

Can a 50/50 Custody Arrangement Really Work?

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Clients often ask us whether a true (50/50) shared parenting time plan is feasible. The short answer is, *yes*, it is feasible. However, the viability of a shared parenting time plan is dependent on several important factors and not always in the best interests of the children. Although not an exhaustive list, the following factors are some of the considerations and factors that parents should contemplate when determining whether a 50/50 parenting time plan is practicable.

1. Their child [ren] — are they going to do well with a shared schedule. Are they easily adaptable?
2. Relationship between the parents;
3. Ages of the children;
4. Locations of each parent's residence post-divorce; and
5. Each parent's work schedule.

With those general considerations in mind, the simplest — but not always best for the child[ren] — is the 50/50 parenting time plan with a “week on – week off” schedule, which is as follows:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Week 1	Mother	Mother	Mother	Mother	Mother	Mother	Mother
Week 2	Father	Father	Father	Father	Father	Father	Father

The “week on – week off” schedule may be appropriate for parents who have any one or combination of the following:

1. Older children (age 13 and up);
2. Amicable relationship with their co-parent;
3. Flexible work schedule;
4. Live a reasonable distance from the children's school.

Typically this type of parenting plan works well for parents with older children. We find that younger children need more frequent physical visits with each parent in order to maintain a strong bond and relationship. Unlike younger children, older children are typically at a point in their lives – friends, extra-curricular activities, etc. – where they can better cope with less frequent physical visits with the non-custodial parent during the “off week.” Of course, parents must gauge the maturity of their respective children when considering entering into this type of plan.

One of the biggest drawbacks of this type of plan is obvious; each week one parent will have no overnights with his or her children. This fact ties into the relationship between the parents. That is, the relationship between the parents must be such that the party with physical custody during a given week will permit the other party to exercise dinner visits and permit regular telephone contact with the other parent while the children are in their custody and care.

In addition, parents must consider whether their work schedule permits them to enter into a “week on – week off” parenting time plan. The reality is that a parent with physical custody for the week is generally responsible for getting their children ready for school, to and from school, to and from extracurricular activities, etc. This is no small task. Moreover, the parent with physical custody for the week would be responsible for arranging for any child care for the children, if necessary.

While the “week on- week off” parenting time plan is not for everyone, this may be a schedule that is viable for you if you, your co-parent, your children, and your post-divorce situation meet some or all of the aforementioned factors.

On the other end of the spectrum is the 2-2-3 parenting time plan:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Week 1	Mother	Mother	Father	Father	Mother	Mother	Mother
Week 2	Father	Father	Mother	Mother	Father	Father	Father

The “2-2-3” schedule may be appropriate for parents who have a combination of the following:

1. Younger children (age 12 and under);
2. Parents with residences that are in very close proximity with each other;
3. A friendly relationship with the co-parent; and
4. The ability to frequently and effectively communicate with the co-parent.

Typically, this type of plan works well for parents who have a friendly relationship, live in close proximity to each other, and have the ability to communicate frequently, openly and effectively with the best interest of the children in mind. The basis for the above factors is that this plan requires frequent physical transfers of the children between households. Without a strong co-parent relationship, it is very difficult to effectuate the “2-2-3” parenting plan. Specifically, the parents would have to communicate daily regarding school and homework assignments, extracurricular activities and schedules, doctors visits, play-dates, birthday parties, etc. (if you have small children, you know that the list of possibilities is endless!)

If, on the other hand, the co-parents do not get along and cannot communicate effectively, this parenting plan will be difficult to effectuate and may have negative consequences for the children. For example, in a situation where parents refuse to, or cannot, communicate with the best interest of their children in mind, homework assignments may not be completed and important extracurricular activities may be missed which would negatively impact the child. And, as we have personally seen this can result in a “he said / she said” situation that even the small children can pick up on.

Ultimately, this plan works best for parents who have younger children as frequent physical visitation and “face-time” is critical to ensure that the children maintain a strong and loving bond with each parent. We have found that younger children do not take well to schedules that do not permit regular physical parenting time with each parent. For example, younger children need consistency with schedules and parenting styles. This need is not addressed when there is a “week on – week off” schedule. Equally problematic is that this schedule may cause confusion among younger children.

The reality is that parenting time schedules must be developed on a case by case basis. There is no “black or white” answer as to what type of parent time plan would work best for you. The aforementioned parenting plans are only two of many types of 50/50 parenting plans that are used in divorce matters. We urge anyone going through a divorce with children to us to discuss their custody and parenting time issues.