

At the conclusion of our first International Conference on Shared Parenting Prof. Dr. jur. Hildegund Sünderhauf (Chair of Scientific Committee) and Prof. Edward Kruk (ICSP President) developed the following theses to be discussed and adopted as a Consensus Statement:

Keeping in mind that the main goal of our Council is to develop evidence-based approaches to the needs and rights of children whose parents are living apart, we established as the theme for our first conference, “Bridging the Gap between Empirical Evidence and Socio-Legal Practice”. This was the first such gathering of scholars, practitioners and NGO representatives interested in the emerging paradigm of shared parenting in families in which parents are living apart. A wide range of topics as well as perspectives on shared parenting were discussed and debated, and at the end of the conference we were challenged in regard to determining what sort of consensus emerged on a number of important issues that we discussed and debated.

We propose 6 major areas of consensus:

1. Shared parenting is a viable post-divorce parenting arrangement

There is a consensus that neither the discretionary best interests of the child standard, nor sole custody or primary residence orders, are serving the needs of children and families of divorce. There is a consensus that shared parenting is a viable post-divorce parenting arrangement that is optimal to child development and well-being, including for children of high conflict parents. The amount of shared parenting time necessary to achieve child well-being and positive outcomes is a minimum of one-third time with each parent, with additional benefits accruing up to and including equal (50-50) parenting time, including both weekday (routine) and weekend (leisure) time.

2. Shared parenting be defined as encompassing both: shared parental authority and shared parental responsibility

There is consensus that “shared parenting” be defined as encompassing both shared parental authority (decision-making) and shared parental responsibility for the day-to-day upbringing and welfare of children, between fathers and mothers, in keeping with children’s age and stage of development. Thus “shared parenting” is defined as “the assumption of shared responsibilities and presumption of shared rights in regard to the parenting of children by fathers and mothers who are living together or apart.”

3. National family law should at least include the possibility to give shared parenting orders

There is a consensus that national family law should at least include the possibility to give shared parenting orders, even if one parent opposes it. There is a consensus that shared parenting is in line with constitutional rights in many countries and with international human rights, namely the right of children to be raised by both of their parents.

4. Principles to guide the legal determination of parenting after divorce

There is a consensus that the following principles should guide the legal determination of parenting after divorce:

(1) shared parenting as an optimal arrangement for the majority of children of divorce, and in their best interests.

(2) parental autonomy and self-determination.

(3) limitation of judicial discretion in regard to the best interests of children.

5. The above applies to the majority of children and families

There is a consensus that the above apply to the majority of children and families, including conflict families, but not to situations of substantiated family violence and child abuse. There is a consensus that the priority for further research on shared parenting should focus on the intersection of child custody and family violence, including child maltreatment in all its forms, including parental alienation.

6. Accessible network of family relationship centres

There is a consensus that an accessible network of family relationship centres that offer family mediation and other relevant support services are critical in the establishment of a legal presumption of shared parenting, and vital to the success of shared parenting arrangements.