

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

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### **I. INTRODUCTION**

When the parents of minor children are no longer living together, it is often left to the court system to determine the best placement arrangements for the children. Placement provisions may be part of a court-approved divorce agreement, or included in paternity determinations for nonmarital children. Such provisions, while consequential in their own right, also play an important role in the determination of child support obligations for the children. The Institute for Research on Poverty has produced several reports examining changes in court-ordered placement arrangements since the mid-1980s (Cancian and Meyer, 1998; Cancian, Cassetty, Cook, and Meyer, 2002; Cook and Brown, 2006). In this report we continue following these trends among cases brought to court between 1996 and 2007.

Nationwide, public policy has promoted a movement away from judgments that automatically assign placement to the mother and toward a system that makes the “best interest” of the child paramount. This movement was supported by research finding that increased contact with fathers may help ameliorate the negative consequences of growing up in a single-mother family, both economically and developmentally (Weiss and Willis, 1985; Meyer and Garasky, 1993; McLanahan and Sandefur, 1994; Meyer, 1996). 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, where 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. Cook and Brown (2006) found these trends continuing into the early part of the 2000s, with equal-shared placement rates rising to over 20 percent of cases, total shared placement to over 30 percent, and mother-sole placement dropping to less than 60 percent of cases. We continue the analysis of these previous IRP reports with additional data that allow us to examine placement outcomes among Wisconsin divorces and paternity cases through 2009, 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 and paternity cases for those coming to court in from 1996 through 2007, including a new analysis of placements in cases with voluntary paternity acknowledgement.

## 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; Brown, 2007).<sup>1</sup> This ongoing data collection, conducted by IRP for the Wisconsin Bureau of Child Support, randomly samples divorce and paternity cases heard in these county courts, and records information on the court process, participant characteristics, and final determinations of placement and child support obligation. Waves of data collection have been conducted since 1980; in the present paper we examine cohorts 17 to 27, which cover cases coming to court from 1996 to 2007, in 8 different annual waves.<sup>2</sup> Data from the court record is supplemented with information on parents' earnings as reported to the state unemployment insurance system by employers.<sup>3</sup> All results presented from this data are weighted to adjust for different sampling percentages per county.

The data collection process has varied little over the waves. In all years cases were collected only if there was a potential for child support obligations for at least a year. Table 1a shows details of the timing for each cohort, the length of time cases were followed, and the distribution of cases. As shown, in some cohorts cases were observed for longer periods of time, allowing for a longer history of child support-related activity and behavior, but also allowing for a few more cases in those cohorts to reach a final determination (in the most lengthy and litigious cases, a final judgment may have not been made in the case by the time of data collection). Also, beginning with cohort 21, an additional selection of voluntary paternity acknowledgement (VPA) cases was added to the collection. Just prior to this time period voluntary paternity acknowledgement was promoted, and was becoming an increasingly popular alternative to court-adjudicated paternity determinations (Brown and Cook, 2008). While these cases do not appear in court for initial paternity determinations, many subsequently appear in court for child

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<sup>1</sup>The 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.

<sup>2</sup>Data collection did not occur in all years; no data was collected for cohorts 19, 20, or 22.

<sup>3</sup>Not all formal earnings are required to be reported to UI. Self-employed parents and parents working for federal government agencies will not have their earnings included in this data.

**Table 1a**  
**Cohort Case Selection Characteristics**

	Cohort								All Cases
	17	18	21	23	24	25	26	27	
<b>Year of Petition to Court*:</b>	1996–97	1997–98	2000–01	2002–03	2003–04	2004–05	2005–06	2006–07	
<b>Mean Years of Court Record Data**</b>	<b>5.8</b>	<b>4.9</b>	<b>6.2</b>	<b>2.2</b>	<b>2.2</b>	<b>3.8</b>	<b>3.7</b>	<b>3.8</b>	<b>4.1</b>
<b>County Caseload:</b>									
Divorce:	48.7%	46.0%	40.1%	39.6%	41.3%	39.1%	39.8%	43.6%	42.1%
Paternity:									
Adjudicated	51.4%	54.0%	51.9%	44.4%	47.0%	45.9%	44.2%	44.9%	47.9%
VPA	***	***	8.0%	16.0%	11.7%	15.0%	16.0%	11.5%	10.0%

Note 1: All percentages and means are calculated using weights to adjust for different sample percentages by county.

\*Cohort years are from July 1st of the beginning year through June 30th of the following year.

\*\*Number of years between the petition to court, and the end of data collection.

\*\*\*VPA cases were not collected prior to Cohort 21.

support hearings. To capture this increasingly popular subset of paternity cases, these samples were added to all cohorts from 21 on.

### Case Characteristics

In interpreting differences in placement patterns, it is useful to consider differences over time and across groups in case characteristics. Comparisons of the 3 groups of court cases collected (voluntary paternity, adjudicated paternity, and divorce cases), across each cohort, are shown in Table 1b. In each cohort, we have collected approximately 600 adjudicated paternity cases, 800 divorce cases, and, except for cohorts 17 and 18, 300 voluntary paternity cases for a total of 13,296 cases. The characteristics of the parents that are involved in these different types of court actions show substantial differences across types, and over time. Looking at the final column, we see that, averaged over the entire time period, the ages and numbers of children and the ages of parents in VPA and adjudicated paternity cases are quite similar (slightly more than a single child, aged 2, with parents aged in their mid to late 20s), but parental earnings in VPA cases (both before and after the final determination, and for both parents) are about 50 percent higher than those in adjudicated paternity. It is worth noting here that the average incomes of adjudicated parents appear to have decreased since cohort 21. We believe that this apparent decline in incomes is a result of higher income paternity parents taking advantage of the VPA process for legalizing the paternity of their children, and their removal from the “adjudicated paternity” caseloads around the state. Another difference between VPA and adjudicated paternity cases is the likelihood of a father being incarcerated at the time of the court hearing; incarceration rates in adjudicated paternity cases are about 3 times higher than in voluntary paternity cases.

Some characteristics of these 2 types of paternity cases have changed notably over time. The age of children in VPA cases has risen (from 1.4 in cohort 21 to 2.4 in cohort 27), while those in adjudicated paternities have fallen (2.5 in cohort 17 down to 1.7 in cohort 27). While there has been some variability in parental earnings in VPA cases, there has been no overall trend up or down, but adjudicated paternities have seen a notable decrease in father’s real earnings (adjusted for inflation) of around 40 percent in both

**Table 1b**  
**Demographics by Cohort and Case Type**

	Cohort								All Cases
	17	18	21	23	24	25	26	27	
<b>Divorce Cases:</b>									
N Cases	802	785	905	805	810	803	803	805	6,518
Mean N of Children	1.8	1.8	1.8	1.8	1.8	1.7	1.8	1.8	1.8
Mean Age of Children	8.8	9.0	8.8	8.8	9.0	9.2	9.2	9.1	9.0
Mean Age of Mother	35.0	35.1	35.5	36.1	36.1	36.7	36.9	36.9	36.0
Mean Age of Father	37.5	37.5	37.8	38.5	38.0	38.9	39.5	39.3	38.3
Mother Annual Income - Pre	\$21,504	\$21,959	\$24,629	\$21,825	\$24,406	\$24,577	\$24,263	\$24,740	\$23,468
Father Annual Income - Pre	\$37,055	\$36,981	\$38,458	\$38,441	\$36,866	\$37,276	\$35,598	\$38,764	\$37,432
Mother Annual Income - Post	\$23,889	\$24,426	\$26,063	\$23,993	\$27,273	\$26,172	\$25,942	\$27,268	\$25,604
Father Annual Income - Post	\$38,895	\$37,589	\$38,095	\$38,141	\$37,071	\$38,320	\$35,342	\$37,692	\$37,654
Father Incarcerated at FJ	0.9%	1.5%	1.8%	1.9%	1.2%	2.3%	3.0%	2.3%	1.8%
Mother Incarcerated at FJ	0.1%	0.0%	0.1%	0.1%	0.1%	0.0%	0.3%	0.0%	0.1%
Length of Marriage, in years	10.6	10.5	10.5	10.6	10.7	11.1	10.7	11.1	10.7
Length of Div. Proc., in months	9.9	9.2	9.1	8.5	8.3	9.2	9.0	9.5	9.1
Neither parent has attorney	18.2%	16.2%	25.4%	28.9%	33.5%	25.5%	29.5%	31.4%	25.9%
<b>Paternity Cases - Adjudicated:</b>									
N Cases	667	689	591	603	601	604	601	605	4,961
Mean N of Children	1.0	1.0	1.1	1.1	1.1	1.1	1.2	1.2	1.1
Mean Age of Children	2.5	2.6	3.6	2.7	2.4	1.9	1.9	1.7	2.5
Mean Age of Mother	24.7	26.1	26.4	25.4	25.2	24.9	24.6	24.9	25.3
Mean Age of Father	27.1	28.2	29.0	28.1	27.2	27.5	27.6	27.5	27.8

(table continues)

Table 1b, continued

	Cohort								All Cases
	17	18	21	23	24	25	26	27	
Mother Annual Income - Pre	\$7,241	\$8,756	\$8,628	\$7,470	\$6,346	\$6,146	\$6,831	\$7,039	\$7,360
Father Annual Income - Pre	\$11,950	\$12,675	\$10,553	\$9,193	\$9,731	\$8,086	\$9,206	\$8,603	\$10,076
Mother Annual Income - Post	\$10,663	\$12,391	\$10,330	\$8,785	\$8,922	\$8,719	\$9,316	\$9,030	\$9,829
Father Annual Income - Post	\$13,058	\$13,988	\$10,615	\$9,471	\$10,566	\$9,061	\$9,554	\$9,170	\$10,757
Father Incarcerated at FJ	3.4%	3.4%	9.9%	16.4%	13.1%	12.3%	13.1%	14.3%	10.6%
Mother Incarcerated at FJ	0.0%	0.0%	0.1%	0.0%	0.1%	0.4%	1.0%	0.1%	0.2%
<b>Paternity Cases - VPA:</b>									
N Cases	*	*	308	300	300	305	301	303	1,817
Mean N of Children	*	*	1.1	1.2	1.2	1.2	1.2	1.3	1.2
Mean Age of Children	*	*	1.4	1.9	2.4	2.3	2.5	2.4	2.2
Mean Age of Mother	*	*	24.3	24.5	25.5	25.6	26.0	26.0	25.4
Mean Age of Father	*	*	26.5	27.0	28.6	28.1	29.0	28.6	28.0
Mother Annual Income - Pre	*	*	\$11,155	\$10,985	\$10,920	\$10,263	\$11,540	\$11,692	\$11,064
Father Annual Income - Pre	*	*	\$17,297	\$13,473	\$16,505	\$13,800	\$14,695	\$15,425	\$14,928
Mother Annual Income - Post	*	*	\$14,154	\$12,669	\$12,748	\$12,980	\$14,164	\$13,268	\$13,296
Father Annual Income - Post	*	*	\$17,936	\$14,679	\$17,870	\$15,242	\$16,343	\$15,659	\$16,101
Father Incarcerated at FJ	*	*	2.6%	2.6%	2.5%	6.1%	4.0%	3.0%	3.6%
Mother Incarcerated at FJ	*	*	0.0%	0.4%	0.6%	0.5%	0.9%	0.3%	0.5%

**Notes:** All percentages and means are calculated using weights to adjust for different sample percentages by county. Number of children per case, and mean ages of children and parents are calculated as of the date of the: first appearance in court for VPA cases, the paternity adjudication date for adjudicated cases, and the final judgment date for divorce cases. The mean annual income for parents is from UI wage record data, adjusted to 2010 dollars:

‘Pre’ income is from the 4 quarters prior to the quarter of the final judgment.

‘Post’ income is from the 4 quarters after the quarter of the final judgment.

\*VPA cases were not collected prior to Cohort 21.



pre- and post-judgment earnings. The likelihood of father's incarceration has increased in both types of paternity cases, but while in VPA cases the trend has reversed in the last couple of cohorts, paternal incarceration in adjudicated paternities continues to increase.

These trends seem to point to a divergence between the populations utilizing these two types of paternity establishment. As the state government has increased its promotion of voluntary paternity acknowledgement as an easier alternative, and parents' use of this option has grown, it appears that the population of parents who have adjudicated paternity cases has become increasingly low-income and more likely to be involved with the criminal justice system. Both of these factors will be important in understanding how placement decisions are made for these types of cases.

Divorcing parents are substantially different from parents involved in the two types of paternity cases. There are more children (an average of 1.8), the parents and children are older (children aged 9, parents in their late 30s), earnings are dramatically higher (more than two times higher than even the parents in voluntary paternity cases), and likelihood of father's incarceration is lower. Given that marriage itself (a necessary prerequisite for getting a divorce) is more common among higher-income parents, and that some time is spent in the marriage before a divorce occurs (on average, 11 years), neither of these differences are surprising in themselves, but they are important determinants for the different placement arrangements we will see in the subsequent analysis.

Also worth noting, is that, while fathers' pre-determination earnings are larger than mothers' in all types of cases, this difference is smaller in adjudicated and voluntary paternities (about 35 percent) than in divorce cases (over 50 percent). While in all cases the post-determination earnings of mothers rises more than that of fathers, this increase appears greatest, in percentage terms, among the adjudicated paternity cases. In fact, in recent cohorts the average post-judgment earnings of mothers and fathers are almost equal in adjudicated paternity cases. Part of the explanation may lie in the fact that the high rate of father incarceration has pushed down mean earnings for fathers in adjudicated cases. A few trends within the divorce cases may also play important roles in explaining placement arrangements. Mothers' pre- and post-judgment earnings have shown increases over the time period observed of around 15 percent, while

fathers' earnings have remained stable. While the likelihood of fathers' incarceration is lower in divorce than paternity cases, even among these fathers, the likelihood has increased from 0.9 to 2.3 percent. Finally, there has been a steady upward trend in the likelihood of neither parent being represented by an attorney in the divorce proceedings (from 18.2 percent in cohort 17 to 31.6 percent in cohort 27).

### Placement Arrangements

Tables 2a through 2c present the distributions of placement arrangements separately for the three types of court cases across the 8 cohorts (6 for VPA). 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.<sup>4</sup> 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 25–49 percent of the time and the other parent 51–75 percent of the time), and split placement (in which at least one child lives with the mother and at least one with the father). We use the 25 percent time-share threshold to define unequal-shared placement because this is the level at which a different formula was used to calculate child support obligations in Wisconsin during most of this time period. We also present separate figures using a 30 percent threshold, since before January 2004 (applicable to cases in cohorts 17, 18, 21, and many cases in cohort 23), Wisconsin used 30 percent as the cut-off to determine when the shared placement child support formula should be used.<sup>5</sup>

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<sup>4</sup>In Wisconsin, legal custody refers to who has legal responsibility for the child(ren), not where the children physically reside.

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

**Table 2a**  
**Child Placement in Divorce Cases**  
**With Various Definitions of Shared Placement Used, Over Time, in Wisconsin**

	Cohort								All Cases
	17	18	21	23	24	25	26	27	
<b>N Cases</b>	802	785	905	805	810	803	803	805	6,518
<b>Placement Order</b>									
No Divorce Final Judgment	1.2%	1.7%	0.5%	0.8%	2.8%	1.7%	1.4%	1.4%	1.5%
No placement order	0.5%	0.0%	0.2%	0.3%	0.6%	0.4%	0.5%	0.2%	0.3%
Reconciled or living together	0.0%	0.1%	0.4%	0.1%	0.4%	0.3%	0.2%	0.4%	0.2%
Placement with 3rd party	0.4%	0.9%	0.4%	0.4%	0.3%	0.2%	0.5%	0.3%	0.4%
Placement with parent	97.9%	97.3%	98.5%	98.4%	95.9%	97.4%	97.4%	97.7%	97.6%
<b>Placement with Parent/Alternative Thresholds*</b>									
<b>Threshold Definition: 25% of Time or More</b>									
Sole Mother	60.4%	58.1%	56.5%	<b>53.9%</b>	<b>51.4%</b>	<b>50.4%</b>	<b>49.0%</b>	<b>45.7%</b>	53.3%
Mother Primary	11.3%	13.0%	11.2%	<b>12.4%</b>	<b>13.8%</b>	<b>13.1%</b>	<b>11.0%</b>	<b>13.0%</b>	12.3%
Equal Shared	15.8%	14.6%	21.5%	<b>22.1%</b>	<b>24.1%</b>	<b>27.4%</b>	<b>26.2%</b>	<b>30.5%</b>	22.6%
Split**	3.7%	3.4%	2.4%	<b>2.9%</b>	<b>4.1%</b>	<b>1.6%</b>	<b>2.9%</b>	<b>1.9%</b>	2.9%
Father Primary	1.3%	1.5%	1.5%	<b>1.7%</b>	<b>2.3%</b>	<b>2.0%</b>	<b>1.9%</b>	<b>1.9%</b>	1.8%
Father Sole	7.5%	9.4%	6.9%	<b>7.0%</b>	<b>4.3%</b>	<b>5.5%</b>	<b>9.0%</b>	<b>7.0%</b>	7.1%
<b>Threshold Definition: Over 30% Time</b>									
Sole Mother	<b>64.3%</b>	<b>60.3%</b>	<b>58.9%</b>	56.0%	54.6%	52.3%	51.1%	47.1%	55.7%
Mother Primary	<b>7.4%</b>	<b>10.8%</b>	<b>8.8%</b>	10.3%	10.6%	11.2%	8.9%	11.6%	9.9%
Equal Shared	<b>15.8%</b>	<b>14.6%</b>	<b>21.5%</b>	22.1%	24.1%	27.4%	26.2%	30.5%	22.6%
Split**	<b>3.7%</b>	<b>3.4%</b>	<b>2.4%</b>	2.9%	4.1%	1.6%	2.9%	1.9%	2.9%
Father Primary	<b>0.8%</b>	<b>0.8%</b>	<b>1.3%</b>	1.0%	1.5%	1.7%	1.4%	1.7%	1.3%
Father Sole	<b>8.0%</b>	<b>10.1%</b>	<b>7.1%</b>	7.7%	5.1%	5.8%	9.5%	7.2%	7.6%

\*The threshold definition in place at the time of the court action is presented in **bold**.

\*\*“Split” includes some cases of mother or father sole placement of one child, and shared placement of another child.

**Table 2b**  
**Child Placement in Adjudicated Paternity Cases**  
**With Various Definitions of Shared Placement Used, Over Time, in Wisconsin**

	Cohort								All Cases
	17	18	21	23	24	25	26	27	
<b>N Cases</b>	<b>667</b>	<b>689</b>	591	603	601	604	601	605	4,961
<b>Placement Order</b>									
No placement order	4.7%	9.5%	0.5%	1.1%	0.8%	0.5%	0.0%	0.0%	2.2%
Reconciled or living together	5.6%	5.5%	1.2%	1.3%	1.8%	3.4%	4.0%	4.4%	3.3%
Placement with 3rd party	1.5%	1.4%	4.2%	2.5%	3.0%	3.6%	3.0%	2.6%	2.8%
Placement with parent	88.2%	83.6%	94.1%	95.1%	94.4%	92.5%	93.0%	93.0%	91.7%
<b>Placement with Parent/Alternative Thresholds*</b>									
<b>Threshold Definition: 25% of Time or More</b>									
Sole Mother	97.7%	96.3%	96.8%	<b>94.0%</b>	<b>95.0%</b>	<b>93.7%</b>	<b>94.4%</b>	<b>90.9%</b>	94.9%
Mother Primary	0.1%	1.3%	0.7%	<b>0.3%</b>	<b>1.7%</b>	<b>2.2%</b>	<b>0.9%</b>	<b>2.1%</b>	1.2%
Equal Shared	0.9%	1.4%	0.8%	<b>4.1%</b>	<b>2.6%</b>	<b>2.3%</b>	<b>4.0%</b>	<b>4.5%</b>	2.5%
Split	0.0%	0.0%	0.0%	<b>0.1%</b>	<b>0.4%</b>	<b>0.4%</b>	<b>0.0%</b>	<b>0.4%</b>	0.1%
Father Primary	0.0%	0.0%	0.1%	<b>0.1%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.1%</b>	0.1%
Father Sole	1.3%	1.0%	1.6%	<b>1.4%</b>	<b>0.3%</b>	<b>1.4%</b>	<b>0.7%</b>	<b>2.0%</b>	1.2%

\*The threshold definition in place at the time of the court action is presented in **bold**.

**Table 2c**  
**Child Placement in Voluntary Paternity Acknowledgment (VPA) Cases**  
**With Various Definitions of Shared Placement Used, Over Time, in Wisconsin**

	Cohort						All Cases
	21	23	24	25	26	27	
<b>N Cases</b>	308	300	300	305	301	303	1,817
<b>Placement Order</b>							
No placement order	0.4%	0.0%	1.0%	0.0%	0.0%	0.1%	0.2%
Reconciled or living together	6.7%	4.6%	6.2%	8.5%	9.6%	15.2%	8.3%
Placement with 3rd party	2.0%	0.9%	1.1%	0.3%	1.8%	1.8%	1.2%
Placement with parent	90.9%	94.5%	91.7%	91.2%	88.6%	82.9%	90.3%
<b>Placement with Parent/Alternative Thresholds*</b>							
<b>Threshold Definition: 25% of Time or More</b>							
Sole Mother	91.9%	<b>87.5%</b>	<b>84.4%</b>	<b>86.4%</b>	<b>87.6%</b>	<b>80.9%</b>	86.5%
Mother Primary	2.6%	<b>6.0%</b>	<b>5.3%</b>	<b>4.0%</b>	<b>4.8%</b>	<b>6.8%</b>	5.0%
Equal Shared	3.3%	<b>5.1%</b>	<b>7.8%</b>	<b>6.8%</b>	<b>6.1%</b>	<b>8.8%</b>	6.3%
Split	0.0%	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	0.0%
Father Primary	0.2%	<b>0.0%</b>	<b>0.0%</b>	<b>1.1%</b>	<b>0.9%</b>	<b>0.6%</b>	0.5%
Father Sole	2.0%	<b>1.4%</b>	<b>2.5%</b>	<b>1.7%</b>	<b>0.6%</b>	<b>2.9%</b>	1.7%

\*The threshold definition in place at the time of the court action is presented in **bold**.

The court record may contain information on the physical placement of the children in several locations. First, the CRD has recorded the verbatim record of the physical placement arrangements (“visitation” in old-style language, or “parenting plans” in more current usage) agreed upon or ordered in the court hearing. These details are coded into a series of variables describing 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.

#### *Change in the Distribution of Placement Arrangements in Divorce Cases*

In Table 2a we first present the proportions of divorce cases with different placement types in each cohort. Placement types include mother-sole, father-sole, unequal-shared with father primary, unequal-shared with mother primary, equal-shared, and split placement. As indicated above, the father-primary and mother-primary outcomes are cases where placement is shared, but shared unequally, and the greater-time (or “primary”) parent has the child for 51–75 percent of time.

The top panel of Table 2a shows that we observe a final divorce judgment in all but 1.5 percent of the cases in the sample, with another 1 percent of cases not having a placement arrangement with the parents due to there being no placement order included in the final judgment, the parents indicating that they are reconciled or living together, or the children being placed with a third party. The proportion of cases with parental placement orders has not changed over the time periods and should have little impact on the trends in parental placement we do observe.

The second panel presents the distributions of placement arrangements using the 25 percent shared placement threshold that has been in force in Wisconsin since 2004. We see that mother-sole placement of divorce children has declined steadily with each cohort, to the point that by the final 2 cohorts it is no longer the majority type of placement outcome.

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. Cook and Brown (2006) found that 75 percent of placement arrangements were for sole placement with the mother in the early 1990s, a figure that fell to 64 percent in the late 1990s.<sup>6</sup> This trend is reflective of societal and legislative changes that have shifted from a regime which presumed that mother placement was the norm, to one which recommends a child's continued residence with both parents.

As such, the decline in mother-sole placement cases is accompanied by a large increase in the proportion of cases with equal-shared placement, from around 15 percent in the earliest cohorts to over 30 percent in cohort 27. Most other placement options stayed relatively stable (with some slight cohort-to-cohort variation due to small numbers of cases): father-sole placement accounted for 7–9 percent of cases and unequal-shared with mother primary placement accounted for 11–13 percent. Unequal-shared with father primary placement remains a very uncommon arrangement throughout the period accounting for 1–2 percent of cases. Split placement has become somewhat less likely across the three time periods, moving from around 4 percent to 2 percent of cases (and in nearly 40 percent of split cases in cohort 27, the “split” is between sole placement for one child, and shared placement of another child). Altogether we see that the proportion of divorce cases with shared placement (both equal and unequal) increased over 60 percent, from 28.4 percent in cohort 17 to 45.4 percent of all placement arrangements in cohort 27. This is more than a six-fold increase from the 7 percent found in 1986–87 by Cancian and Meyer (1998). Cohorts 25 and 26 show similar percentages of shared placement, which might indicate a plateau in the growth of this type of placement outcome. However, Cohort 27 shows further increases in all categories of shared placement, including a 4 percent increase in equal-shared placement.

As we noted, the proportions reported above used a threshold of 25 percent to determine the distinction between sole and shared placement, reflecting state rules currently defining child support obligations. The change in 2004 to a 25 percent threshold raises the question of how the results differ

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<sup>6</sup>All percentages in this section are weighted to reflect differential sampling proportions across counties in the CRD as were the results from previous reports.

from distributions based on the old threshold of 30 percent; using the new threshold has the effect of moving cases from the sole placement to the unequal-shared placement categories, proportions in equal-shared and split categories are not affected. The third panel presents the trends in placement arrangements when we use the 30 percent threshold. Over all cohorts, about 3 percent of cases are affected by the change in the threshold, with mother-sole placement rates 2.4 percentage points lower under the new threshold than they would have been, and father-sole placement .5 percentage points lower. As equal-shared placement has become a greater proportion of the cases, the effect of changing the threshold is reduced in more recent cohorts, since fewer cases fall in the part of the distribution that would have been affected by this change. Of course, couples and courts may have reacted to the new thresholds by setting placement arrangements based on the child support implications of the new shared guidelines, but the overall trend to equal-shared placement, leaves only a small percentage of cases (under 2 percent in the most recent cohort) affected by this change in threshold.

#### *Change in the Distribution of Placement Arrangements in Adjudicated Paternity Cases*

Previous examinations of the CRD data (Cancian and Meyer, 1998; Cancian, Cassetty, Cook, and Meyer, 2002; Cook and Brown, 2006) have noted that although the use of shared placement in divorce cases has been rising, in paternity cases the incidence of shared placement has been extremely low, the vast majority of cases being assigned to sole mother placement. Even after the introduction of the May 2000 legislation, which encourages maximizing time spent by the child with both parents and which applied to paternity cases as well as divorce cases, there was little change in the incidence of shared or sole father placement. Across all of the time periods, sole mother placement accounted for 97–99 percent of all placement outcomes. The use of shared placement had grown dramatically among divorcing parents, but remained a rarity in paternity cases.

In the current data, we do, however, begin to see some shifts in the placement arrangements in adjudicated paternity cases. By the final cohort 27, sole-mother placement, while still the predominant placement outcome, has fallen to just above 90 percent of cases, while equal-shared placement has risen



from less than 1 percent to over 4 percent. Other placement outcomes have also increased, with mother-primary and father-sole placement accounting for approximately 2 percent of the cases each. These changes suggest that the societal and legislative shifts that have resulted in the dramatic transformation in divorce placements have made some impact on the outcomes for nonmarital children as well.

When considering the still low level of shared placement arrangements used in adjudicated paternity cases, it is important to remember the substantial proportion of fathers who are reported as being incarcerated at the time of final judgment. A large percentage of fathers are incarcerated (almost 15 percent in the most recent cohort) and thus could not assume placement responsibilities even if they wanted to. Presumably, many of these fathers have backgrounds that might make it unlikely they would have children placed with them even if they were not incarcerated, but incarceration would appear to render that decision moot. Changes in the shared placement threshold are even less consequential for paternity cases, since so few cases fall within the range between 25 and 30 percent.

We should also note that there has been a substantial reduction in the instances of adjudicated paternity cases being decided with no placement order. In the earliest cohorts in the sample, 5 to 10 percent of all adjudicated paternity cases had no placement order; that has fallen to near zero in the most recent cohorts. A likely explanation is that many of the cases with no placement order in cohorts 17 and 18 were cases where parents were together, and would likely have utilized the voluntary paternity acknowledgement procedure had it been more commonly available then. As VPA use increased many of those couples were no longer being brought to court for paternity adjudication.

#### *Change in the Distribution of Placement Arrangements in Voluntary Paternity Cases*

The collection of voluntary paternity cases in recent cohorts of the CRD allows us to examine placement arrangements for a new type of case that did not exist in the time period covered by previous reports. In earlier time periods the types of families that are now found in VPA cases would have been part of the adjudicated paternity caseload. In Table 2c we can see that the placement arrangements ordered in VPA cases appear to be intermediate to those in adjudicated paternity and those in divorce

cases. The first point to note is that a larger percentage of these cases do not receive a parental placement order (only 83 percent in the most recent cohort), mostly due to a much larger percentage who are indicated as reconciled or living together. Many of these may be cohabiting parents who are only being brought to court for child support orders due to one or both parents applying for public assistance. The large increase in such cases in the final cohort (15.2 percent of all VPA cases in cohort 27), when declining economic conditions may have increased public assistance requests, is consistent with such an explanation.

Among those VPA cases that do receive a parental placement, we do see that mother-sole placement is still the predominant form of arrangement, and although the overall trend appears to be declining, the decline is not a smooth progression down as it was in divorce or adjudicated paternity cases. Part of the explanation for this variability may be in the fact that the sample size of VPA cases collected is substantially smaller than the other groups. That said, mother-sole arrangements have moved from 92 percent of all parental arrangements in the earliest cohort to 81 percent in the most recent—a statistically significant decline, and equal-shared placements have moved up from 3.3 to 8.8 percent, still a small percentage of placement outcomes, but about twice as large as seen for adjudicated cases in the same cohort. Relative to equal-shared placement, mother-primary situations appear to be a more common alternative in the VPA cases than they were in divorce or adjudicated paternitys. Other outcomes (split, father-primary, and father-sole) are used only infrequently.

#### *Characteristics Associated with Placement Outcomes*

As noted above, demographic and economic characteristics of the parents and children in these cases are strongly related to the placement arrangements ordered by courts. In Tables 3a to 3c we examine outcomes for various subgroups of each case type. In these tables we aggregate cohorts into three time periods in order to increase the sample sizes and the precision of our estimates.

In cases where information on a parent's income is missing from the court record, we have used data from the Wisconsin Unemployment Insurance (UI) Wage Record files to supplement the court

**Table 3a**  
**Demographics and Child Placement in Divorce Cases**

	Cohorts and Placement																	
	Cohorts 17–21						Cohorts 23–25						Cohorts 26–27					
	N Cases	Mother		Equal Shared	Split	Father S & Pr	N Cases	Mother		Equal Shared	Split	Father S & Pr	N Cases	Mother		Equal Shared	Split	Father S & Pr
Sole		Primary	Sole					Primary	Sole					Primary				
<b>All Cases</b>	2,433	61.1%	9.0%	17.3%	3.2%	9.4%	2,345	51.9%	13.1%	24.5%	2.9%	7.6%	1,565	47.4%	12.0%	28.3%	2.4%	9.9%
<b>Number of Children</b>																		
One	1,029	65.6%	8.2%	16.8%	0.0%	9.4%	1017	55.4%	12.3%	24.1%	0.0%	8.2%	669	50.9%	11.0%	27.0%	0.0%	11.1%
Two	989	56.4%	10.1%	19.2%	5.6%	8.7%	947	48.6%	13.5%	27.2%	4.0%	6.7%	648	42.9%	14.4%	30.7%	3.6%	8.4%
Three	342	59.5%	8.4%	14.9%	5.7%	11.5%	296	50.0%	17.4%	17.9%	6.1%	8.6%	192	47.8%	8.8%	27.8%	4.5%	11.1%
Four or More	73	67.3%	7.7%	9.4%	5.5%	10.1%	85	52.9%	4.5%	22.8%	13.9%	5.9%	56	53.6%	7.0%	19.7%	11.7%	8.0%
<b>Age of Youngest Child</b>																		
0–2	592	65.6%	12.9%	14.4%	1.2%	5.9%	604	57.3%	15.0%	20.9%	1.3%	5.5%	373	47.6%	14.2%	27.7%	1.6%	8.9%
3–5	665	57.8%	11.1%	20.3%	1.5%	9.3%	598	48.4%	15.9%	27.0%	1.6%	7.1%	380	48.9%	12.8%	27.3%	0.9%	10.2%
6–10	684	59.3%	7.7%	19.7%	4.3%	9.0%	620	47.2%	14.2%	27.5%	3.4%	7.7%	464	41.0%	14.1%	32.2%	3.3%	9.3%
11–17	492	62.6%	3.4%	13.6%	6.2%	14.2%	523	55.5%	6.5%	22.1%	5.5%	10.4%	348	53.8%	6.2%	25.0%	3.7%	11.4%
<b>Sex of Children</b>																		
Boys only	859	59.7%	9.7%	17.8%	2.6%	10.2%	839	49.9%	12.3%	24.6%	2.2%	11.0%	553	45.8%	13.2%	28.1%	1.4%	11.5%
Girls only	772	66.4%	9.0%	17.3%	1.3%	6.0%	725	55.7%	11.7%	25.0%	1.2%	6.4%	500	50.8%	9.5%	29.3%	1.3%	9.1%
Both boys & girls	773	57.0%	8.5%	17.2%	5.7%	11.6%	670	49.0%	14.9%	24.6%	6.2%	5.3%	465	44.5%	13.1%	28.3%	5.2%	8.9%
<b>Age of Mother</b>																		
Under 26	292	69.7%	6.9%	13.4%	0.6%	9.4%	265	62.0%	9.3%	20.3%	1.4%	7.0%	154	49.8%	11.8%	24.2%	2.9%	11.4%
26–30	521	64.3%	10.0%	15.8%	1.0%	8.9%	436	53.1%	14.9%	23.9%	0.9%	7.2%	276	48.6%	10.7%	25.1%	0.6%	15.0%
31–40	1,170	57.0%	10.2%	18.7%	4.7%	9.4%	1,056	46.8%	15.5%	27.2%	3.1%	7.5%	729	44.4%	13.5%	31.8%	2.7%	7.6%
Over 40	446	62.3%	6.2%	17.9%	3.6%	10.0%	585	56.0%	9.3%	21.8%	4.6%	8.3%	405	50.6%	10.5%	25.9%	2.9%	10.1%
<b>Age of Father</b>																		
Under 26	162	79.8%	6.4%	7.9%	0.0%	5.9%	154	61.7%	11.6%	20.6%	1.1%	5.0%	87	60.4%	10.3%	14.9%	1.8%	12.6%
26–30	373	66.3%	10.5%	15.4%	0.5%	7.3%	380	59.3%	12.4%	22.2%	0.2%	5.9%	217	49.3%	10.1%	28.8%	0.7%	11.1%
31–40	1,192	56.8%	10.9%	18.6%	3.9%	9.7%	1,025	48.8%	15.0%	25.6%	3.1%	7.5%	669	46.3%	13.0%	28.3%	2.5%	9.9%
Over 40	703	60.9%	5.6%	18.4%	4.2%	10.9%	783	50.6%	11.2%	25.1%	4.1%	9.0%	591	46.2%	11.9%	30.1%	2.8%	9.0%
<b>Length of Marriage*</b>																		
Less than 2 years	107	80.3%	10.9%	6.7%	0.0%	2.1%	127	53.5%	15.5%	18.1%	1.3%	11.6%	65	55.0%	14.3%	17.7%	0.0%	13.0%
2–4 years	422	65.4%	8.7%	18.6%	0.5%	6.8%	373	61.4%	13.9%	20.0%	0.0%	4.7%	238	51.7%	13.0%	21.6%	2.9%	10.8%
5–9 years	742	61.8%	12.1%	14.9%	1.3%	9.9%	711	51.8%	14.2%	26.2%	1.2%	6.6%	485	48.1%	11.4%	29.5%	0.4%	10.6%
10–15 years	547	56.9%	8.3%	22.7%	4.7%	7.4%	516	45.7%	17.1%	27.1%	2.4%	7.7%	343	40.8%	15.0%	35.8%	3.3%	5.1%
15 years or more	613	57.8%	5.7%	16.2%	6.6%	13.7%	616	51.4%	7.3%	24.5%	7.4%	9.4%	430	48.0%	9.6%	26.6%	4.1%	11.7%
<b>Parent Previous Marriage</b>																		
Both	160	66.4%	2.5%	18.9%	5.5%	6.7%	170	51.1%	18.8%	22.2%	2.2%	5.7%	138	54.8%	7.4%	24.3%	2.6%	10.9%
Father Only	272	68.0%	6.3%	16.2%	1.9%	7.6%	203	56.5%	12.9%	18.1%	2.2%	10.3%	150	50.0%	18.3%	24.2%	1.3%	6.2%
Mother Only	244	57.6%	13.8%	16.0%	1.5%	11.1%	235	46.4%	14.4%	24.2%	2.2%	12.8%	146	44.7%	14.3%	30.4%	1.0%	9.6%
Neither	1,757	60.1%	9.3%	17.5%	3.4%	9.7%	1,737	52.2%	12.4%	25.5%	3.1%	6.8%	1,131	46.4%	11.4%	29.2%	2.7%	10.3%

(table continues)

Table 3a, continued

	Cohorts and Placement																	
	Cohorts 17–21						Cohorts 23–25						Cohorts 26–27					
	N Cases	Mother		Equal Shared	Split	Father S & Pr	N Cases	Mother		Equal Shared	Split	Father S & Pr	N Cases	Mother		Equal Shared	Split	Father S & Pr
Sole		Primary	Sole					Primary	Sole					Primary				
<b>Total Family Income (2010 \$)**</b>																		
None/missing	46	66.7%	0.0%	8.9%	9.9%	14.5%	24	80.6%	0.0%	6.5%	0.0%	12.9%	13	84.2%	9.3%	0.0%	6.5%	0.0%
Under \$25,000	201	80.7%	3.0%	8.6%	1.9%	5.8%	171	76.0%	5.6%	9.2%	2.2%	7.0%	132	71.9%	3.3%	7.9%	1.5%	15.4%
\$25,000–\$50,000	481	72.9%	5.8%	10.1%	1.9%	9.3%	482	66.1%	9.8%	15.7%	2.2%	6.2%	304	56.7%	9.1%	18.3%	1.2%	14.7%
\$50,000–\$75,000	697	60.4%	8.8%	13.2%	4.1%	13.5%	634	50.1%	13.3%	21.4%	5.0%	10.2%	416	49.9%	8.9%	27.8%	2.6%	10.8%
\$75,000–\$100,000	550	52.6%	10.9%	24.7%	3.4%	8.4%	536	47.2%	14.5%	27.8%	2.7%	7.8%	339	43.5%	12.0%	32.8%	4.0%	7.7%
\$100,000–\$150,000	348	51.6%	13.7%	25.2%	2.8%	6.7%	359	37.6%	17.3%	37.2%	2.0%	5.9%	258	34.0%	21.1%	36.1%	2.3%	6.5%
Over \$150,000	110	58.4%	11.2%	25.1%	2.4%	2.9%	139	37.8%	17.1%	39.6%	0.8%	4.7%	103	29.8%	16.4%	47.3%	0.9%	5.6%
<b>Mother Share of Total Income</b>																		
Mother no income	174	62.7%	8.1%	8.0%	4.6%	16.6%	110	58.2%	13.9%	12.7%	5.9%	9.3%	72	47.2%	7.2%	18.1%	1.4%	26.1%
1–20%	280	48.9%	15.9%	18.4%	2.4%	14.4%	316	43.8%	15.7%	23.5%	4.1%	12.9%	179	42.8%	10.8%	29.6%	0.2%	16.6%
21–40%	767	57.2%	7.9%	19.6%	4.5%	10.8%	737	45.6%	15.0%	27.7%	3.0%	8.7%	505	39.4%	13.2%	32.3%	3.2%	11.9%
41–60%	783	60.2%	10.2%	20.3%	2.6%	6.7%	744	47.6%	13.0%	30.5%	2.8%	6.1%	514	45.1%	16.2%	30.1%	3.0%	5.6%
61–80%	217	68.8%	7.1%	14.0%	2.9%	7.2%	222	65.0%	10.7%	17.4%	1.9%	5.0%	149	53.3%	7.8%	30.0%	1.9%	7.0%
81–99%	71	94.4%	1.0%	3.8%	0.8%	0.0%	88	83.7%	5.8%	8.9%	0.0%	1.6%	59	86.2%	2.0%	7.4%	0.0%	4.4%
Father no income	140	81.6%	3.0%	9.9%	0.6%	4.9%	119	77.2%	6.6%	10.7%	0.7%	4.8%	82	74.3%	2.2%	15.1%	2.3%	6.1%
<b>Parent Residential Proximity</b>																		
Address unknown	119	68.2%	6.2%	9.8%	5.3%	10.5%	72	74.4%	13.0%	7.9%	1.0%	3.7%	32	79.1%	3.7%	5.0%	0.0%	12.2%
Same zip code	887	51.4%	10.5%	27.2%	3.3%	7.6%	866	39.1%	15.6%	35.9%	3.3%	6.1%	596	34.5%	13.4%	40.2%	2.3%	9.6%
Same state	1,223	63.2%	9.3%	14.6%	3.0%	9.9%	1,225	54.2%	13.0%	21.5%	2.8%	8.5%	792	49.3%	12.9%	25.8%	2.3%	9.7%
Different State	204	80.4%	2.9%	1.5%	2.7%	12.5%	182	82.8%	2.4%	3.1%	2.5%	9.2%	145	78.8%	3.6%	2.0%	4.0%	11.6%
<b>County of Divorce</b>																		
Milwaukee Co	347	66.1%	7.2%	15.1%	3.0%	8.6%	386	63.0%	9.1%	17.1%	2.9%	7.9%	264	60.8%	10.1%	18.9%	2.3%	7.9%
Other Urban Co	1,348	58.3%	10.6%	18.6%	3.1%	9.4%	1,285	47.9%	15.4%	27.3%	2.6%	6.8%	848	43.9%	13.1%	30.7%	2.7%	9.6%
Rural Co	738	61.6%	6.8%	17.1%	3.8%	10.7%	674	46.2%	12.3%	28.0%	4.0%	9.5%	453	41.0%	10.7%	33.3%	1.5%	13.5%
<b>Parents Legal Representation</b>																		
Both attorneys	1,162	52.8%	13.7%	22.0%	3.6%	7.9%	936	41.5%	19.4%	29.3%	3.1%	6.7%	615	39.4%	17.0%	32.0%	3.5%	8.1%
Father Only	220	38.5%	5.8%	18.4%	5.6%	31.7%	233	31.8%	6.6%	28.2%	4.5%	28.9%	148	19.7%	8.1%	32.7%	2.1%	37.4%
Mother Only	568	81.8%	4.2%	7.7%	2.4%	3.9%	501	72.3%	10.3%	13.8%	1.9%	1.7%	311	72.7%	7.1%	16.1%	1.8%	2.3%
Neither	483	67.6%	4.8%	16.8%	1.9%	8.9%	675	57.4%	8.8%	24.7%	2.8%	6.3%	491	50.1%	9.8%	30.1%	1.4%	8.6%
<b>Length of Divorce Process***</b>																		
Less than 6 mo	776	65.1%	5.2%	15.8%	3.2%	10.7%	906	52.6%	10.0%	28.4%	2.2%	6.8%	573	48.0%	9.8%	31.4%	2.3%	8.5%
6–12 months	1,041	62.2%	9.5%	16.9%	2.8%	8.6%	994	53.3%	15.8%	20.9%	2.9%	7.1%	638	47.6%	12.6%	28.1%	2.3%	9.4%
More than 12 mo	616	53.1%	13.6%	20.4%	3.8%	9.1%	445	47.4%	13.2%	19.1%	4.2%	10.1%	354	45.9%	14.4%	24.1%	2.7%	12.9%

\*Number of Years between Marriage Date and Petition to Court.

\*\*From CRD information on income and from UI wage record for four quarters prior to the quarter of the FJ, whichever was greater.

\*\*\*Number of months between Petition to Court and the Divorce Final Judgment date.

**Table 3b**  
**Demographics and Child Placement in Adjudicated Paternity Cases**

	Cohorts and Placement														
	Cohorts 17–21					Cohorts 23–25					Cohorts 26–27				
	N Cases	Mother		Equal Shared	Father S & Pr	N Cases	Mother		Equal Shared	Father S & Pr	N Cases	Mother		Equal Shared	Father S & Pr
Sole		Primary	Sole				Primary	Sole				Primary			
<b>All Cases</b>	1,444	97.2%	0.5%	1.0%	1.3%	1,669	94.5%	1.5%	3.0%	1.0%	1,093	92.9%	1.5%	4.2%	1.4%
<b>Number of Children Born to Both</b>															
One	1,243	97.6%	0.5%	1.0%	0.9%	1,426	94.3%	1.2%	3.5%	1.0%	902	92.6%	1.8%	4.6%	1.0%
Two or more	201	94.6%	0.0%	1.3%	4.1%	243	95.1%	2.6%	1.0%	1.3%	191	93.7%	0.7%	3.1%	2.5%
<b>Mother has Other Children</b>	148	95.8%	0.9%	1.1%	2.2%	263	93.7%	1.2%	3.4%	1.7%	161	94.5%	0.7%	4.0%	0.8%
<b>Father has Other Children</b>	289	96.7%	0.7%	1.3%	1.3%	472	95.5%	0.9%	3.1%	0.5%	364	94.4%	1.5%	2.2%	1.9%
<b>Age of Youngest Child</b>															
0–2	1,164	97.2%	0.4%	1.3%	1.1%	1,354	94.5%	1.4%	3.2%	0.9%	909	92.9%	1.4%	4.9%	0.8%
3–17	260	96.9%	0.7%	0.3%	2.1%	249	92.1%	1.9%	3.5%	2.5%	110	92.7%	2.3%	0.9%	4.1%
<b>Sex of Children</b>															
Boys only	684	97.8%	0.5%	0.5%	1.2%	718	94.1%	1.2%	3.1%	1.6%	508	91.9%	1.5%	5.2%	1.4%
Girls only	630	96.5%	0.5%	1.4%	1.6%	679	94.1%	1.6%	3.5%	0.8%	487	92.9%	1.7%	3.8%	1.6%
Both boys and girls	21	100.0%	0.0%	0.0%	0.0%	22	91.9%	8.1%	0.0%	0.0%	8	*	*	*	*
<b>Age of Mother</b>															
Under 26	874	96.9%	0.2%	1.3%	1.6%	1,088	95.3%	0.8%	3.3%	0.6%	738	93.5%	1.4%	4.5%	0.6%
26–30	237	96.0%	0.9%	0.8%	2.3%	290	91.8%	2.8%	3.9%	1.5%	213	90.7%	1.6%	4.8%	2.9%
Over 30	204	98.7%	0.8%	0.3%	0.2%	274	94.5%	2.6%	0.8%	2.1%	132	94.3%	1.8%	2.3%	1.6%
<b>Age of Father</b>															
Under 26	733	97.2%	0.2%	1.4%	1.2%	876	94.5%	1.4%	3.1%	1.0%	553	92.3%	1.8%	5.5%	0.4%
26–30	309	96.7%	0.8%	1.3%	1.2%	331	94.4%	1.5%	3.9%	0.2%	266	93.2%	1.0%	4.0%	1.8%
Over 30	392	97.8%	0.5%	0.2%	1.5%	450	94.6%	1.6%	2.1%	1.7%	270	93.8%	1.4%	2.1%	2.7%
<b>Combined Income (2010 \$)#</b>															
None reported/missing	77	96.1%	0.0%	0.0%	3.9%	168	97.0%	1.8%	1.2%	0.0%	89	95.5%	0.0%	0.0%	4.5%
Under \$25,000	757	97.8%	0.4%	0.8%	1.1%	888	95.3%	1.4%	2.3%	1.1%	625	93.0%	1.4%	4.2%	1.4%
\$25,000–\$50,000	422	95.5%	0.7%	2.6%	1.2%	423	92.2%	2.1%	4.3%	1.4%	272	86.8%	3.7%	8.5%	1.1%
Over \$50,000	188	88.8%	3.2%	3.2%	4.8%	190	85.8%	4.2%	5.8%	4.2%	107	83.2%	4.7%	10.3%	1.9%
<b>Mother Share of Total Income</b>															
No income reported for mother	251	99.6%	0.0%	0.0%	0.4%	360	95.3%	0.6%	2.6%	1.5%	206	93.1%	1.0%	1.3%	4.7%
1–20%	266	97.3%	0.4%	0.5%	1.8%	251	90.2%	2.6%	4.0%	3.2%	148	90.1%	1.2%	5.7%	3.0%
21–40%	275	97.7%	0.9%	1.0%	0.4%	257	89.6%	3.4%	5.8%	1.2%	184	90.0%	3.4%	6.2%	0.4%
41–60%	228	94.6%	0.3%	3.1%	2.0%	205	92.9%	2.0%	3.5%	1.6%	168	87.3%	2.4%	10.3%	0.0%
61–99%	195	95.5%	1.1%	1.1%	2.4%	251	96.4%	1.2%	2.5%	0.0%	162	97.7%	0.9%	1.4%	0.1%
No income reported for father	224	97.7%	0.1%	1.0%	1.2%	325	97.6%	0.7%	1.7%	0.0%	218	96.0%	0.7%	3.1%	0.2%

(table continues)

Table 3b, continued

	Cohorts and Placement														
	Cohorts 17–21					Cohorts 23–25					Cohorts 26–27				
	N Cases	Mother		Equal Shared	Father S & Pr	N Cases	Mother		Equal Shared	Father S & Pr	N Cases	Mother		Equal Shared	Father S & Pr
		Sole	Primary				Sole	Primary				Sole	Primary		
<b>Parent Residential Proximity</b>															
Address unknown	274	97.9%	0.1%	0.1%	1.9%	448	97.1%	0.7%	1.4%	0.9%	347	95.7%	0.5%	1.9%	1.9%
Same zip code	289	96.4%	0.2%	2.0%	1.4%	273	91.2%	1.6%	5.7%	1.5%	151	88.4%	2.4%	9.2%	0.0%
Same state	756	96.6%	0.8%	1.5%	1.1%	805	92.3%	2.4%	4.4%	0.9%	514	89.8%	2.7%	6.7%	0.9%
Different State	125	99.7%	0.0%	0.0%	0.3%	143	95.6%	0.5%	0.3%	3.6%	81	96.7%	0.5%	0.6%	2.3%
<b>County of Court Hearings</b>															
Milwaukee County	446	97.4%	0.5%	0.9%	1.2%	566	95.4%	0.9%	3.0%	0.7%	376	93.8%	1.0%	3.7%	1.5%
Other Urban County	678	97.0%	0.4%	0.9%	1.7%	721	92.9%	2.6%	2.6%	1.9%	477	92.3%	2.3%	4.4%	1.0%
Rural County	320	94.7%	1.1%	2.7%	1.5%	382	90.4%	3.2%	4.7%	1.7%	240	85.4%	3.1%	9.8%	1.7%
<b>Parents Legal Representation</b>															
Both have attorneys	105	93.4%	0.6%	4.6%	1.4%	136	82.9%	8.1%	7.9%	1.1%	76	80.5%	9.9%	5.4%	4.2%
Father Only	13	*	*	*	*	19	32.9%	8.8%	35.0%	23.2%	11	*	*	*	*
Mother Only	1207	97.6%	0.5%	0.8%	1.1%	1503	95.9%	0.9%	2.4%	0.8%	995	93.8%	1.1%	4.0%	1.1%
Neither has attorney	115	96.8%	0.0%	0.8%	2.4%	11	*	*	*	*	11	*	*	*	*

**Note:** Four split physical placement adjudicated paternity cases have not been included on this table.

#From CRD information on income and from UI wage record for 4 quarters prior to the quarter of the FJ, whichever was greater.

\*Number of cases insufficient for analysis.

**Table 3c**  
**Demographics and Child Placement in VPA Cases**

	Cohorts and Placement														
	Cohort 21					Cohorts 23–25					Cohorts 26–27				
	N Cases	Mother		Equal Shared	Father S & Pr	N Cases	Mother		Equal Shared	Father S & Pr	N Cases	Mother		Equal Shared	Father S & Pr
Sole		Primary	Sole				Primary	Sole				Primary			
<b>All Cases</b>	276	92.9%	1.6%	3.3%	2.2%	821	86.1%	5.1%	6.6%	2.2%	503	85.0%	5.6%	7.1%	2.3%
<b>Number of Children Born to Both</b>															
One	232	93.1%	1.9%	3.3%	1.7%	659	86.2%	5.4%	6.6%	1.9%	404	83.2%	6.4%	8.2%	2.2%
Two or more	44	91.6%	0.0%	3.3%	5.1%	162	85.8%	4.4%	6.5%	3.3%	99	91.5%	2.6%	3.2%	2.7%
<b>Mother has Other Children</b>	10	*	*	*	*	89	82.2%	6.4%	7.9%	3.5%	46	86.4%	2.9%	4.1%	6.6%
<b>Father has Other Children</b>	44	96.9%	0.0%	3.1%	0.0%	170	89.0%	3.6%	3.5%	3.9%	113	93.8%	4.3%	0.9%	1.0%
<b>Age of Youngest Child</b>															
0–2	252	93.3%	1.4%	3.5%	1.8%	687	87.6%	4.7%	6.0%	1.7%	410	87.1%	5.4%	6.6%	0.9%
3–17	23	86.7%	4.0%	1.6%	7.7%	126	79.5%	7.0%	8.2%	5.3%	90	75.7%	6.6%	9.6%	8.1%
<b>Sex of Children</b>															
Boys only	138	93.3%	0.6%	3.8%	2.3%	367	83.7%	6.3%	7.7%	2.3%	220	83.8%	5.6%	8.6%	2.0%
Girls only	116	92.1%	2.9%	2.4%	2.6%	299	88.2%	4.7%	5.6%	1.5%	222	85.4%	5.6%	6.5%	2.5%
Both boys and girls	8	*	*	*	*	43	82.3%	6.0%	8.2%	3.5%	21	85.5%	4.6%	4.1%	5.8%
<b>Age of Mother</b>															
Under 26	181	94.2%	1.6%	2.7%	1.5%	492	86.7%	3.8%	7.8%	1.7%	265	87.3%	4.7%	6.8%	1.2%
26–30	35	94.2%	1.4%	4.4%	0.0%	146	85.5%	8.4%	2.1%	4.0%	111	84.8%	6.2%	7.7%	1.3%
Over 30	31	85.4%	1.0%	3.0%	10.6%	109	82.8%	5.4%	9.3%	2.5%	87	86.1%	7.9%	1.1%	4.9%
<b>Age of Father</b>															
Under 26	158	94.7%	1.8%	2.6%	0.9%	419	88.7%	3.4%	6.5%	1.4%	206	87.6%	4.7%	7.1%	0.6%
26–30	54	91.2%	2.0%	5.4%	1.4%	172	86.6%	4.3%	6.2%	2.9%	136	87.2%	5.0%	6.4%	1.4%
Over 30	54	90.1%	0.6%	3.0%	6.3%	217	82.5%	7.9%	6.3%	3.3%	147	80.8%	7.9%	5.5%	5.8%
<b>Combined Income (2010 \$)#</b>															
None reported/missing	5	*	*	*	*	30	85.3%	0.0%	10.5%	4.2%	15	*	*	*	*
Under \$25,000	97	93.5%	0.9%	3.6%	2.0%	328	90.2%	1.6%	6.4%	1.8%	176	88.8%	2.4%	6.0%	2.8%
\$25,000–\$50,000	122	93.1%	1.9%	2.6%	2.4%	293	87.3%	4.9%	5.4%	2.4%	193	85.4%	6.7%	5.7%	2.2%
Over \$50,000	52	90.2%	2.4%	4.8%	2.6%	170	76.6%	12.9%	8.4%	2.1%	119	76.4%	9.6%	12.4%	1.6%
<b>Mother Share of Total Income</b>															
No income reported for mother	26	84.2%	7.8%	1.2%	6.8%	117	88.3%	3.6%	5.8%	2.3%	66	88.4%	4.7%	3.5%	3.4%
1–20%	55	91.7%	2.0%	1.0%	5.3%	135	80.9%	4.8%	9.9%	4.4%	76	89.4%	2.2%	7.0%	1.4%
21–40%	68	94.6%	1.2%	4.2%	0.0%	178	82.2%	9.0%	7.0%	1.8%	103	80.1%	7.4%	8.9%	3.6%
41–60%	62	94.3%	0.5%	4.4%	0.8%	183	83.5%	7.8%	6.5%	2.2%	130	81.2%	4.6%	11.0%	3.2%
61–99%	47	97.7%	0.0%	2.3%	0.0%	114	93.5%	1.9%	4.6%	0.0%	87	86.7%	9.2%	4.1%	0.0%
No income reported for father	18	*	*	*	*	90	92.2%	0.0%	5.1%	2.7%	40	89.9%	4.2%	3.8%	2.1%

(table continues)

Table 3c, continued

	Cohorts and Placement														
	Cohort 21					Cohorts 23–25					Cohorts 26–27				
	N Cases	Mother		Equal Shared	Father S & Pr	N Cases	Mother		Equal Shared	Father S & Pr	N Cases	Mother		Equal Shared	Father S & Pr
Sole		Primary	Sole				Primary	Sole				Primary			
<b>Parent Residential Proximity</b>															
Address unknown	116	93.5%	2.4%	4.1%	0.0%	246	85.7%	2.7%	8.0%	3.6%	144	87.7%	4.2%	4.7%	3.4%
Same zip code	46	93.1%	0.6%	4.8%	1.5%	155	88.9%	4.9%	6.0%	0.2%	118	86.8%	1.9%	9.1%	2.2%
Same state	105	92.9%	1.3%	1.7%	4.1%	382	85.4%	6.6%	6.2%	1.8%	209	81.8%	9.1%	7.9%	1.2%
Different State	9	*	*	*	*	38	86.2%	4.1%	4.5%	5.2%	32	87.5%	2.0%	5.7%	4.8%
<b>County of Divorce</b>															
Milwaukee County	45	100.0%	0.0%	0.0%	0.0%	236	85.5%	6.0%	5.0%	3.5%	121	90.3%	3.7%	3.3%	2.7%
Other Urban County	172	92.6%	1.6%	3.1%	2.7%	392	87.6%	4.3%	7.5%	0.6%	253	81.7%	6.9%	9.8%	1.6%
Rural County	59	84.2%	3.5%	9.3%	3.0%	193	82.4%	5.1%	9.7%	2.8%	129	76.0%	8.4%	12.6%	3.0%
<b>Parents Legal Representation</b>															
Both have attorneys	23	85.3%	5.1%	9.6%	0.0%	46	53.7%	22.6%	18.5%	5.2%	36	57.8%	15.4%	20.5%	6.3%
Father Only	6	*	*	*	*	6	*	*	*	*	5	*	*	*	*
Mother Only	201	93.6%	1.8%	3.8%	0.8%	743	88.6%	3.8%	5.7%	1.9%	458	87.3%	4.8%	5.8%	2.1%
Neither has attorney	50	98.2%	0.5%	0.0%	1.3%	26	79.1%	12.7%	3.1%	5.1%	4	*	*	*	*

**Note:** One split physical placement VPA case has not been included on this table.

#From CRD information on income and from UI wage record for 4 quarters prior to the quarter of the FJ, whichever was greater.

\*Number of cases insufficient for analysis.



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, in the analysis that follows, we use income data 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 financial documents before them, not on the basis of earnings information that may be found in other state records.

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

#### *Variation in Divorce Placement Arrangements across Subgroups*

Table 3a show how the distribution of placement outcomes varies across subgroups of divorce cases 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.

The first panel of Table 3a shows placement outcomes by the number, age, and sex of the couples' children. There are generally no large differences by family size. However, in all three cohort

groups, the cases most likely to be assigned to mother-sole placement were those with either 1 child or those with 4 or more children. Considering placement outcomes by the age of the youngest child, the most notable result is that parents with only older children (aged 11 or above) have a higher likelihood of being placed with father (either as primary or sole), though the difference declines over time. As for children's gender, when the couples' children were all girls, mothers were more likely, and fathers less likely, to receive sole placement. We do not find substantial differences in most placement outcomes by parents' age, although the likelihood of mother-sole placement appears high when the parents are younger, and in the first 2 cohort groups, the likelihood of placement with father increases with father's age (although, this pattern is reversed in the most recent cohort group).

The second panel of Table 3a shows the relationship between placement arrangements and the length of marriage, prior marital history, and family's income. In the earliest cohort group, sole placement arrangements appear tied to marriage length, with shorter marriages increasing the likelihood of mother-sole placement and longer marriages increasing father placement, but that relationship disappears in the more recent cohort groups. This pattern is consistent with the association of outcomes with parents' ages, shown in the previous panel, since individuals leaving longer marriages are likely to be older. Previous parental marriages also appear to have little consistent relationship to placement outcomes though in the earlier cohorts the mother is more likely to have sole placement when the father had a prior marriage but the mother did not, and vice versa.

Couples' economic position and the relative economic relationship of the two parents do, on the other hand, appear to have a strong relationship with where children are placed. In all three cohort groups, equal-shared placement is consistently more likely as combined family income increases. The subgroup with the highest rate of equal-shared placement in every cohort group are those parents whose combined income is over \$150,000. Conversely, mother-sole and father-sole placement both decline with higher income, especially in the most recent cohort group.

While the total amount of income available to the two parents appears to play an important role in the placement decision, the relative position of the two parents is also related to the likelihood of specific

arrangements. As mother's share of total income rises so does the likelihood of mother-sole placement, while the likelihood of father-sole placement declines (although cases where mother or father are reported with no income aren't fully consistent with these patterns, most likely due to the fact that these include some situations with missing income information rather than zero income). Shared placement appears most likely when parents' incomes are relatively close together (mother's share of total income equals 40–60 percent).

The third panel of Table 3a shows the relationships between parents' locations and aspects of the legal process with placement determinations. These variables may reflect some of the parents' expectations about child placement. For example, if one parent had no desire or expectation of significant placement, they may have felt free to move out of state, or have felt no need for legal representation. Therefore, as one would expect, shared placement outcomes are very unlikely when parents are living in separate states, with mother-sole placement still the most predominant outcome in those situations. When parents have decided to remain living very close by (same zip code), then shared placement becomes much more likely.

Interestingly, while in the earliest cohort group there was no strong relationship between the county of the divorce (distinguishing Milwaukee County, other urban counties, and rural counties) and the resulting placement outcome, by the most recent cohorts, shifts in placement from mother-sole to equal-shared have occurred in both other urban and rural counties, but not in Milwaukee County. The most recent placement distribution in Milwaukee County have changed little from those in the late 1990s, while other counties have seen more substantial shifts. While it is possible that part of the reason for this is economic and demographic differences in the Milwaukee population, when we compare individual counties, we do see that there are other urban counties which have had even slower increases in the use of equal-shared placement than Milwaukee County, so it is also possible that these differences reflect the different legal climate and practices in each county which may not be as favorable to the idea of shared physical placement. Even after controlling for socioeconomic differences in a multivariate model framework we still see that some counties (including Milwaukee) have a lower growth in the use of

shared placement. Legal representation also appears to have an important association with physical placement outcomes. When only one of the two parties is represented in the divorce proceedings, the party with representation is dramatically more likely to wind up with sole placement. This is true for both mother-sole placement and father-sole placement. The length of the divorce process itself, however, does not have a consistent relationship with final placement results.

For cases with a shared placement outcome, the parents are more likely to have legal representation than sole mother cases. This may be partly due to greater financial resources of the parents, greater interest of the parents in having a shared placement order, or a greater litigiousness of the parties. Cases with a mother-primary shared placement outcome have both greater legal representation and a longer divorce process than average. Cases with equal-shared placement outcomes have significant legal representation, but (in the most recent cohorts) they average relatively short time periods between filing for divorce and the final divorce judgment. This would suggest that equal-shared placement may be a pre-agreed and desirable arrangement for many parents in recent years, and that unequal-shared with mother-primary outcomes may be the result of a longer negotiating process between parents who do not agree on placement, and who arrive at (or have been ordered) this placement arrangement as a compromise.

#### *Variation in Paternity Placement Arrangements across Subgroups*

Some shift in placement outcomes has begun to be seen in paternity cases too (more so in VPA than adjudicated), but in both paternity types placements are still mostly solely with mother. This provides less opportunity to observe strong differences in placement outcomes by subgroups, so we discuss here just a few notable findings. Full results are presented in Tables 3b and 3c.

Overall trends over time in subgroups match those in the full samples. In adjudicated paternity cases the proportion with mother-sole placement starts off high (over 90 percent) in almost all subgroups and declines a bit over time. In the VPA cases trends are less consistent, but generally show levels of mother-sole placement that are lower in the last cohort group than in the first.

Among the adjudicated paternity cases, the groups with lowest levels of mother-sole placement and highest levels of equal-shared placement are those with combined incomes over \$50,000, those where maternal and paternal income are most similar, and those living in the same zip code at the time of the paternity adjudication hearing. Just as for divorce cases, Milwaukee County has experienced the least shift in placement outcomes, but in no region has the shift been large, especially when compared with those that have occurred among divorce cases.

The VPA case sample is smaller and trends for this group are less consistent which makes finding notable patterns in subgroups even less likely, but similar relationships exist. Higher combined income, relatively equal incomes and living in the same zip code all have positive associations with equal-shared placement.

#### IV. DISCUSSION

Although mother-sole placement remains the most common arrangement for physical placement of children in divorce and paternity cases, the results of our analysis suggest that growth in the use of shared placement (especially of equal-shared placement) for divorce cases is continuing. In the most recent cohorts mother-sole placement, while still the most common outcome, is no longer the majority outcome, with the balance between mother-sole and all shared placements (equal, mother-primary, and father-primary) being almost equal (45.7 percent mother-sole, 45.4 percent all shared), for the first time. In addition, this report marks the first occasion in which we have noted declines, albeit small, in the use of mother-sole placement in adjudicated paternity cases and similar increases in the use of shared placement. Finally, new data allows us to examine placement outcomes in voluntary paternity cases. As expected the use of shared placement is more common in VPA cases than in adjudicated paternity cases, but still much lower than that in divorce cases. Smaller sample sizes for VPAs in the IRP CRD data preclude firm conclusions about trends for this group, but there is suggestive evidence that, as with the other case types, mother-sole placements are giving way to more equal-share placements over the years observed.

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, in Cancian, Cassetty, Cook and Meyer (2002), who compared results in the early and late 1990s, and in Cook and Brown (2006) for the late 1990s and early 2000s. This shift has occurred over a time period when social pressures have been encouraging greater participation of both parents in children's lives, and legislative changes have explicitly required courts to seriously consider maximizing time with both parents. These same forces are likely contributing to the shifts seen among paternity cases as well.

The shift of placement outcomes from mother-sole placement to equal-shared placement, does not appear to carry over to other placement outcomes. Father-sole placement, unequal-shared (mother or father primary), and split placement outcomes remained steady (or declined slightly) over the time periods in all case types.

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 mother and father's incomes are roughly similar. Cases in which the father has legal representation, and cases where parents live closer together at the time of the final divorce judgment, have a higher likelihood of receiving shared placement of their children. In general, in cases where fathers have greater resources and are nearby so they can take a parenting role, they are more likely to have a shared placement court order. Most of these same characteristics are related to higher shared placement in paternity cases as well, although to a much lesser effect.

Finally, it is noteworthy that the shift from mother-sole to equal-shared placement has not occurred equally across the state. When looking at rural and other urban counties overall we see substantial drops of 15 of 20 percentage points from the beginning to the end of the 2000s in mother-sole placement for divorce, but Milwaukee County saw a drop of only 5 percentage points, and other individual counties experienced even smaller drops.

In summary, we see a notable shift in child placement arrangements in the later cohorts. It appears that shared placement now has wide acceptance throughout the state as a common way to raise

children in many situations where the parents do not live together. We now see *as many* shared placement arrangements as sole mother custody arrangements in divorcing families, and the growth curve does not yet appear to have leveled off or diminished. The increase in shared placement has taken place in all types of families; there are fewer differences in the number, age, and sex of children between sole mother and shared placement cases, which would indicate a greater acceptance of this type of placement for all children. Shared placement cases are more evenly spread between age categories of fathers and couples grouped according to the length of marriage. Shared placement is also increasing in all but the very lowest of family income categories. The fact that legal representation has declined from over 80 percent of cases where one or both of the parents had representation, to less than 69 percent (calculated from Table 3a), during this same time period, would seem to indicate a greater (mutual) acceptance of shared placement after divorce. And we now see, for the first time, the adoption of shared placement between separated parents of paternity children, suggesting that many of the same social and legal changes which have influenced placements in divorce may be beginning to have an impact in at least some cases where parents start off unmarried.

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