

**Recent Trends in Children's Placement Arrangements in Divorce and Paternity
Cases in Wisconsin**

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I. INTRODUCTION

The placement arrangements made for the children of unmarried or divorcing parents have in recent years been the subject of academic research and public policy decisions, both of which have encouraged a movement away from judgments which automatically assign placement to the mother and toward a system which makes the "best interest" of the child paramount. This movement was guided by research suggesting that contact with fathers may help ameliorate the negative consequences of growing up in a single-mother family, both economically and developmentally (McLanahan and Sandefur, 1994; Meyer 1996; Meyer and Garasky, 1993; Weiss and Willis, 1985). Over time state placement laws have moved from a regime in which placement with the mother was the explicit preference (through most of the past century), through a period in which placement laws tended to be gender-neutral, to the present, when many states have made sharing placement of the children between the divorcing parents the preferred option (Buehler and Gerard, 1995).

While these pressures for changes in placement have existed for at least two decades, empirical research through the 1980s and early 1990s tended to show that, even though there were increases in alternative placement arrangements, the large majority of placement decisions still placed the children solely with the mother. Several researchers (Seltzer, 1990; Fox and Kelly, 1995; Christiansen, Dahl, and Rettig, 1990) found that mother sole placement accounted for over 80 percent of arrangements in various Upper Midwestern states in the mid-1980s; father sole placement accounted for about 10 percent of cases, and joint placement arrangements accounted for only 2–6 percent of cases. Cancian and Meyer (1998) found that from 1986 to 1994 in Wisconsin the rate of mother sole placement in divorce judgments fell from just over 80 percent to 74 percent, while joint placement rose from 7 percent to 14 percent. They also found that during this period shared placement was more likely in cases with higher parental income, when the mother had previously been married, or when the mother was younger. They also found that in

cases where the father had legal representation but the mother did not, shared placement or father sole placement was more likely, but if only the mother had an attorney, then mother sole placement was the more likely outcome.

In Wisconsin the policy environment has been increasing the pressure on courts to use shared placement arrangements. This culminated in new legislation in May 2000 that directed courts to maximize the time the children spent with both parents. A previous report (Cancian, Cassetty, Cook, and Meyer, 2002) found that the use of shared placement in divorce cases had more than doubled even before this legislation went into effect (from 11.4 percent in the early 1990s to 23 percent in the late 1990s) with accompanying reductions in the use of mother sole placement. This report examines several questions: Has the trend toward equal shared placement continued in the aftermath of this legislation? Has the use of shared placement increased in paternity cases as it has in divorce cases? What parental characteristics are associated with the use of shared placement?

We continue the analysis of Cancian and Meyer (1998) and Cancian, Cassetty, Cook, and Meyer (2002) with additional data that allow us to examine placement outcomes among Wisconsin divorces and paternity cases through 2002, exploring factors associated with shared placement as well as mother sole and father sole placement. This paper documents the child placement arrangements in recent Wisconsin divorces, those coming to court in 2000–01. We are particularly interested in documenting changes in the incidence of shared placement in the state, so we contrast the placement arrangements in these cases with divorces coming to court in 1990–93 and 1996–98. A brief discussion of the data used in this report is included in Section II of this report. Section III presents the results of the analyses related to changes in placement patterns between the two time periods. A discussion of findings follows in Section IV.

II. DATA AND SAMPLE SELECTION

We use the Wisconsin Court Record Data (CRD), a sample of cases coming to court in 21 Wisconsin counties (Brown, Roan and Marshall, 1994).¹ The frequent use and discussion of the CRD database in many other studies and technical reports for the Wisconsin Department of Workforce Development (DWD) makes a detailed description unnecessary. To analyze changes in placement patterns over time, we specifically selected cases that entered the court system in three time periods: an early group of 2,324 couples that had court cases filed from July 1, 1990, through January 31, 1993, a later group of 2,947 couples that had court cases filed from July 1, 1996, through June 30, 1998, and a final group of 1,806 couples that had court cases filed from July 1, 2000, to June 30, 2001.² These cases include married couples who are filing for divorce and unmarried parents who are requesting paternity establishment or child support. We examine the divorce cases and the paternity cases separately.

There are 1,386 divorce cases in the early sample; 1,590 in the later sample, and 905 in the final sample. Among these, we delete cases where (1) no final judgment was reached during our period of observation, (2) all the children of the couple are no longer minors, (3) the couple is recorded as living together, and (4) physical placement of the children is assigned to someone other than one of the parents. This results in a final sample of 3,768 divorce cases (1,347 in the early time period, 1,530 in the later, and 891 in the final).

For the paternity cases we start with 938 early cases, 1,357 later cases, and 901 in the final group. We eliminate cases where (1) the children are no longer minors, (2) the couple are living together, and (3) the children are placed with a third party, resulting in 844 early, 849 later, and 825 final group cases.³

¹The counties are Calumet, Clark, Dane, Dodge, Dunn, Green, Jefferson, Juneau, Kewaunee, Marathon, Milwaukee, Monroe, Oneida, Ozaukee, Price, Racine, Richland, St. Croix, Sheboygan, Waukesha, and Winnebago.

²These groups correspond with cohorts 11 and 12 (early group), 17 and 18 (later group) and 21 (final group) in the WCRD data.

³Eliminated cases include a special sample where the parents were living together that was collected with the later group cases (in cohorts 17 and 18).

In cases where information on a parent's income is missing from the court record,⁴ we have used data from the Wisconsin Unemployment Insurance (UI) Wage Record files to supplement the court record. Although UI data are not available for all parents in the sample, and only include earnings for which UI reporting is required (and so are not entirely consistent with the gross income figures reported in the CRD), these data do allow us to measure the economic well-being of a far larger percentage of the sample. Whenever possible, income data used in subsequent analyses will come from the CRD. This is based on the assumption that the courts make child support decisions on the basis of the information in the legal materials and court records before them, not on the basis of earnings information that may be found in other state records. We should note, however, that current income information available to the courts at the time of hearings might arise from informal testimony and vary from that available in court *or* public records.

Unless otherwise noted, information on placement, child support orders, and other terms of the court's decisions is recorded for the point in time at which the final divorce decree or paternity establishment order is issued by the court. Some additional demographic data are taken from earlier court records. Although some cases have multiple contacts with the court before or after receiving a final decision, an analysis of these changes is beyond the scope of this study.

We analyze physical placement, not legal custody. Several physical placement outcomes are possible. In our initial descriptive analysis we differentiate between mother sole placement, father sole placement, equal shared placement, unequal shared placement (in which the child lives with one parent 30–49 percent of the time and the other parent 51–70 percent), and split placement (in which at least one child lives with the mother and at least one with the father). We use the 30 percent threshold to define unequal shared placement because this is the level at which a shared child support formula is used in Wisconsin during this time period. We also present separate figures using a 25 percent threshold, since in January 2004 Wisconsin adopted this as the new threshold to determine when the shared placement child

⁴In the early group, 89 percent of mothers and 86 percent of fathers have income information in the court record, compared to 56 percent of mothers and 58 percent of fathers in the late group.

support formula should be used.⁵ After presenting initial descriptive information on these physical placement outcomes, our analysis focuses on mother sole placement, shared placement (including both equal and unequal), and father sole placement.

The court record contains information on the physical placement of the children in two locations. First, the CRD has recorded the verbatim record of the physical placement discussions in the court hearing and coded that into a detailed description of the placement arrangements for the case, which includes whether the children will be living with one parent, shared between both parents, or split between the parents. Second, the record indicates whether the court determines whether the sole placement, split placement, or shared placement guideline should be used in determining any child support order. We use both sources of information to define placement arrangements.

For our primary analysis we estimate a multinomial logit model with the three independent outcomes. Such a model allows us to estimate the predicted relationship between various case characteristics and the odds of shared placement and father sole placement outcomes (versus mother sole placement). For this estimation we exclude cases that have other types of placement outcomes (such as split placement or placement types that vary over time).

Our conceptualization of the factors that may influence the placement outcome follows economic theory and the previous literature (see in particular Cancian and Meyer, 1998, as well as Brown, Melli, and Cancian, 1996; Fox and Kelly, 1995; Seltzer, 1990). We examine total income to explore whether placement outcomes differ by income levels, and we examine mother's share of income to account for differences related to the mother's economic independence. We examine whether each parent had a prior marriage to determine whether prior commitments or experiences of each parent affect placement outcomes. The number, age, and gender of children are included because these may affect parental preferences or child care costs. We also include variables related to the court process: legal representation and location (county) of final judgment. We include several other variables as controls: whether parents

⁵Common thresholds in other states are 25, 30, and 35 percent (Melli and Brown, 1994).

live in the same zip code or state, parental ages, and marriage length. Because we are using court records, some characteristics are not available, notably the parents' race and educational level.

III. RESULTS

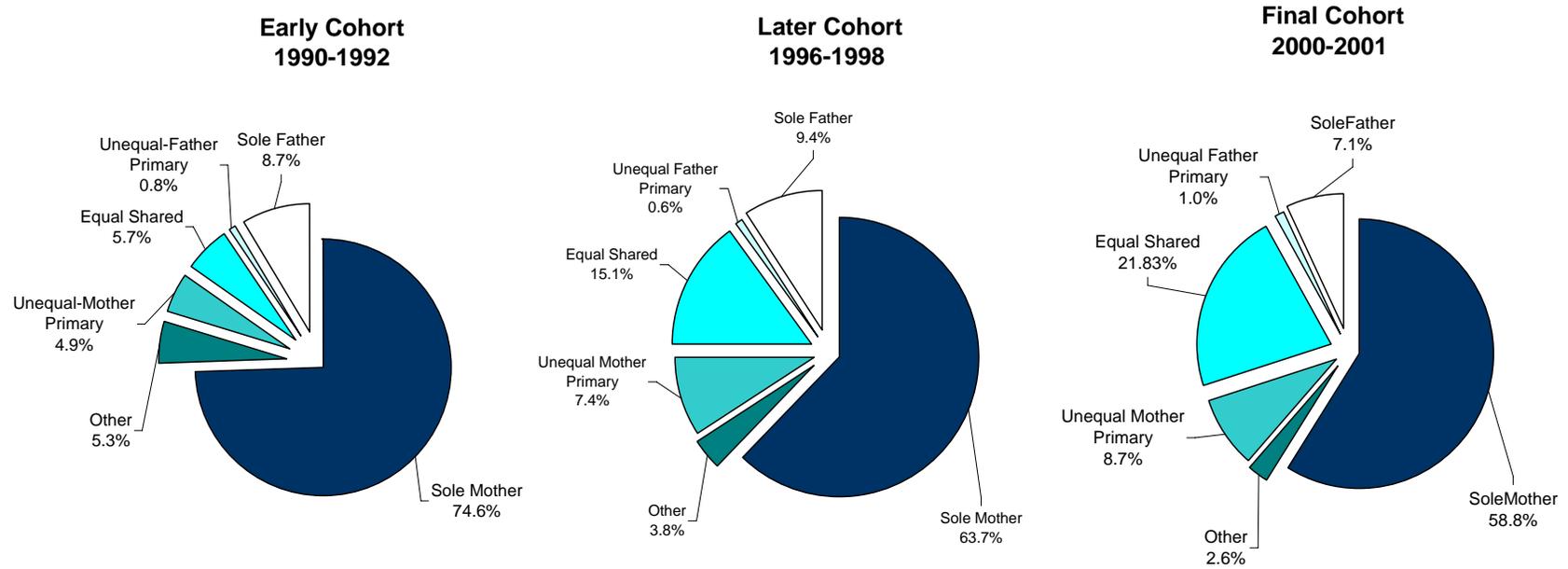
Change in the Distribution of Placement Arrangements in Divorce Cases

We first compare the proportions of divorce cases with different placement types in each period—early cases (filed in 1990–93), later cases (filed in 1996–98), and final cases (filed in 2000–2001). Placement types include mother sole, father sole, unequal shared with father primary, unequal shared with mother primary, equal shared, and “other” types of placement, which include cases with split placement and cases where placement is with a “third party” (someone other than the mother or the father). As indicated above, the father-primary and mother-primary outcomes are cases where placement is shared unequally and the primary parent has the child 51–70 percent of time.

Figure 1 illustrates the proportion of the sample in each placement arrangement in the three time periods. It shows a move away from mother sole placement. This trend is a continuation of the pattern of past years. Cancian and Meyer (1998) found mother sole placement as the outcome in 80 percent of cases in the mid-1980s. In the earlier cohort (1990–93) we find that 75 percent of placement arrangements were for sole placement with the mother, a figure that fell to 64 percent just 5 to 6 years later and then to 59 percent in the final cohort (2000–01).⁶

This decline in mother sole placement cases is accompanied by a large increase in the proportion of cases with equal shared placement, from 5.7 percent to 15 percent to 22 percent. Most other placement options stayed relatively stable: father sole placement accounted for 7–9 percent of cases and unequal shared with mother primary placement accounted for 5–9 percent. Unequal shared with father primary placement remains a very uncommon arrangement throughout the periods (0.8 percent, 0.6 percent, and 1 percent) and “other” types, such as split placement, become less likely across the three time periods (5.3

⁶All percentages in this section are weighted to reflect differential sampling proportions across counties in the CRD.

Figure 1. Placement Outcomes by Cohort: Divorce Cases (Using 30% cutoff for Shared Placement)

percent to 3.8 percent to 2.6 percent). Altogether we see that the proportion of divorce cases with shared placement (both equal and unequal) more than doubled between the early and later groups, from 11.4 percent to 23.1 percent of all placement arrangements, and then increased again, to 31.5 percent of all cases, in the final group. This is more than a fourfold increase from the 7 percent found in 1986–87 by Cancian and Meyer (1998).

As we noted, the proportions above used a threshold of 30 percent to determine the distinction between sole and shared placement, reflecting state rules in place at the time. The change in 2004 to a 25 percent threshold raises the question of how the results might differ if this new threshold were used; using the new threshold has the effect of moving cases from the sole placement to the unequal shared placement categories. Figure 2 presents the trends in placement arrangements when we use the 25 percent threshold. We find that in each of the three time periods, 2 to 4.5 percent of divorce cases would be affected by a new 25 percent threshold. In the early cohort, 2.7 percent of cases were sole mother placements that fell between the 25 and 30 percent thresholds and would have been considered unequal shared cases under the new rules; in the later cohort 4.5 percent of sole mother cases and in the final cohort 2 percent of sole mother cases fell between the two thresholds. Looking at it another way, from 3.5 to 5 percent of all sole mother cases would be counted as shared placement cases under the new rules and would be subject to the shared placement rules for child support. Sole father placement makes up a relatively small share of all placement outcomes, but again between 2 and 8 percent of sole father cases would be considered as shared placement under the new threshold rule. Of course, couples and courts may react to the new thresholds by setting placement arrangements based on the child support implications of the new shared guidelines. Observations of court decisions after the new threshold was in place will be needed to determine the actual effects.

The other recent legislative change affecting placement determinations was the May 2000 rule stating that placement decisions should strive to maximize the time spent with both parents. While the available data do not allow us to specifically test any effects of this change, we do show in Figure 3 that

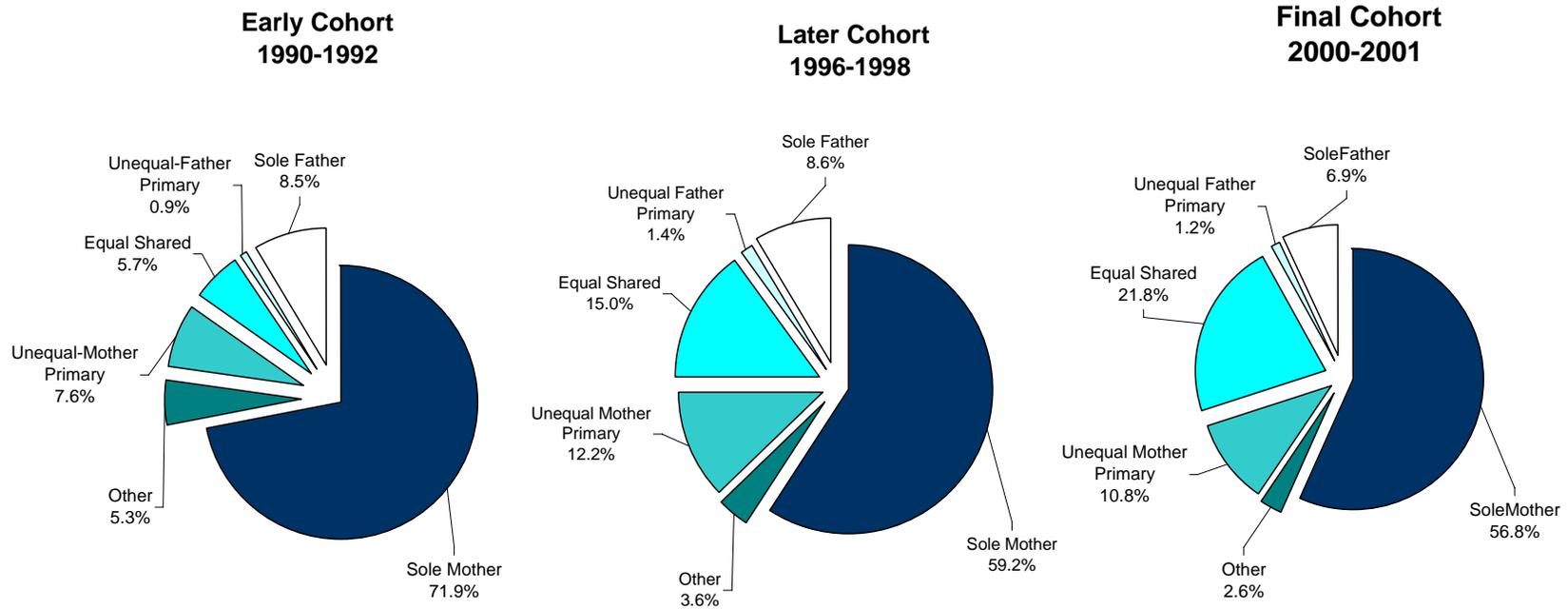
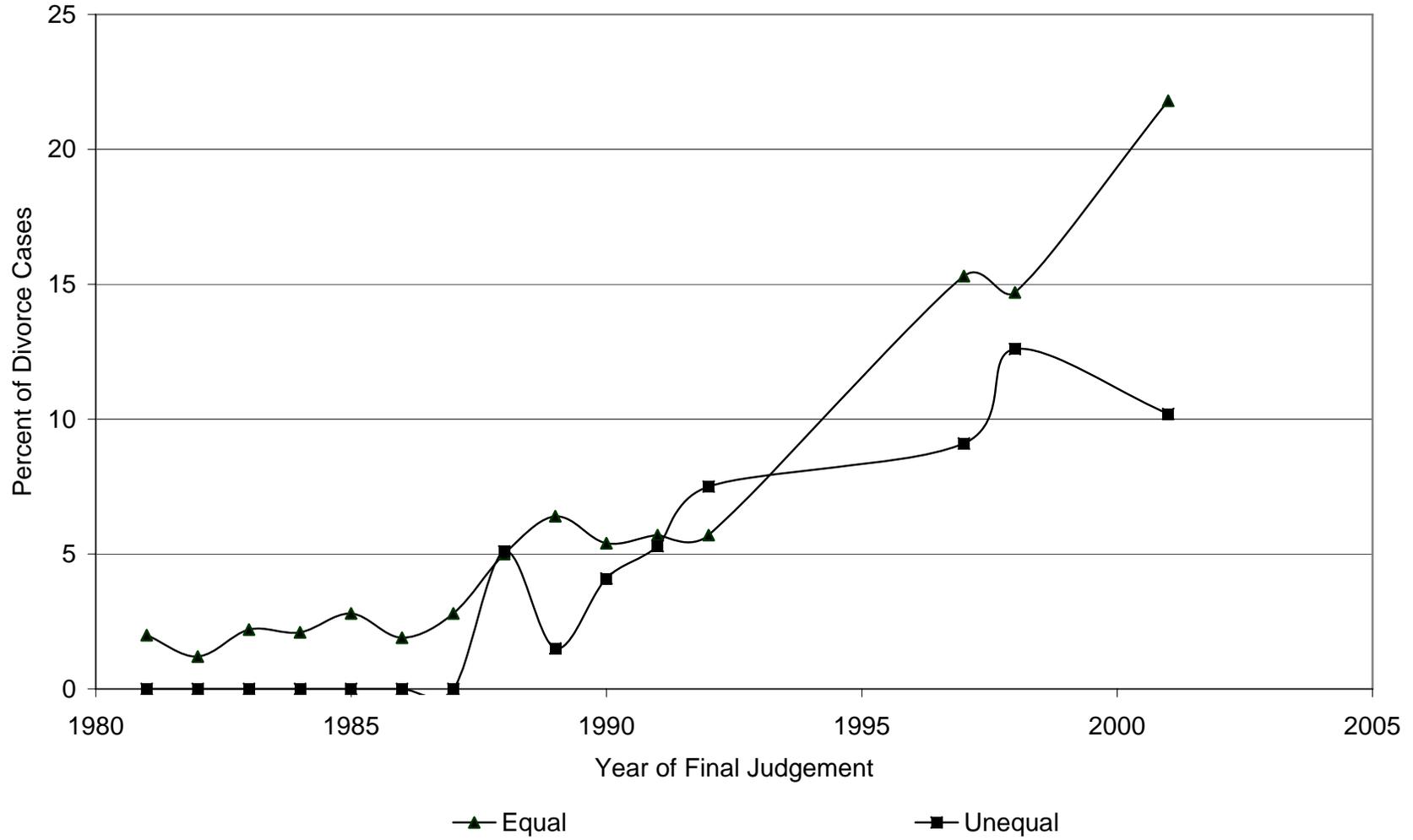
Figure 2. Placement Outcomes by Cohort: Divorce Cases (Using 25% cutoff for Shared Placement)

Figure 3
Trends in Equal vs. Unequal Shared Placement



there appears to be a change in the relative proportion of cases being assigned to equal instead of unequal shared placement. Both types of shared placement have risen over the course of the 1990s, but in divorce cases decided in 2001 we find that unequal shared placement experienced a decline, while equal shared placement maintained its growth. It is possible that this preference for equal instead of unequal shared placement may reflect judges' and parents' efforts to conform with the new legislated goal of "maximizing time with both parents", but more information will be needed to confirm this.

Finally, as discussed above, we have used information both from the court records on child support determination and from the physical placement schedule to establish the physical placement arrangement for each case, with information from the physical placement schedule prevailing in the case of conflicts. Since the child support determination reflects the actual guidelines that are used to set the child support order for the case, we may wonder how the addition of physical placement data affects the outcomes shown in the tables. In other words, how many cases have physical placement data suggesting that an incorrect child support guideline was used in the case?

The major result of adding the placement data is the movement of cases from sole parent placement to a shared placement category. For these cases, the court is treating them as a sole parent case for child support determination, but the placement schedule is actually indicating that the child is spending more than 30 percent of time with the other parent. The frequency of this event appears to be relatively constant over the three time periods: between 5.5 and 7.5 percent of cases treated as sole mother placement for child support purposes were actually shared placement, spending more than 30 percent of time with the father. Conversely, only 1 to 2 percent of cases treated as shared placement for child support appear to be sole mother custody when we look at the placement schedule.

Change in the Distribution of Placement Arrangements in Paternity Cases

Previous examinations of the CRD data (Cancian and Meyer, 1998; Cancian, Cassetty, Cook, and Meyer, 2002) have noted that although the use of shared placement in divorce cases has been rising, in paternity cases, involving unmarried parents, the incidence of shared placement has been extremely low,

the vast majority of cases being assigned to sole mother placement. There were some reasons to expect that shared placement might have increased in the most recent cohort. First, the May 2000 legislation, which encourages maximizing time spent by the child with both parents, would apply to these cases. Second, the state of Wisconsin has seen a large increase in the use of voluntary paternity acknowledgement (see Brown, Cook, and Wimer, 2005), which might increase the desire of noncustodial fathers to share placement, both by increasing the number of fathers willing to acknowledge parental responsibility for their child and by reducing the potential conflicts between the two parents.

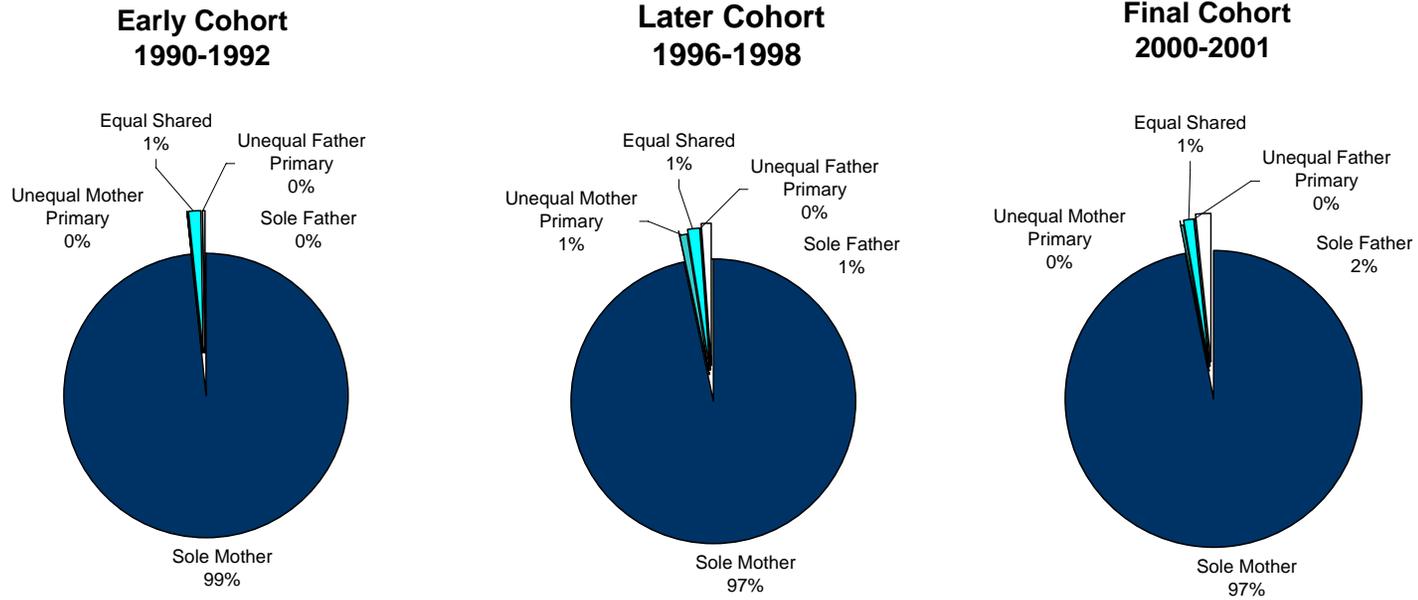
Figure 4 shows, however, that in the final cohort of paternity cases, there is little change in the incidence of shared or sole father placement. Across all of the time periods, sole mother placement accounts for 97–99 percent of all placement outcomes. The use of shared placement has grown dramatically among divorcing parents, but remains a rarity in paternity cases. We should note, however, that these figures reflect the placement arrangements at the time that the child support order was first set. Some noncustodial fathers may later return to court to have placement orders changed. Examining such returns to court is outside the scope of the current paper, but may be the topic of future research.

Even though the CRD shows little change in the rate of shared or sole father placement in paternity cases as a whole, an increasing share of the paternity cases in Wisconsin are voluntary paternity acknowledgement (VPA) cases. These cases enter the court system for child support or child placement orders at some later date after the filing of the VPA form. They appear to differ somewhat in the physical placement decisions made at that court hearing. VPA cases were rare in the cohorts prior to the most recent CRD collection, and therefore our information on them comes only from the most recent cohort (21), in which they comprised 13.5 percent of the paternity caseload that came to court.⁷ In comparing the physical placement language in VPA cases with adjudicated paternitys, we find substantial differences in physical placement language referring to the entire range of child access:⁸ 7 percent of VPA fathers

⁷ See Brown, Cook and Wimer (2005).

⁸Cases excluded were those with third party physical placement.

Figure 4. Placement Outcomes by Cohort: Paternity Cases (Using 30% Cutoff for Shared Placement)



received shared or sole physical placement, compared to 3 percent of adjudicated fathers; another 9 percent of VPA fathers received some kind of scheduled physical placement with their children, compared to only 2 percent of adjudicated fathers; 59 percent of VPA fathers are ordered to have “reasonable time upon reasonable notice” with their children, compared to 54 percent of adjudicated fathers. Only 25 percent of court orders make no mention of child access for VPA fathers, compared to 41 percent with no mention of child access for adjudicated fathers. These differences make sense, given that VPA fathers have stronger ties to their children at birth, or may have developed a relationship with their children in the time period between filing the VPA form and a later court appearance. This appears to be an important development, since the majority of paternity children (including those who appear in court cases and those who do not) in Wisconsin now have VPA, rather than adjudicated, fathers.

Variation in Divorce Placement Arrangements across Subgroups

Given the lack of variation in placement arrangements for paternity cases, we limit our further analyses to the divorce cases. Tables 1–5 show how the distribution of placement outcomes varies across subgroups in our sample. Among most subgroups, the proportion with mother sole placement fell over time and the percentage of cases in shared (equal and unequal) placement rose.

Table 1 shows placement outcomes by the number, age, and sex of the couples’ children. There are generally no large differences by family size. However, among the fairly small subgroup of families with four or more children, shared placement was less common in the early and late cohorts and more common in the final cohort. Considering placement outcomes by the age of the youngest child, we find that among couples with younger children the mother was more likely to receive placement, whereas father sole placement and “other” placement arrangements were more common for those couples with youngest children in their teens. When the couples’ children were all girls, mothers were more likely, and fathers less likely, to receive sole placement.

Table 2 shows the relationship between placement arrangements and the parents’ ages, length of marriage, and prior marriage history. We do not find substantial differences in most placement outcomes

Table 1
Physical Placement by Child Characteristics: Divorce Cases

	Early Cohort (1990–1992)					Later Cohort (1996–1998)					Final Cohort (2000–2001)				
	N	Mother Sole	Shared	Father Sole	Other	N	Mother Sole	Shared	Father Sole	Other	N	Mother Sole	Shared	Father Sole	Other
All Cases	1,347	74.6%	11.5%	8.7%	5.3%	1,530	62.3%	24.9%	9.2%	3.6%	891	58.8%	31.5%	7.1%	2.6%
Number of Children															
One	533	78.4	13.4	8.2	0.0	644	65.9	24.4	9.7	0.0	382	64.3	29.3	6.4	0.0
Two	563	72.3	11.8	8.8	7.2	619	57.8	27.5	8.2	6.5	364	54.7	34.1	6.9	4.3
Three	197	70.6	7.2	10.8	11.4	216	60.0	23.5	10.2	6.3	125	57.6	28.5	8.6	5.3
Four or more	54	73.1	1.1	5.1	20.7	51	78.7	6.1	9.5	5.7	20	35.6	43.9	12.6	7.9
Age of Youngest Child															
Unborn	112	86.7	4.7	5.7	2.9	91	71.1	27.1	1.4	0.5	45	83.7	10.6	3.5	2.2
0–2	307	74.9	13.1	8.0	4.0	280	64.1	29.3	6.0	0.6	161	58.5	35.6	2.9	3.0
3–5	360	74.5	14.2	8.7	2.7	440	60.4	28.8	9.4	1.4	247	52.7	38.3	6.2	2.8
6–10	350	74.9	11.5	6.0	7.6	421	61.6	22.6	10.1	5.7	255	57.5	36.1	4.7	1.6
11–17	214	68.4	7.6	15.0	9.0	298	61.6	18.0	12.8	7.6	183	62.3	18.0	16.2	3.5
Sex of Children															
Both	486	72.2	7.6	9.4	10.8	601	58.9	23.9	12.5	4.7	333	55.2	29.0	10.4	5.3
Boys only	426	73.3	14.8	8.8	3.1	489	61.7	26.6	8.0	3.7	275	56.9	35.0	7.0	1.1
Girls only	418	78.4	12.0	7.8	1.9	423	66.5	25.7	6.0	1.9	271	64.9	31.1	2.9	1.1

Note: Four cases with child's age missing and 46 cases with child's sex missing are not shown.

Table 2
Physical Placement by Parental Age and Marriage History: Divorce Cases

	Early Cohort (1990–1992)					Later Cohort (1996–1998)					Final Cohort (2000–2001)				
	N	Mother Sole	Shared	Father Sole	Other	N	Mother Sole	Shared	Father Sole	Other	N	Mother Sole	Shared	Father Sole	Other
All Cases	1,347	74.6%	11.5%	8.7%	5.3%	1,530	62.3%	24.9%	9.2%	3.6%	891	58.8%	31.5%	7.1%	2.6%
Mother's Age															
Under 26	235	77.5	7.6	12.8	2.1	190	68.4	22.3	9.2	0.2	106	71.2	23.5	4.0	1.3
26–30	356	76.2	13.2	6.9	3.7	351	68.1	24.5	7.1	0.3	169	57.1	31.9	8.6	2.5
31–40	596	73.3	12.3	7.5	6.9	727	57.7	27.5	9.4	5.4	437	55.6	32.6	8.0	3.9
Over 40	160	71.9	9.5	11.5	7.1	255	63.1	20.8	11.6	4.5	178	60.8	33.3	5.5	0.4
Father's Age															
Under 26	135	77.7	8.5	13.3	0.6	98	80.9	13.4	5.7	0.0	66	77.0	20.3	2.7	0.0
26–30	296	78.6	10.7	8.0	2.7	260	68.0	23.9	7.9	0.2	116	60.7	34.7	3.2	1.3
31–40	650	72.2	13.7	7.8	6.4	747	58.0	29.0	8.8	4.3	439	55.3	33.6	7.5	3.6
Over 40	264	74.3	8.3	9.7	7.7	420	61.8	21.3	11.5	5.4	268	58.5	30.0	9.2	2.2
Length of Marriage															
Less Than 2 yrs	78	81.7	7.7	10.6	0.0	68	80.1	18.6	1.3	0.0	39	81.9	14.8	3.3	0.0
2 to 5 yrs	222	79.6	12.0	6.7	1.6	279	66.6	27.1	6.0	0.3	147	63.2	30.6	5.4	0.8
5 to 10 yrs	424	76.4	13.1	6.9	3.6	470	63.7	25.7	9.7	0.9	260	56.8	36.4	4.7	2.1
10 to 15 yrs	313	72.1	12.9	10.1	4.9	339	58.7	29.5	7.1	4.7	206	52.5	35.3	6.2	5.9
Over 15 yrs	300	70.8	6.9	10.4	11.9	369	57.3	19.4	14.2	9.1	236	59.3	26.2	12.4	2.1
Parents Previously Married															
Both	75	79.0	14.2	5.2	1.7	102	67.5	19.1	8.7	4.8	55	60.6	31.6	0.7	7.1
Only father	146	87.0	4.1	4.5	4.4	163	68.6	21.6	7.9	2.0	100	66.6	25.7	6.6	1.1
Only mother	97	59.7	18.8	16.3	5.2	157	60.0	30.3	8.2	1.5	84	50.9	37.0	10.2	2.0
Neither	1017	73.9	11.6	8.7	5.8	1097	61.3	25.0	9.6	4.1	631	58.9	31.4	7.0	2.6

Note: Eight cases with mothers' age missing, 9 cases with fathers' age missing, 18 cases with length of marriage missing, and 44 cases with parents' previous marriage status missing are not shown.

by parents' age, although shared placement was somewhat more common when parents were in the middle categories (26–30, 31–40).⁹ The next panel shows the distribution of placement by length of marriage, which is likely to be related to the age of the children as well as parents' age. For the first two periods, mother sole placement was more likely the shorter the marriage, whereas “other” arrangements were more common when marriages ended after a longer time. “Other” arrangements are mostly split placement cases that are more common with older children. In all of the cohorts, mother sole placement was more likely in cases in which only the father had been previously married (87 percent in the early, 69 percent in the later, and 67 percent in the final cohorts) and less likely when only the mother had been previously married (60 percent in the early and later cohorts and 51 percent in the final cohort).

Table 3 shows placement outcomes by parents' total income and mother's relative income. In each of the three time periods, higher income levels are generally associated with lower levels of mother sole placement and higher levels of shared placement. One change from the early to the final cohort is the increasing usage of shared placement at lower levels of the income distribution. In the early cohort less than 10 percent of couples with income under \$40,000 had shared placement, but by the final cohort all of these lower income categories had risen well above 10 percent and those between \$10,000 and \$40,000 had nearly 20 percent shared placement. Considering relative incomes, mothers were more likely to be awarded sole placement when their incomes accounted for a higher proportion of the total.

Table 4 shows placement outcomes by parental occupation. Information on occupations is not currently available for the early cohort. In the later two periods we see that mother sole placement is most common when the mother is a homemaker, and is less common when she is employed as management professional, health professional, or in a technical, sales, or administrative support position. Interestingly, when mothers are employed in positions requiring higher education (teacher, librarian, scientist, engineer) the incidence of mother sole placement is quite high, but when fathers are in these same occupations mother sole placement is lower and shared placement is high. Perhaps jobs in these occupations provide

⁹The group consisting of couples where the father is under the age of 26 is one of the few groups to maintain a high incidence of mother sole placement.

Table 3.
Physical Placement by Income: Divorce Cases

	Early Cohort (1990–1992)					Later Cohort (1996–1998)					Final Cohort (2000–2001)				
	N	Mother Sole	Shared	Father Sole	Other	N	Mother Sole	Shared	Father Sole	Other	N	Mother Sole	Shared	Father Sole	Other
All Cases	1,347	74.6%	11.5%	8.7%	5.3%	1,530	62.3%	24.9%	9.2%	3.6%	891	58.8%	31.5%	7.1%	2.6%
Total Income (in 2003 dollars)															
0–\$10,000	63	88.3	4.1	2.3	5.3	95	74.2	11.5	11.0	3.3	22	71.6	11.7	13.4	3.3
\$10,000–\$20,000	188	76.8	6.3	10.9	6.0	143	84.0	9.9	3.4	2.7	37	77.2	17.6	0.0	5.3
\$20,000–\$30,000	245	78.6	6.4	9.0	6.0	164	70.1	13.8	13.3	2.8	58	76.0	18.7	2.7	2.5
\$30,000–\$40,000	311	75.4	8.8	10.3	5.5	226	66.5	20.1	10.5	2.9	110	70.7	21.9	5.5	1.9
\$40,000–\$50,000	212	71.1	13.8	9.1	6.1	252	59.4	22.7	10.7	7.1	141	63.7	22.7	10.1	3.4
\$50,000–\$60,000	144	70.6	18.8	7.7	2.9	229	56.4	27.0	13.1	3.5	127	59.3	28.0	11.1	1.5
\$60,000–\$75,000	101	69.0	21.2	5.6	4.3	206	52.2	37.1	8.8	1.8	179	50.8	36.5	8.3	4.4
\$75,000–\$100,000	39	71.6	20.0	4.7	3.7	136	52.3	43.4	1.3	2.9	140	42.5	49.6	6.1	1.7
More than \$100,000	22	67.0	24.9	0.0	8.1	79	61.9	25.9	6.4	5.8	76	49.5	48.5	2.0	0.0
Mothers' Share of Total Income															
None	65	61.8	18.2	10.3	9.6	106	57.0	15.3	22.3	5.4	44	62.5	25.6	10.6	1.3
1%–20%	175	69.1	12.1	11.3	7.5	163	56.1	28.3	12.6	3.1	85	50.9	30.9	13.4	4.8
21%–40%	457	74.4	11.6	10.5	3.6	447	58.5	27.1	10.2	4.1	291	55.3	33.0	9.8	1.8
41%–60%	413	73.3	13.8	7.4	5.5	474	59.3	30.6	5.9	4.2	310	53.7	37.6	5.3	3.4
61%–80%	95	82.8	7.5	4.2	5.6	129	69.9	21.2	6.8	2.2	83	68.5	27.4	1.7	2.4
81%–100%	118	86.0	4.9	3.8	5.3	176	83.9	10.6	3.5	2.0	71	88.9	10.8	0.0	0.3

Note: Twenty-three cases with total income missing and 66 cases with mothers' share of total income missing are not shown.

Table 4
Physical Placement by Parental Occupation: Divorce Cases

	Early Cohort (1990–1992)					Later Cohort (1996–1998)					Final Cohort (2000–2001)				
	N	Mother Sole	Shared	Father Sole	Other	N	Mother Sole	Shared	Father Sole	Other	N	Mother Sole	Shared	Father Sole	Other
All Cases	1,347	74.6%	11.5%	8.7%	5.3%	1,530	62.3%	24.9%	9.2%	3.6%	891	58.8%	31.5%	7.1%	2.6%
Mothers' Occupation															
Management - Executive/Professional						81	52.4	30.3	8.5	8.9	71	51.6	43.8	0.0	4.6
Management-Related						86	67.1	23.0	5.8	4.2	27	44.1	45.6	10.3	0.0
Teachers and Librarians						46	70.6	17.4	9.2	2.8	26	72.4	16.0	8.9	2.7
Scientists and Engineers						8	89.2	10.8	0.0	0.0	11	70.0	25.2	4.8	0.0
Health Professionals						61	57.4	32.7	9.1	0.8	32	54.4	42.7	2.9	0.0
Technical, Sales, Administrative Support						371	57.1	32.3	6.9	3.7	233	54.8	34.8	7.2	3.2
Service						210	67.6	26.0	2.4	4.1	133	65.4	25.2	8.3	1.2
Farming, Forestry, Fishing						9	43.5	22.6	21.8	12.1	1	100.0	0.0	0.0	0.0
Precision Production and Craft						21	76.9	20.4	2.7	0.0	17	54.1	44.1	0.0	1.8
Operators, Fabricators, Laborers						173	66.3	11.9	17.8	4.0	92	58.6	27.5	11.0	2.9
Military						0	0.0	0.0	0.0	0.0	1	100.0	0.0	0.0	0.0
Student						21	74.3	13.8	8.2	3.7	10	54.3	37.0	8.7	0.0
Homemaker						52	79.9	14.0	5.7	0.3	30	79.6	14.5	1.1	4.8
Disabled						4	56.4	0.0	43.6	0.0	4	33.6	12.3	54.0	0.0

(table continues)

Table 4, continued

	Early Cohort (1990–1992)				Later Cohort (1996–1998)					Final Cohort (2000–2001)					
	N	Mother Sole	Shared	Father Sole	Other	N	Mother Sole	Shared	Father Sole	Other	N	Mother Sole	Shared	Father Sole	Other
Fathers' Occupation															
Management -															
Executive/Professional						92	53.0	39.9	3.7	3.4	59	51.7	44.1	4.3	0.0
Management-Related						84	58.2	27.0	8.2	6.6	44	55.1	27.4	14.9	2.6
Teachers and Librarians						22	34.2	64.4	0.0	1.4	19	44.4	49.3	6.3	0.0
Scientists and Engineers						35	46.6	45.3	4.9	3.2	31	38.5	42.4	13.6	5.5
Health Professionals						23	56.4	33.9	7.5	2.2	8	57.8	42.2	0.0	0.0
Technical, Sales, Administrative Support						183	58.6	26.6	8.7	6.1	119	50.4	38.9	7.5	3.2
Service						69	58.6	32.5	7.8	1.0	56	68.5	28.1	3.0	0.5
Farming, Forestry, Fishing						31	60.6	16.6	21.7	1.1	15	58.4	18.5	10.9	12.2
Precision Production and Craft						214	58.8	26.5	10.3	4.4	146	58.9	30.7	9.0	1.3
Operators, Fabricators, Laborers						328	67.1	17.3	13.1	2.4	184	58.5	29.3	8.0	4.1
Military						11	69.3	11.0	19.6	0.0	3	100.0	0.0	0.0	0.0
Student						6	76.8	13.2	0.0	10.0	2	0.0	100.0	0.0	0.0
Disabled						9	50.8	8.5	26.8	13.9	1	100.0	0.0	0.0	0.0
Retired						5	51.2	0.0	20.5	28.3	1	100.0	0.0	0.0	0.0

Note: Five hundred eighty-nine cases with mother's occupation missing and 621 cases with father's occupation missing are not shown.

the flexibility to allow these parents greater participation in parenting. Among fathers, the highest rate of shared placement occurs in these occupations, as well as management and health professionals (40 to 50 percent in the final cohort). This fits with the finding that shared placement is more common among higher-income couples. Fathers in service occupations and blue-collar occupations have much lower levels of shared placement (28 to 31 percent in the final cohort).

Finally, as shown in Table 5, placement outcomes varied dramatically by whether each parent had legal representation. When the father had an attorney but the mother did not, the proportion of cases with mother sole placement was only 52 percent in the early cohort, 41 percent in the later cohort, and 33 percent in the final cohort, but father sole placement accounted for 28, 31, and 22 percent of cases in each period. When only the mother had an attorney, the likelihood of mother sole placement was 87 percent in the early period, 83 percent in the later period, and 80 percent in the final cohort, whereas the likelihood of the father being awarded sole placement dropped to 2 to 4 percent in each period. Particularly in the later period, shared placements were more likely when both parents were represented by an attorney, than when only the mother or only the father had legal representation. This variation may reflect the tendency for parents to seek representation when they intend to pursue placement, as well as the tendency for placement to be awarded to parents who are represented by a lawyer.

The final panel shows variation in placement by residential proximity of the parents. Shared placement is most likely when both parents live in the same zip code, with 42 percent of parents living in the same zip code area sharing physical placement.

Multivariate Analysis of the Factors Associated with Placement Arrangements in Divorce

The previous discussion highlights the variation in divorce placement arrangements across subgroups. In a number of cases, however, interpreting the patterns presented in Tables 1–5 may be complicated because of the interrelationships among categories. For example, the tendency for mother sole placement to be less common among couples with longer marriages may reflect a relation between placement arrangements and marriage length, as well as the tendency for couples with longer marriages to

Table 5
Physical Placement by Legal Representation and Residential Proximity: Divorce Cases

	Early Cohort (1990–1992)					Later Cohort (1996–1998)					Final Cohort (2000–2001)				
	N	Mother Sole	Shared	Father Sole	Other	N	Mother Sole	Shared	Father Sole	Other	N	Mother Sole	Shared	Father Sole	Other
All Cases	1,347	74.6%	11.5%	8.7%	5.3%	1,530	62.3%	24.9%	9.2%	3.6%	891	58.8%	31.5%	7.1%	2.6%
Parents' Legal Representation															
Both parents have attorney	710	70.9	14.3	8.7	6.1	731	53.8	34.4	7.5	4.3	422	49.9	41.8	5.7	2.6
Only father has attorney	121	51.5	16.9	28.3	3.3	141	40.7	22.5	30.6	6.3	79	33.3	39.7	22.3	4.8
Only mother has attorney	327	87.0	6.1	1.6	5.2	393	82.5	11.1	3.9	2.5	171	80.4	14.5	3.0	2.1
Neither has attorney	182	81.4	6.4	8.3	4.0	264	69.5	19.8	8.8	1.9	219	66.7	23.7	7.3	2.3
Proximity of Parents															
Missing	214	80.1	5.5	6.2	8.2	83	69.6	17.6	7.7	5.1	25	79.3	11.4	9.3	0.0
Same zip code	386	69.6	16.3	9.8	4.3	477	52.3	36.1	7.7	4.0	333	47.7	42.3	7.0	3.1
Same state	647	75.3	11.8	8.7	4.2	841	63.9	23.0	9.7	3.4	465	60.3	30.8	6.4	2.6
Different states	100	76.0	4.1	9.7	10.2	129	81.6	4.0	11.6	2.9	68	80.2	6.6	11.2	2.1

Note: Eight cases with parents' legal representation missing are not shown.

have older children (which also appears in Table 1 to be associated with low proportions of mother sole placement). With this in mind, Table 6 reports the results from a multivariate logit model used to estimate the relationship between the variables discussed above and placement arrangements. We estimated the model using the pooled cases from all time periods, including an indicator variable to identify cases from the later and final cohorts. We also estimated a fully interacted model, which allowed for the relationship between each variable and placement outcomes to be different in the two periods (estimates not shown). We note those cases in which there are significant differences in estimates in the two periods.

The first set of columns on Table 6 concerns the probability of (equal or unequal) shared placement, relative to mother sole placement. The second set concerns the probability of father sole placement, relative to mother sole placement. The first row of estimates shows that both types of placement outcomes were significantly more likely in the second period than in the first, and that shared placement was even more likely in the final time period.

The next panels of Table 6 show the relationships between the number, age, and sex of children and placement arrangements. Relative to couples with only one child, couples with two children are significantly more likely to have shared placement, whereas those with four or more children are less likely to share placement. Although there is no significant relationship between number of children and the likelihood of father sole placement, separate estimates for the final cohort indicate that both shared placement and father sole placement are significantly more common for couples with four or more children in the last time period. Shared placement is less likely among couples in which the mother is pregnant (the youngest child is not yet born) and among couples with only teenage children, but is more likely when the children are aged 3–5. Father sole placement is significantly more common when the youngest child is in the oldest age category and less common in the groups with unborn or young children. Shared placement also rises when the children are all boys (compared to both sexes), and fathers are significantly less likely to be awarded sole placement if the children are all girls.¹⁰

¹⁰Separate estimates for the three cohorts (not shown) suggest that the negative relationship between only female children and father sole placement is greater in the second and third periods.

Table 6
Factors Associated with Child Placement: Divorce Cases
 Multinomial Logit (Mother Sole Placement Is Comparison Outcome)

Independent Variable	Shared Placement		Father Sole Placement	
	Coefficient	Significance	Coefficient	Significance
Time Period (compared to 1990–1992)				
Late (1996–1998)	0.2304	<.001	0.1844	<.001
Final (2000–2001)	0.4170	<.001	-0.0338	0.466
Number of Children (compared to 1)				
Two	0.1674	<.001	-0.0607	0.227
Three	-0.0417	0.425	0.1043	0.090
Four Or more	-0.3444	0.001	-0.0786	0.480
Age of Youngest Child (compared to age 0–2)				
Unborn	-0.2860	0.031	-1.1822	<.001
3–5	0.2994	0.009	-0.1985	0.025
6–10	0.0276	0.812	-0.3717	<.001
11–17	-0.2632	0.034	0.3923	<.001
Sex of Children (compared to both)				
Boys only	0.2688	<.001	-0.0118	0.845
Girls only	0.0069	0.892	-0.4930	<.001
Mother's Age (compared to age 26–30)				
Under 26	0.1444	0.025	0.9663	<.001
31–40	-0.0445	0.211	-0.3097	<.001
Over 40	-0.1058	0.081	-0.7850	<.001
Father's Age (compared to age 26–30)				
Under 26	-0.3767	<.001	-0.0978	0.311
31–40	0.3166	<.001	0.1333	0.012
Over 40	0.1645	0.003	0.2381	0.002
Length of Marriage (compared to < 2 yrs)				
2 to 5 yrs	0.1416	0.020	-0.4311	<.001
5 to 10 yrs	-0.1424	0.005	-0.0125	0.871
10 to 15 yrs	-0.0376	0.503	0.2255	0.007
Over 15 yrs	-0.4275	<.001	0.5389	<.001
Parents Previously Married (compared to both parents previously married)				
Only father previously married	-0.5499	<.001	-0.4103	<.001
Only mother previously married	0.2111	0.001	0.4060	<.001
Neither previously married	0.0196	0.668	-0.2656	<.001
Income				
Total income (in 1000s of 2003 dollars)	0.0268	<.001	-0.0047	0.001
Total income (in \$1000s, squared)	-0.0001	<.001	0.0000	0.832
Mother's income (as share of total)	-0.2051	0.013	-1.7642	<.001
Parent Legal Representation (compared to both parents have attorney)				
Only father has attorney	0.6299	<.001	1.2811	<.001
Only mother has attorney	-0.9519	<.001	-1.6169	<.001
Neither has attorney	-0.4378	<.001	-0.3556	<.001
Proximity of Parents (compared to same zip code)				
Same state	0.3406	<.001	-0.0589	0.164
Different state	-1.0910	<.001	0.1871	0.007
Intercept	-13.1903	<.001	-6.0194	<.001

Notes: Coefficients with a significance level of 0.05 or lower (in **bold**) are considered statistically significant. The model also includes indicator variables for county and for those missing information on marriage, child's age, parents' legal representation, child's sex, and proximity of parents.

The next set of variables relates to parents' age, length of marriage, and previous marital status. We find that the youngest mothers (those under 26) were more likely to be given shared placement, but older groups did not reveal any significant differences. Father sole placement is significantly more likely when the mother is under 26 than when she is 26–30, and is significantly less likely when the mother is older. Younger fathers are less likely to have shared placement, and older fathers are significantly more likely have both shared placement and father sole placement. We also find that shared placement is less likely as the length of time the parents were married increases, and father sole placement is more likely when the couple was married at least 15 years.¹¹ Shared placement is significantly less likely when only the father was previously married, though models estimated separately for each cohort suggest this relationship no longer holds in the later and final periods.

We now turn to measures of income. Higher total income is associated with a greater likelihood of shared placement. It is noteworthy that when the model is estimated separately for the two periods, there is a significant decline in the positive relationship in the later two periods. This is consistent with the growth in shared placement at lower income levels that we showed in Table 3. Higher total income decreases the likelihood of father sole placement. The higher the mother's share of the income the lower the likelihood of both shared placement and father sole placement.

Consistent with the results shown in Table 4, legal representation is significantly related to placement arrangement. Both shared placement and father sole placement are less likely when only the mother has legal representation. Both outcomes are more likely when only the father is represented.

The final panel of Table 6 shows the relationship between parents' proximity and placement arrangements. Shared placement and father sole placement are less likely when the parents live in different states, and shared placement is more likely when parents live in the same state.

¹¹Separate estimates for the three cohorts (not shown) suggest the positive relationship between marriages longer than 15 years and the likelihood of father sole placement increases significantly in the later period, but not in the final period.

IV. DISCUSSION

Although mother sole placement remains the most common arrangement for physical placement of children following divorce, the results of our analysis suggest that growth in the use of shared placement (especially of equal shared placement) for divorce cases is continuing. The increase in shared placement in divorce cases is consistent with earlier patterns discussed in Cancian and Meyer (1998), who compared placement arrangements in the mid-1980s and early 1990s, and in Cancian, Cassetty, Cook and Meyer (2002), who compared results in the early and late 1990s. This shift has occurred over a time period when legislative changes and social pressures have been encouraging greater participation of both parents in children's lives, but we cannot draw a direct causal link with the present analysis. One hint of a possible effect of the May 2000 legislative directive to maximize the time spent with both parents is an increase in equal shared placement as compared to unequal shared placement for cases divorcing in 2001.

While the decline in sole-mother placement and the increase in shared placement confirms the continuation of the trends shown in the previous reports, this is not true for sole-father placement. In the 2002 report we found that between the early and late 1990s there was also a significant increase in the likelihood of father sole placement (albeit starting from a fairly small level), once other characteristics of the couples were held constant. But we now find that father sole placement in the early 2000s is no higher than it was in the early 1990s.

The use of shared placement in divorce cases is associated with several characteristics of the cases observed. Shared placement is higher among higher-income parents and among cases where the father is in a higher-level white-collar job. Older fathers, fathers with legal representation, and cases where both parents live in the state have a higher likelihood of receiving shared placement of their children. In general, in cases where fathers have greater resources and a greater practical ability to take a parenting role, they are more likely to have a shared placement court order.

Additionally, this report found that in court cases involving unmarried parents, sole mother placement remains by far the predominant option and shared and father sole placement account for less than 3 percent of placement arrangements, even in the most recent time period. It seems clear that recent changes in legislation, whatever effect they may have had on the changes in divorce cases, have done

little to change the placement outcomes in adjudicated paternity cases, although an increase in child access may be occurring through an increase in voluntary paternity acknowledgement cases.

Finally, our report suggests that changes in the threshold for using shared placement child support guidelines from 30 percent to 25 percent time with the other parent would affect only about 2 to 4.5 percent of divorce cases (assuming that couples and courts do not change their assignments of placement in response to the new thresholds). We have also found that there are appreciable proportions of divorce cases with sole-mother child support orders (5.5 to 7.5 percent) where it appears, using data from the placement schedules, that shared support orders are warranted.

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