

Placement Outcomes for Children of Divorce in Wisconsin Summary

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In considering where children should live after their parents divorce, state law formerly gave explicit preference to the mother. This gender preference has now been removed from law in all states, and shared placement has become more common; in Wisconsin, for example, shared placement became presumptive as of May 2000. This research examines whether these laws are having an effect by examining physical placement outcomes among Wisconsin divorces from 1996 to 1998, compared to divorces coming to court from 1990 to 1993. The research sample consists of nearly 2,900 divorces from the Wisconsin Court Record Database, roughly half from each time period.

Understanding trends in shared placement is important, not least because under Wisconsin law child support orders tend to be lower in shared-placement cases. Are shared placement and father placement increasing? In what types of divorce cases is placement awarded to both parents, or to the father? If such arrangements are not stable, children who end up largely in the care of one parent may not have adequate support.

Between the earlier and later periods, our simple descriptive analysis found a clear move away from mother sole placement, which declined from 74.6 percent to 63.7 percent of cases. Shared placement, both equal and unequal, more than doubled over these 5-6 years, from 11.4 to 23.1 percent; father sole placement increased slightly (8.7 to 9.4 percent). Among the variables we examined, mothers were more likely to receive placement when children were younger, or were all girls, and when their incomes accounted for a higher proportion of total family income. Shared placement was most likely when the parents lived in the same zip code, very uncommon when the parents lived in different states.

Placement outcomes varied dramatically only when we examined legal representation. When only the father had an attorney, the proportion of mother sole placement cases was only 52 percent in the early cohort and 42 percent in the later cohort; father sole placement accounted for 28 and 32 percent, respectively. When only the mother had an attorney, mother sole placement accounted for 87 and 82 percent, respectively; the likelihood of the father being awarded placement dropped to 2 percent and 4 percent.

We estimated a multinomial logit model for three independent outcomes, father sole placement, mother sole placement, and shared placement, equal or unequal (using a 30 percent of time threshold to define unequal placement). The factors we examined include total income and mother's share of income, any prior marriages, number, age, and gender of children, variables related to the court process, and some residential variables. Model results show that the increase in shared and father sole placement over the time periods was still significant and the strong effect of legal representation seen in the descriptive analyses remained when we controlled for background characteristics,

In general, the increased diversity of placement arrangements presents challenges to the child support system, requiring a greater variety of solutions and a need to monitor the stability of arrangements and the relationship between formal awards and actual living arrangements.