## Contents

Preface	<i>page</i> xi
PART ONE Family Law and the Meaning of Divorce	
<ol> <li>Family Law and the Issue of Gender Conflict Fathers, mothers, and the gender war The turmoil in policy about parenting after separation The problem of trench warfare The growth in litigation about parenting Reframing the issues The indissolubility of parenthood and limitations</li> </ol>	3 3 8 9 9 12
on autonomy	14
<ul> <li>2. The Divorce Revolution and the Process of Allocation The indissolubility of marriage The emergence of no-fault divorce Giving marriages a decent burial The allocation of the children The clean-break principle and the goal of self-sufficiency Child support and parental separation The breakdown of the allocation model and the emergence of the enduring family The divorce revolution and the feminization of poverty The gender war and the enduring family Restructuring the family after separation</li> </ul>	16 16 18 21 22 25 34 36 37 39 41
PART TWO Parenthood in the Enduring Family	
3. Redefining Parenthood after Separation The movement toward joint custody in the United States Parenting plans Other linguistic formulations Europe: The continuation of parental responsibility after separation	45 45 47 48 50

viii	Contents	
	The meaningful involvement of both parents Beyond custody Resolving disputes about parenting decisions in the enduring family The idealization of the postseparation family The good divorce	55 56 57 61 63
4.	Reasons for the Demise of Sole Custody Changes in community attitudes toward parental responsibility Pressure from fathers The benefits of paternal involvement in the postseparation family Fairness between parents Children's views on time with nonresident parents The counterthrust – continuing the preseparation patterns of care The rise of shared parenting laws	66 67 73 77 79 81 90
5.	Shared Parenting: The New Frontier The growth of shared parenting Legislative support for shared parenting The move toward equal time: Developments in the United States The move toward equal time: Developments in Europe Shared care in Australian law Shared parenting and high-conflict families Children's views on equal time arrangements Shared care and traditional parenting arrangements after separation	91 91 97 99 101 104 112 114
PAR	T THREE Parents Forever? Issues about Postseparation Parenting	
6.	Violence, Abuse, and Postseparation Parenting Patterns of violence within families The relevance of domestic violence to decision making on parenting after separation Intimate partner violence and legislation on postseparation parenting	121 123 129 133
	Presumptions against custody Presumption against unsupervised visitation Differentiating between kinds of family violence Current safety concerns When familial relationships can no longer endure Domestic violence: The need for a bifurcated response	136 138 140 143 145 147
7.	<b>Relocation</b> The dilemma of relocation The conflict in legislatures and courts Relocation: Between two meanings of divorce Beyond polarization	150 150 153 157 162

Cambridge University Press
978-0-521-11610-7 - Family Law and the Indissolubility of Parenthood
Patrick Parkinson
Table of Contents
More information

Contents	ix
Relocation and the best interests of the child test	164
Reasons for relocation	166
Should nonresident parents move?	169
Should new partners move?	171
Maintaining a meaningful relationship with the	
nonresident parent	171
The difficulties of contact	172
The burden of travel Divorce, cohabitation, and the enduring family	174
The risks of relocation	175 178
Determining public policy on relocation	170
PART FOUR The Family Law System and the Enduring Fami	ly
8. Dispute Resolution for the Enduring Family	183
Mediation as an alternative to litigation	183
The paradigm shift in family dispute resolution	184
The Australian Family Relationship Centers	187
New approaches to in-court counseling services	193
Competition or partnership? Mediators, lawyers, and the court system	194
9. Adjudication for the Enduring Family	197
New approaches to adjudication	197
Denmark: The role of County Governors' Offices	201
Reforming the adversarial system	202
Adjudication in families with continuing high conflict	205
PART FIVE Financial Transfers in the Enduring Family	
10. Child Support and the Obligations of Parenthood	211
Maintaining and creating ties between parents	211
Child support and the divorce revolution	213
Nonmarital families and the indissolubility of parenthood	215
The public role in child support assessment and collection	215
Revenue recovery, supporting children, and parent-child conta	
Devising formulas – the search for principle The "costs" of children	225 228
The percentage of obligor income approach	228
The income shares approach	230
Community views on calculating the child support obligation	232
Child support and shared parenting	233
Child support and the interdependence of parents	236
	238
1 11 7	
<b>II.</b> Spousal Support and the Feminization of Poverty The divorce revolution and the clean break Role differentiation in the modern family	238 243

Cambridge University Press
978-0-521-11610-7 - Family Law and the Indissolubility of Parenthood
Patrick Parkinson
Table of Contents
More information

## Contents х The economic consequences of separation and divorce for men 246 Justifying spousal support in an age of no-fault divorce 248 Reconceptualizing and reviving spousal support 250 Compensation, income sharing, and the decision to end the marriage 255 Spousal support as insurance 258 Spousal support and property division 259 The relationship between child support and spousal support 261 Should spousal support be limited to those who were married? 264 Diverging approaches and the meaning of divorce 264 PART SIX The Future of Family Law 12. Between Two Conflicting Views of Separation and Divorce 269 Abandoning the Judeo-Christian view of marriage 269 Bolshevik Russia revisited 270 Wavering between two opinions 272

Wavering between two opinions The challenge of experience The irretrievable breakdown of divorce policy Toward new policies for the postseparation family

## Index

276

277

278

281