

Joint Physical Custody after Divorce and Child Well-Being

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Abstract : Joint physical custody means that both parents after divorce or separation have the right and responsibility to take care of the child on the daily basis. In a joint physical custody arrangement, the child spends substantial, but not necessarily equal, time with both parents. Joint physical custody can be symmetric care arrangement or not. However, it is accepted in the jurisprudence that the best interests of the child is served when the child spends at least 35% of the time during a two-week period with each parent. Joint physical custody, also known as joint, dual, or shared residence, is a challenge in contemporary family law. It has its supporters and opponents. On the one hand, joint physical custody is beneficial because it provides children with frequent and continuous contact with a mother and father after their divorce or separation. On the other hand, it isn't good for children to be shuttled back and forth between two residences. Children need a home base. The conclusion is therefore that joint physical custody can't be seen as a panacea for all post-divorce or post-separation parenting cases and the court shouldn't automatically make such a determination. The possibility to award this arrangement requires the court to carefully weigh the pros and cons of each individual case. It is difficult to say that joint physical custody is better than single physical custody in any case. It depends on the circumstances and needs of each family. It appears that an individual approach is going to be much better as opposed to a one-size-fits-all idea.

Keywords : joint physical custody, shared residence, dual residence, the best interests of the child

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