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What Happens When There Is Presumptive 50/50 Parenting Time? An Evaluation of Arizona’s New Child Custody Statute

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ABSTRACT

The current study presents the findings of an evaluation of Arizona’s 2013 revisions to the child custody statutes that directed courts to “maximize” the child’s parenting time with both parents. A state-wide survey of the four family law professions (i.e., conciliation court staff, judges, mental health providers, and attorneys) assessed their perceptions of the law 4 years after implementation. We averaged the ratings across the four professions to obtain a comprehensive perspective that gave equal weight to each profession. Results revealed that the law functions as a rebuttable presumption of equal parenting time; that it is evaluated positively overall and in terms of children’s best interests; that it has a neutral impact on legal and interparental conflict; and that it has led to small increases in allegations of domestic violence, child abuse, and substance abuse.

KEYWORD

Divorce; equal parenting time; parent conflict; parenting time; public policy

In January 2013, Arizona became the first state to order that, “Consistent with the child’s best interests . . . the court shall adopt a parenting plan that maximizes [both parents’] respective parenting time” (Arizona Revised Statutes 25-403.02). The Governor’s signing statement released to the media said, “The ultimate goal is to limit one-sided custody decisions and to encourage as much shared parent–child time as possible for the positive development of the child.”

The background of this legislation began 10 years prior to its passage, during which time Arizona family law professionals were kept informed about the research findings regarding parenting time by means of presentations at the Domestic Relations Committee (DRC) of the Arizona legislature, at the meetings of the Arizona Chapter of the Association of Family and Conciliation Courts (AFCC), and at various state-wide continuing education sessions. In the interests of full disclosure, author Fabricius presented this research. Initially, there was some skepticism about the findings of benefits to children associated with more

shared parenting time up to and including equal parenting time with both parents. However, as research findings accumulated favoring the benefits, there was more acceptance of shared parenting time, notably among judges. In October 2008, at a family law judicial conference in Phoenix, AZ, there were indications of strongly favorable attitudes toward equal parenting time among the 43 judges and commissioners in attendance. In a similar conference in Tucson, AZ 1.5 years later, in April 2010, 37 judges and commissioners responded individually and anonymously to hypothetical parenting time cases, and they overwhelmingly endorsed awarding equal parenting time in those hypothetical cases.

The public was not generally aware of the favorable judicial attitude toward equal parenting time. A study of a representative sample of Arizona citizens conducted in 2008 (Braver, Ellman, Vortuba, & Fabricius, 2011) revealed that the public thought that only about one fourth of judges would order equal parenting time in the same hypothetical cases in which about 90% of the attendees at the judicial conference had said they would order equal parenting time.

In late 2008, Fabricius established and chaired a subcommittee, the Ad Hoc Custody Workgroup, at the DRC to consider reforms to the child custody statutes. In May 2010, the first bill to come from this committee became law (ARS 25-103 B and C) stating that, "absent evidence to the contrary, it is in a child's best interest to have substantial, frequent, meaningful and continuing parenting time with both parents," and further that, "a court shall apply the provisions of this title in a manner that is consistent with this section." The language appeared to some lawyers to be a rebuttable presumption for shared parenting, even though the statute did not define the words "substantial, frequent, meaningful and continuing." There was little public awareness of this change, although there were anecdotal accounts that some judges announced that they would now be ordering more shared parenting time in accordance with the new 2010 law.

After completing work on the 2010 bill, the Ad Hoc Custody Workgroup was charged with crafting a comprehensive reform of the statutes regarding parenting time and decision making (ARS 25-403). This work was highly visible to the family law community, with a Web site (<http://www.dev.azcourts.gov/cscommittees/Ad-Hoc-Custody-Workgroup>) and communications maintained by the Administrative Office of the Courts. Membership was open to all interested stakeholders and included judges, attorneys, conciliation court directors, mental health providers, anti-domestic violence advocates, fathers' rights advocates, and lay parents. The bill was completed in February 2012, was passed by both houses of the state legislature with only nine dissenting votes in May 2012, and became law in January 2013. From the beginning of this legislative journey in 2008, it had taken 42 months and 48 meetings involving 47 individuals to create both bills. The public was

made aware of the impending 2013 enactment of the new law by an *Arizona Republic* newspaper article (Rau, 2012).

This study presents the findings of an evaluation of the 2013 law. The evaluation was conducted by means of a state-wide survey of the four family law professions: conciliation court staff, judges, mental health providers, and attorneys. The survey assessed each group's impressions and opinions of the impact of the new law and how well it was functioning 4 years after implementation. The four professional groups have somewhat differing perspectives stemming from the types of clients and the range of issues with which they deal. Conciliation court staff and attorneys see the most parents, followed by judges and then mental health providers, who see the fewest. In terms of the depth of their interactions with the parents, the ordering is different. Mental health providers have the most in-depth, direct contact with both parents and gain the most insight into both parents' situations. Conciliation court staff also have direct contact with both parents while providing mediation and other services, but on a shorter term basis than mental health providers. Judges have contact with both parents, but the contact is less direct because it is constrained by the courtroom context, managed by attorneys, and sometimes filtered through the reports of mental health providers. Attorneys have direct, in-depth contact, but mostly with one parent. Thus, we reasoned that by averaging the ratings across the four professions we could obtain a comprehensive perspective on various aspects of the 2013 law that gave equal weight to each of the four overlapping but distinct professional perspectives. We also tested for differences among the groups for any additional insight that could provide.

Method

Procedures

All authors participated in and consulted with each other in developing the survey. The authors included a mental health provider, an attorney, a judge, and a conciliation court director. The survey questions were sent by e-mail to as many professionals as we could locate from each of the four areas of family law practice. E-mail contact lists came from the Arizona State Bar Association, the Arizona Chapter of the AFCC, individual county Superior Court mental health provider lists, and personal contacts. The survey was also sent to the presiding judges in all 15 county Superior Courts, with a request to forward the survey to all the judges presiding over family law cases. Survey questions were formatted using a 5-point Likert scale with a *neutral* midpoint. Survey questions were presented to participants through Survey Monkey, an online instrument adaptable for various types of surveys. Data were collected for several weeks in early 2017 with queries sent out on

various occasions to encourage as much participation as possible. All procedures were approved by the university institutional review board.

Participants

Mental health practitioners

There were 34 respondents (59% women) from 10 of the 15 counties in Arizona, representing 50% of the total number of the listed county mental health providers. The distribution of their number of years practicing in the family law system in Arizona was as follows: 1 to 4 years, 12%; 5 to 10 years, 18%; 10 to 15 years, 16%; and 15 or more years, 54%.

Mental health professionals include independently licensed psychologists, professional counselors, marriage and family therapists, and social workers. Working with high-conflict families involved in the family court system, these professionals provide court-ordered child custody evaluations, dispute resolutions, and services centered on stressful parent-child relationships, coparenting disputes, and domestic violence. Typically, these professionals have significant contact with their clients involving many hours across weeks, months, or years. Fees, type of services, estimated time needed, and other parameters are typically set by the providers. Agreement for these services is often stipulated to by the recipient and then authorized or ordered by the court. In most cases involving assessment services such as psychological evaluations, parenting time and decision-making evaluations, and limited or focused assessments, the provider might offer service updates or reports to the court. In most cases involving treatments, the information shared between the recipient and the provider remains confidential unless release is ordered by the court.

Attorneys

There were 108 respondents (72% women) from all 15 counties in Arizona, representing 11% of the total number of family law attorneys in the state. The distribution of their number of years practicing in the family law system in Arizona was as follows: 1 to 4 years, 10%; 5 to 10 years, 22%; 10 to 15 years, 12%; and 15 or more years, 56%.

Attorneys are either solo practitioners or members of small or large law firms. Attorneys can serve their clients in one or more of the following capacities: mediator, parent coordinator, child's attorney, pro tempore settlement judge, collaborative law, and litigator. The attorneys are involved in formal and informal settlement talks, and represent parents at both temporary and final hearings or trials. Some attorneys' cases are uncontested; some are resolved through conciliation court services or mediation; and others are litigated.

Judges

There were 30 respondents from 8 of the 15 counties in Arizona, representing 40% of the total number of potential respondents. Judges were not asked to report the number of years practicing family law in Arizona nor asked their sex because that information could potentially identify them in the smaller counties.

Each county in Arizona has a Superior Court division handling family law cases. Some of the smaller counties have one judge who hears all matters concerning family, civil, criminal, and probate law. The larger counties have up to 25 judges who are on a family law bench rotation (usually 3–4 years in length), during which time they hear only family law cases. Judges might or might not have practiced family law as attorneys. When parents disagree about parenting time on separation and request a hearing for “temporary orders,” judges typically spend 1 to 2 hours with both parents before making a determination about a parenting time schedule to be in place until a final decree is issued. Arizona is typical in that most parents come to a final agreement on their own or with the advice of attorneys or mediation services, and only a small percentage of cases are decided by a judge after a trial.

Conciliation court staff

There were 37 respondents (76% women) from 7 of the 15 counties in Arizona, representing 82% of the total number of staff in the state conciliation courts. The distribution of their number of years practicing in the family law system in Arizona was as follows: 1 to 4 years, 36%; 5 to 10 years, 22%; 10 to 15 years, 3%; and 15 or more years, 39%.

Conciliation court staff include mediators, attorneys, conciliators, counselors, and evaluators employed by the court. Most staff employed in these positions are required to have a master’s degree in a social science, a law degree, or both, as well as specific training in mediation, domestic violence, child abuse, and family dynamics. Court services are offered at low or no cost to families and are most often used by parents who are not represented by attorneys, but families with attorneys also use these services. Conciliation services might be used to address a variety of issues including not only disagreement about parenting time, but also intractable conflict between parents, Department of Child Safety involvement, and significant safety concerns such as substance abuse, domestic violence, criminal history, and mental health issues. Services such as mediation can be initiated by the parties or by the court, whereas most other services (custody evaluations, child interviews, parent education, high-conflict classes, etc.) are initiated by court order only. The elapsed time from when parties file until they are ordered for services varies by county and by the issues involved, ranging from within 2 weeks to 60 days. The amount of time spent with the parties or on a particular case also varies and depends on the service. Mediation sessions could last from 1 to 4 hours, and most offices see the parties for one or two sessions. On the other hand, in an

Table 1. Variables That Showed No Significant Differences Among Groups

Variable	Groups ^a	M ^b	Adjacent scale values	Test of mean differences
Rebuttable presumption of equal parenting time	CC, J, MH, A	3.83	3 = neutral, 4 = somewhat agree	F(3, 192) = 1.64, p = .187
Effect on parenting time with fathers	CC, J, MH, A	4.04	4 = moderate increase, 5 = large increase	F(3, 197) = 2.45, p = .065
"Good dad's" chances of equal parenting time	J, A	.75	.70 = 70%, .80 = 80%	t(115) = 1.40, p = .165
Legal conflict prior to final decree	CC, J, MH, A	3.17	3 = neutral, 4 = moderate increase	F(3, 198) = 1.58, p = .195
Number of court hearings	J, A	3.36	3 = neutral, 4 = moderate increase	t(128) = 0.11, p = .912
Number of postdecree filings	J, A	3.76	3 = neutral, 4 = moderate increase	t(128) = 1.59, p = .115
Amount of child support ordered	J, A	2.73	3 = neutral, 2 = moderate decrease	t(128) = 0.61, p = .546
Deviations from support guidelines	J, A	3.06	3 = neutral, 4 = moderate increase	t(128) = 0.30, p = .747
How do fathers evaluate the law	CC, J, MH, A	4.38	4 = somewhat positive, 5 = strongly positive	F(3, 194) = 0.04, p = .990
Fathers' financial situations	J, A	3.63	3 = neutral, 4 = moderately beneficial	t(127) = 1.54, p = .126

^aCC = conciliation court staff; J = judges; MH = mental health providers; A = family law attorneys. ^bUnweighted means.

Table 2. Variables That Showed Significant Differences Among Groups

Variable	Groups ^a	<i>M</i> ^b	Adjacent scale values	Test of mean differences
Overall evaluation of the law	CC, J, MH, A	3.53	3 = neutral, 4 = somewhat positive	$F(3, 190) = 5.29, p = .002$
Effect on children's best interests	CC, J, MH, A	3.40	3 = neutral, 4 = somewhat positive	$F(3, 195) = 7.17, p = .000$
Effect on parent conflict	CC, J, MH, A	2.98	3 = neutral, 2 = somewhat detrimental	$F(3, 194) = 4.93, p = .003$
Allegations of domestic violence	CC, J, MH, A	3.35	3 = neutral, 4 = moderate increase	$F(3, 195) = 2.98, p = .030$
Allegations of child abuse	CC, J, MH, A	3.28	3 = neutral, 4 = moderate increase	$F(3, 194) = 2.72, p = .046$
Allegations of substance abuse	CC, J, MH, A	3.31	3 = neutral, 4 = moderate increase	$F(3, 192) = 3.91, p = .010$
How do mothers evaluate the law	CC, J, MH, A	2.34	3 = neutral, 2 = somewhat negative	$F(3, 192) = 4.86, p = .003$
Percent of mothers feeling "forced"	CC, MH	0.52	5 = 50%, 6 = 60%	$t(69) = 2.70, p = .010$
Mothers' financial situations	J, A	2.38	3 = neutral, 2 = moderately detrimental	$t(126) = 2.10, p = .037$

^aCC = conciliation court staff; J = judges; MH = mental health providers; A = family law attorneys. ^bUnweighted means.

evaluative service, the children might also be interviewed, and collateral information will be collected, which can result in multiple sessions with the family and a lengthy report with recommendations to the court, generally within 60 to 90 days of the parties' first appointment.

Results

Not all groups were asked all questions. Some questions were appropriate for some groups but not others. Tables 1 and 2 identify in the columns labeled "Groups" which groups were asked each question.

Table 1 shows the questions on which there were no significant differences among groups; thus, on these questions, the general perspective reflected a consensus. The first three questions assessed the effectiveness of the law in achieving the intended outcome of encouraging more shared parenting time. The consensus was that the law functioned as a rebuttable presumption for equal parenting time. The overall mean rating was 3.83, close to the response scale value of *somewhat agree* (an average of only 17% of respondents *disagreed*, and 12% were *neutral*). There was also consensus that the law had led to a *moderate increase* in parenting time with fathers ($M = 4.04$; only 2% felt it had *decreased*, and 15% were *neutral*). In response to the question, "What do you think a 'good dad's' chances are of getting equal parenting time if mom wants the children to live with her?" judges and attorneys agreed that it was 75% (41% answered that he had either a 90% or a 100% chance).

The next three questions in Table 1 assessed the effects of the law on court proceedings. The consensus was that the law had neither increased nor decreased legal conflict leading up to the final decree ($M = 3.13$; 37% answered *neutral*, and the distribution was symmetrical). Judges and attorneys agreed that the effects on the number of court hearings and postdecree filings were between *neutral* and *moderate increase* ($M = 3.36$ and 3.76 , respectively).

The next two questions asked about child support. Judges and attorneys agreed that the effect of the law on the amount of child support ordered in the final decree was between *neutral* and *moderate decrease* ($M = 2.73$; 52% answered *neutral*), and that there was no effect on deviations from the child support guidelines ($M = 3.06$; 84% answered *neutral*).

The last two questions in Table 1 related to fathers' experiences. The consensus was that fathers evaluated the law between *somewhat positive* and *strongly positive* ($M = 4.37$; only 2% felt fathers evaluated it as *negative*, and 6% felt fathers were *neutral*). Judges and attorneys agreed that the effect of the law on fathers' overall financial situations was between *neutral* and *moderately beneficial* ($M = 3.63$).

Table 2 shows the questions on which there were significant differences among groups. The first two questions assessed evaluation of the law, and the

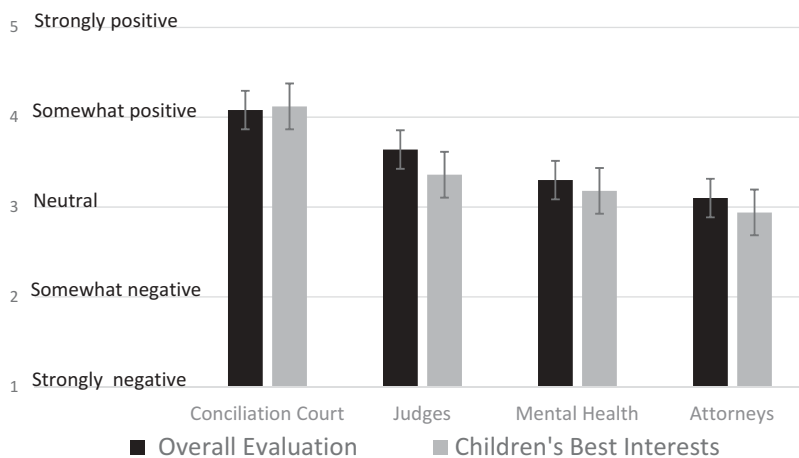


Figure 1. Means and standard errors of the ratings of the four groups on overall evaluation of the law and effect on children's best interests.

general perspective reflected positive overall evaluation ($M = 3.53$) and beneficial effects on children's best interests ($M = 3.40$). Figure 1 shows the group means. Attorneys and, to a lesser degree, mental health providers were close to *neutral* on both questions; judges were between *neutral* and *somewhat positive*; and conciliation court staff were *somewhat positive*. Post-hoc t tests revealed that conciliation court staff evaluated the law significantly more positively on both questions than mental health providers and attorneys, who did not differ. When we explored the distribution of responses, we discovered that very few (12% or less) of the attorneys and mental health providers answered *neutral*. Instead, there were two distinct subgroups within each group. On both questions, about half of the attorneys answered either *somewhat positive* or *strongly positive*, and half answered either *somewhat negative* or *strongly negative*. The

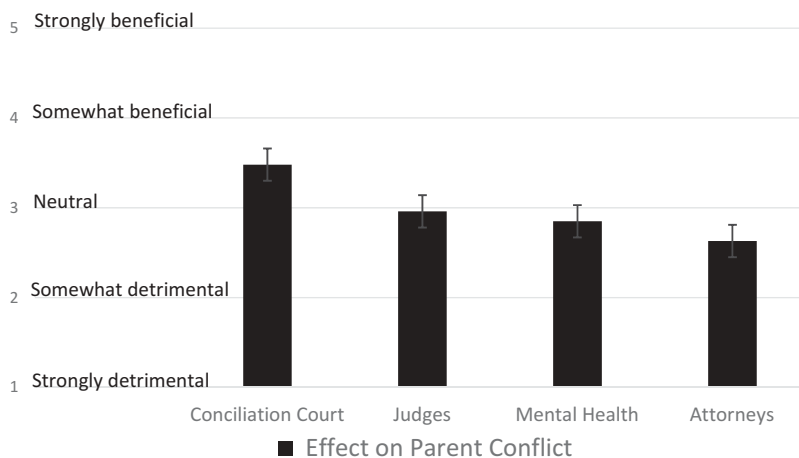


Figure 2. Mean and standard error of the ratings of the four groups on effect on parent conflict.

split among mental health providers was closer to two-thirds positive ratings versus one-third negative ratings. The subgroups did not differ by sex of respondent. Mental health providers who had practiced family law in Arizona for more years evaluated the law significantly more positively overall ($r = .371$ [$N = 31$], $p = .040$) and marginally more positively in terms of children’s best interests ($r = .313$ [$N = 31$], $p = .086$). The subgroups of attorneys did not differ by number of years in family law in Arizona.

The next question in Table 2 referred to parent conflict. The general perspective was that the law had neither increased nor decreased parent conflict ($M = 2.98$). Figure 2 shows the group means. Judges were very close to *neutral* (40% answered *neutral*); conciliation court staff were between *neutral* and *somewhat beneficial*; and mental health providers and attorneys were between *neutral* and *somewhat detrimental*. Post-hoc t tests revealed that conciliation court staff felt that the effect of the law on parent conflict was more beneficial than mental health providers and attorneys, who did not differ.

The next three questions revealed that the general perspective was that the law had led to a somewhat more than *neutral* but less than *moderate increase* in allegations of domestic violence ($M = 3.35$), child abuse ($M = 3.28$), and substance abuse ($M = 3.31$). Figure 3 shows the group means. On all three variables, conciliation court staff and, to a lesser degree, judges were close to *neutral* (70% to 80% of individuals in both groups answered *neutral*), whereas mental health providers and attorneys were between *neutral* and *moderate increase* (45% to 55% in both groups answered *neutral*). Post-hoc t tests revealed that attorneys felt that there were more allegations of all three types than conciliation court staff.

The last three questions in Table 2 referred to mothers’ experiences. The general perspective was that mothers evaluated the law between *neutral* and *somewhat negative* ($M = 2.34$), and post-hoc t tests revealed that attorneys

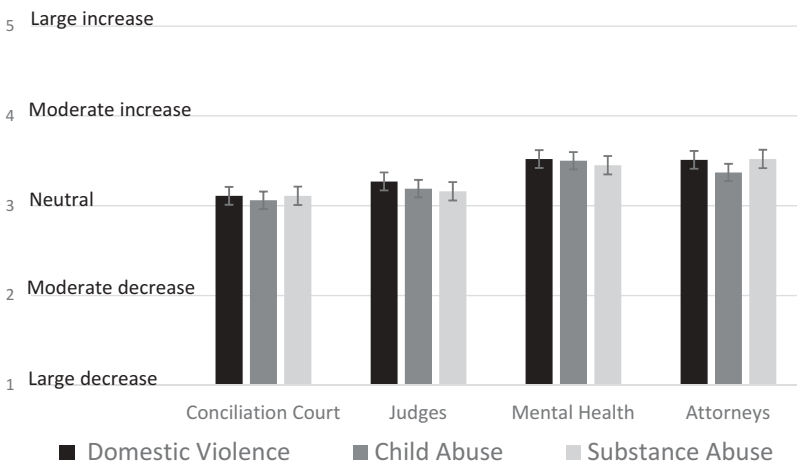


Figure 3. Mean and standard errors of the ratings of the four groups on allegations of domestic violence, allegations of child abuse, and allegations of substance abuse.

felt that mothers evaluated the law more negatively ($M = 1.96$) than the other three groups ($M = 2.47$). The general perspective was that 52% of mothers felt “forced” into accepting less parenting time for themselves (62% for mental health providers and 42% for conciliation court staff). Finally, the general perspective was that the effect of the law on mothers’ financial situations was between *neutral* and *moderately detrimental* ($M = 2.38$), and attorneys felt it was more detrimental ($M = 2.19$) than judges ($M = 2.56$).

In addition to assessing whether the respondents’ opinions differed among the four professional groups, we explored whether their opinions differed based on the number of years they had worked in family law in Arizona, and by their sex. As noted earlier, judges were not asked these two questions to protect their anonymity. Only three questions were correlated with the number of years in practice: effect on parenting time with fathers, $r = .212$ ($N = 166$), $p = .006$; percent of mothers feeling “forced,” $r = .160$ ($N = 171$), $p = .006$; and effect on parent conflict $r = .212$ ($N = 129$), $p = .006$. Conciliation court staff, mental health providers, and attorneys who had been in the field longer perceived a greater increase in parenting time with fathers, more mothers feeling “forced” into accepting less parenting time for themselves, and more parent conflict than their colleagues who had come to the field more recently. Only four questions correlated with sex of respondent. The first was allegations of domestic violence, $r = .174$ ($N = 164$), $p = .028$. Female conciliation court staff, mental health providers, and attorneys perceived more allegations of domestic violence. The remaining three questions were asked of only judges and attorneys, and thus the following correlations with sex include only attorneys: number of court hearings, $r = .234$, $N = 99$, $p = .020$; number of postdecree filings, $r = .230$, $N = 98$, $p = .002$; and mothers’ financial situations, $r = -.218$, $N = 96$, $p = .003$. Female attorneys perceived more hearings and filings and more detrimental effect on mothers’ financial situations.

Finally, we tested whether the differences among the groups, shown in [Table 2](#), would remain after accounting for number of years in family law in Arizona and respondent sex. We entered these three predictor variables (i.e., professional perspective, years, and sex) simultaneously into regression analyses of the first eight questions in [Table 2](#). Mothers’ financial situations could not be included in the regression analyses because it was asked of only judges and attorneys, and years and sex were not available for judges. Because the prior t tests generally showed that conciliation court staff differed from mental health providers and attorneys (with judges falling between the court staff and the private professionals), we categorized everyone into one of two groups: public professionals (including only court staff because number of years and sex were not available for judges) and private professionals (including mental health providers and attorneys). Among these three predictor variables, professional

perspective correlated significantly with number of years, $r = .262$, $N = 171$, $p = .001$; those in private practice tended to have been in family law in Arizona longer than conciliation court staff.

In each of the regression analyses of the first eight questions in Table 2, professional perspective emerged as a significant predictor while controlling for number of years and sex. Consistent with the t tests in Table 2, public professionals evaluated the law more positively, perceived less parent conflict and allegations resulting from the law, and felt that mothers' experiences with the law were more positive than private professionals. In only two regression analyses (i.e., effect on parent conflict, and allegations of domestic violence) did sex of respondent also emerge as an independent predictor while controlling for professional perspective and number of years. Female public and private professionals perceived more parent conflict and allegations of domestic violence than did male professionals. Number of years in family law in Arizona never emerged as an independent predictor.

Discussion

The data reported here come from a state-wide survey about Arizona's 2013 child custody reform, which directed courts, when consistent with children's best interests, to "maximize" children's parenting time with both parents. We received responses from 209 family law professionals in total; these represented 50% of the mental health practitioners in the state, 11% of the attorneys, 40% of the judges, and 82% of the county conciliation court staff. We combined the views of all four groups to obtain a comprehensive perspective on the 2013 statute.

The comprehensive professional perspective revealed that the new law is functioning as a rebuttable presumption of equal parenting time, that it has resulted in children having increased parenting time with fathers, and that "good dads" are now virtually assured of being awarded equal parenting time even when mothers want the children to live primarily with them. This is noteworthy because the bill that became law deliberately did not include presumption language or specific amounts of parenting time. Courts were directed only to "maximize" parenting time with both parents, and judges were free to interpret the meaning of that term. Nevertheless, most judges have chosen to begin with equal parenting time as the presumed starting point when parents disagree.

The comprehensive professional perspective also revealed that the law is evaluated positively overall and positively in terms of children's best interests. This is noteworthy because in ongoing debates in most other state legislatures, arguments that a rebuttable presumption of equal parenting time would constrain judicial latitude in dealing with atypical families and thereby

be averse to children's best interests have helped prevent similar legislation from being enacted. The fact that the Arizona law is seen as beneficial to children's best interests suggests that courts continue to exercise latitude when necessary, as intended. The 2013 reforms left largely intact the list of children's best interest factors that courts are required to consider in determining the appropriateness of a parenting time plan.

Concerns are sometimes expressed that laws favoring shared parenting time might lead to increases in parent conflict, and thus it is noteworthy that the comprehensive professional perspective is that the Arizona law has a neutral impact on parent conflict and on legal conflict. This suggests that parents are not litigating more over equal parenting time now than they did before. The number of court hearings and postdecree filings are seen to have increased somewhat, which suggests that some parents have returned to court to seek modifications of their parenting plans under the new law. Allegations of domestic violence, child abuse, and substance abuse have also increased somewhat. These increases are small, about one-half step in the response scale above *neutral* in each case. The perceived increase in allegations is consistent with the findings of an evaluation of Oregon's 1997 law that legislated child custody and mediation change (Allen & Brinig, 2011).

Another concern is that revising custody laws in ways that encourage more shared parenting time might dramatically reduce child support payments and leave children in worse financial situations. According to the comprehensive professional perspective, child support has decreased somewhat after the 2013 law, but deviations from the child support guidelines have not been affected by the law. Deviations occur when the guidelines do not fit individual families' situations, and Arizona's guidelines already included adjustments for equal parenting time. It is expected that child support should have decreased somewhat, because Arizona adjusts child support awards incrementally in line with parenting time so that even small increases in parenting time result in comparable decreases in child support. Consistent with the fact that most child support is paid by fathers to mothers, the law is seen as somewhat beneficial to fathers' financial situations and as somewhat detrimental to mothers' financial situations.

Finally, the comprehensive professional perspective is that fathers evaluate the law more positively, mothers evaluate it more negatively, and about 50% of mothers feel "forced" to accept less parenting time so that the children can spend more time with their fathers. This view of mothers appears to be at odds with public opinion findings in 2008 in Arizona that showed widespread support for equal parenting time (Braver et al., 2011). This discrepancy between mothers' attitudes expressed in surveys and the judgements of professionals working with them could reflect difficulties that become apparent to mothers when facing the prospect of equal parenting time in their specific family situations.

Differences between and within the four professional groups appeared on about half of the questions we asked. Conciliation court staff viewed the law significantly more positively than those in private practice (i.e., mental health providers and attorneys), and these associations with professional perspective were independent of respondent sex and number of years in family law in Arizona. Respondent sex had independent associations with only two of these questions. Females perceived more parent conflict and allegations of domestic violence than males regardless of professional perspective and number of years in family law. This difference could reflect mothers being more comfortable discussing these issues with female professionals.

Mental health providers and attorneys were each split into two distinct subgroups regarding how they evaluated the law. Only about half of the attorneys and only about one third of the mental health providers evaluated the law negatively. The mental health providers who evaluated the law more favorably had been in practice longer, but they were not more likely to be male or female. The attorneys who evaluated the law more favorably were neither more likely to have been in practice longer, nor were more likely to be male or female. Female attorneys did perceive more court hearings and postdecree filings, and more detrimental effects of the law on mothers' financial situations than male attorneys. Mothers might be more comfortable discussing financial situations with female attorneys, but it is hard to understand why both male and female attorneys would not perceive the same increase in court proceedings.

Overall then, according to Arizona's family law professionals, changing the custody laws in 2013 to be more favorable toward shared parenting increased the amount of parenting time children have with their fathers, and was not followed by an increase in legal or interpersonal conflict between parents, but was followed by small increases in allegations of domestic violence, child abuse, and substance abuse. Most professionals view the law favorably, and feel that it serves the best interests of Arizona's children.

There are two interesting questions about how this family policy change occurred. The first involves the means by which the 2010 and 2013 bills came to be written and voted into law. These legislative processes unfolded over several years with the coordination of a few central actors. This history cannot be presented here due to space limitations, but will be the subject of a future paper.

The second interesting question involves how the law came to be interpreted and implemented as a *de facto* rebuttable presumption for equal parenting time. There was deliberately no mention in the new law of either "equal" parenting time or any percentages of parenting time. Likewise, there was no mention of a "presumption" regarding parenting time. This was done to allay concerns that the law would constrain judicial latitude in dealing with atypical families. Nevertheless, since the law change in 2013, most judges have chosen to begin with equal parenting time as the presumed starting point when parents disagree. By 2008, however, at the very beginning of the legislature

reform process, judges already held favorable attitudes toward equal parenting time, and their attitudes coincided with broader public opinion favoring equal parenting time not only in Arizona but elsewhere (Fabricius, Sokol, Diaz, & Braver, 2012). This underlying cultural endorsement of equal parenting has not led, as far as we can tell, to similar widespread judicial behavior in other states. Arizona judges' implementation of the law as a rebuttable presumption might have been at least partly due to the extensive training they received about the research on parenting time. Awareness that the research showed benefits to children associated with increased parenting time with fathers up to and including equal parenting time with both parents might have given them the reassurance they needed to act on their positive attitudes toward equal parenting time.

An important limitation of this evaluation of the 2013 Arizona law is that it did not include direct assessments of children and parents. The perceptions of professionals who work with these families are not substitutes for data obtained from children about their adjustment, and from parents about parenting time, conflict, violence, abuse, and financial stress. Ideally, such direct assessments should be obtained from randomly selected families who passed through the system before and after the law change. Such a study could provide strong evidence of the causal impact of the law change, but it would be costly. Repeated efforts to obtain funding for such a study of the Arizona law have been unsuccessful, but a similar effort should be made in the next state that passes similar legislation.

A second limitation is that we cannot estimate the degree to which self-selection bias might have influenced the results. This is a concern primarily in the case of the attorneys, because we received responses from only 11% of them. The response rates among the other groups, especially conciliation court staff, were substantially higher and so potential self-selection bias is less of a concern for them.

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