presumption. While litigated divorce is about parenting time and decision-making, it is all too often about allegations of unfit or questionable parenting. It is about conflict and anger. Mostly it is about the failure of parents to negotiate change.

Today's parents create a variety of post divorce arrangements. Fathers remain more involved than ever post divorce. There is no prescriptive answer, however, which will

¹ This law would "presume" that parenting time should be equal in divorcing families.
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satisfy the complex task ahead for divorcing parents. Dealing with their emotional life, learning how to get along in a new family structure, learning how to make parenting work under new conditions, helping children adjust – these are the significant tasks for divorcing parents.

Keeping both parents involved with their children is also an important task to accomplish. Forcing parents to do so by mandating 50/50 parenting time is a bad assumption and a bad place for parents to start the process of reorganization and stabilization. In short, children need parents focused on the right tasks rather than bickering over “equal” splits of time.

Much like the ill conceived “blanket restriction” to overnights for infants², an equal time-share arrangement amounts to a forced solution. Divorcing families eventually create a diverse pattern of parenting time arrangements based on family-specific requirements. Strained resources during divorce are better spent developing parenting time arrangements suited to the particular schedules for each parent dyad. All too frequently, insistence on “equal” parenting time says more about one spouse’s desire to be viewed as an “equal” caregiver. It masks the general truth that in most families, one parent does more parenting than the other. This assumption does not mean “better” and should not be construed as such.

In a recent study (Fabricius & Hall 2001) college students clearly signaled the importance on father-child relationships by saying with remarkable consistency that equal parenting time would have been best. Replications of this study need to be undertaken with differing populations. Nevertheless the trend is, and should be, to provide more time for divorced fathers and their children. To accomplish this task, parents should develop shared arrangements and parenting time plans which allow for stronger ties between fathers and children. Procedures for re-consideration of parenting time schedules at different developmental stages can be written into Separation Agreements. Our social policy is best guided by the broad concept of shared parenting. Equal is one form of shared.

² This has become known as the two-and-a-half year presumption.