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Equal Shared Parenting and Domestic Violence:
Paying Attention to the Data

We know that, in the vast majority of cases, children of separated parents do best when the parents share as equally as possible the day-to-day responsibilities of raising the children. Equal shared parenting is almost always best for children. But, what effect does it have on domestic violence rates? Does its benefit to children come at a cost to one of the parents?
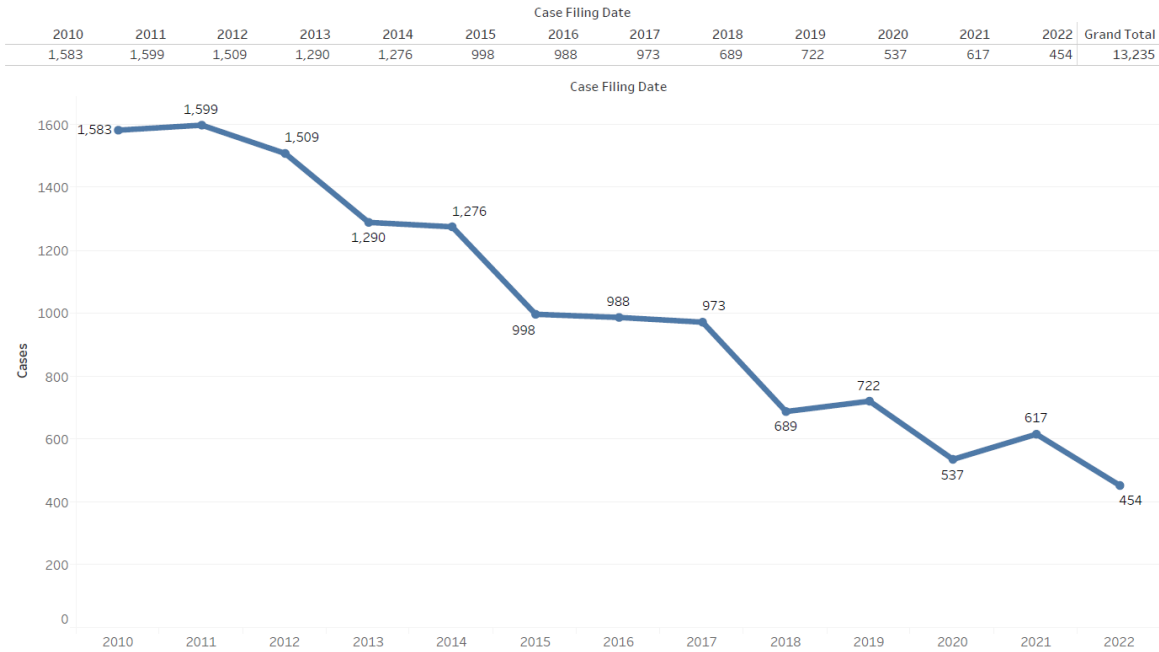
A growing body of evidence indicates just the opposite! The available data indicate that far from fueling domestic violence between the former partners, presumptions of shared parenting reduce the incidences of domestic violence. To researchers, this is not surprising. As Dr. Edward Kruk of the University of British Columbia notes:

> "Winner-take-all" adversarial processes and sole custody or primary residence orders are strongly associated with exacerbation or creation of parental conflict. Hawthorne and Lennings (2008) found that limiting fathers' involvement in children's lives via sole maternal custody judgments was correlated with their reported level of subsequent hostility toward their ex-wives. Inter-parental conflict decreases over time in shared custody arrangements, and increases in sole custody arrangements; inter-parental cooperation increases over time in shared custody arrangements, and decreases in sole custody arrangements (Bauserman, 2002; Melli and Brown, 2008). Fully half of first-time family violence occurs after separation, within the context of the adversarial "winner-take-all" sole custody system (Ellis and Wight-Peasley, 1986; Hotton, 2003; Johnson and Hotton, 2003; Statistics Canada, 2006). This is no surprise, given the high stakes involved; when primary parent-child relationships are threatened, the risk of violence rises dramatically. When neither parent is threatened by the loss of his or her children, conflict diminishes. The culture of animosity created by the sole custody system seems tailor-made to produce the worst possible outcomes when there are two capable parents who wish to continue as primary caregivers, cannot agree on a parenting plan, and are forced to disparage each other within the adversarial system in an effort to simply maintain their role as parents.
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> <div align="center">Kruk, Edward, The Equal Parenting Presumption, McGill-Queen's University Press, 2013</div>
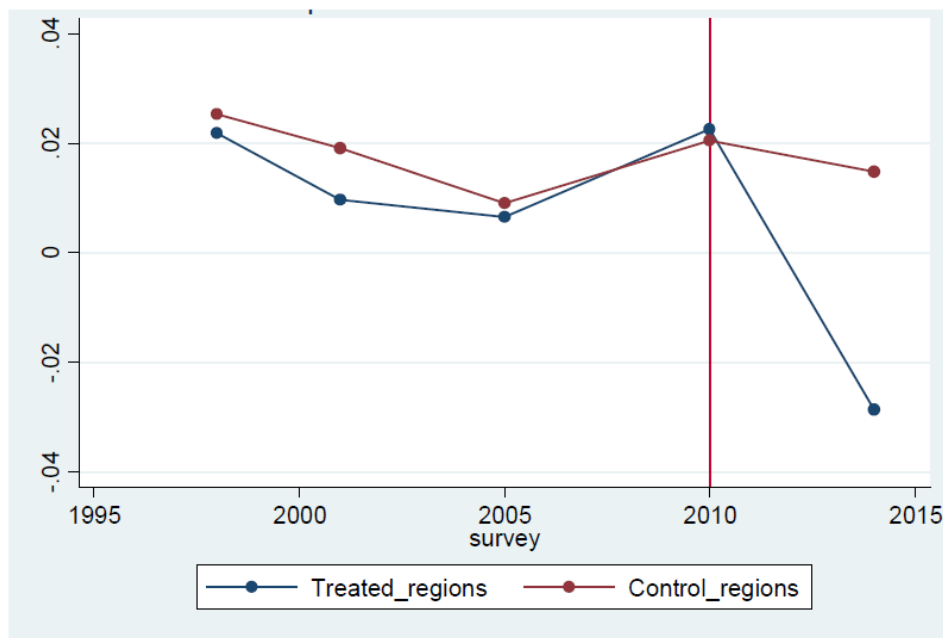
And available statistics from Kentucky, the first state to enact an *explicit* equal shared parenting presumption, which happened as a result of NPO's work, and Spain bear this out.

Kentucky passed its presumption of equal shared parenting during temporary orders in 2017 and applied the presumption to permanent orders in 2018. Data from the Kentucky Administrative Office of the Courts shows that the incidence of Civil Domestic & Family cases, cross-referenced with domestic violence cases dropped by half between 2017 and 2022, from 988 to 454. While these rates were dropping before the enactment of the equal shared parenting presumptions, the rate of decline has increased since equal shared parenting became the presumption in Kentucky.

Circuit Civil Domestic & Family Cases Filed 1/1/2010 - 12/31/2022 Statewide
Cross Referenced With Domestic Violence Cases

Spain provides a "natural experiment" about the connection between shared parenting and domestic violence. In Spain, between 2009 and 2011, five regions passed custody reforms that increased joint physical custody (shared parenting) four fold in just five years. Researchers compared the rates of intimate partner violence (IPV) in these regions before and after the change and with the rates of IPV in those regions that did not enact such reforms. And the data from Spain tell a similar story to the Kentucky story.

Frequency of intimate partner violence cases in regions enacting shared parenting reforms (the "Treated regions") with those regions which had not enacted such reforms (the "Control regions").