



Journal of Economic Behavior & Organization

Volume 195, March 2022, Pages 303-325

The impact of equal parenting time laws on family outcomes and risky behavior by teenagers: Evidence from Spain

Daniel Fernandez-Kranz  , Natalia Nollenberger

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<https://doi.org/10.1016/j.jebo.2022.01.001>

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Abstract

Due to legal reforms, equal parenting time (EPT) laws in Spain now apply to approximately 40% of all divorces, with likely implications for family outcomes and teenagers' risky behavior. Consistent with theories of bargaining power within marriage, we find that EPT laws decrease contentious and wife-initiated divorces and increase the employment of mothers relative to fathers. An analysis of drug use and family relationships, among 165,000 teenagers, further shows that EPT laws significantly decrease risky behavior by teenagers, especially boys, who claim to have better relationships with their father, although more unclear norms for behavior. These results have some international implications, such as for the United States, where more than half of the states are considering whether to adopt EPT laws.

Introduction

Shared parenting or joint physical custody, a parental care arrangement in which a child lives with each parent about equally after separation or divorce, is an increasingly common phenomenon in many Western countries.¹ This has led to a vivid debate about the consequences of shared parenting for children and parents. Supporters cite alienated fathers who get little time with their children but suffer under burdensome child support obligations.

Sociology and psychology research shows that children who have frequent contact with both parents usually perform better on various indicators (for a review, see Nielsen, 2018). Critics instead argue that limiting courts' discretion can reduce protections against abusive or controlling former spouses, and some new laws could encourage fathers to request equal parenting time (EPT hereafter) simply to reduce their child support obligations, with no intention or availability to use extra time with their children for the children's benefit.

An empirical analysis of shared parenting and its consequences is difficult for multiple reasons. First and foremost, parents of children under joint physical custody tend to be highly educated, with closer ties to their children pre-divorce and show more agreeableness or less conflict in their relationship with the other parent (Nielsen, 2018 and Steinbach, 2019). This positive selection of high-quality parents into shared parenting makes it difficult to draw conclusions about the causal effects of this type of custody on the wellbeing of children as any positive association between shared parenting and child outcomes might simply reflect the positive impact of good parenting styles.

A frequent and well-known solution to this problem in the economics literature is to find exogenous sources of variation in custody types, often by exploiting the different timing of pro shared parenting legal reforms in different jurisdictions. This strategy, however, presents its own challenges. First, in legal and non-legal writings very often there is no explicit distinction between joint legal custody and joint physical custody, and the term joint custody is often used to denote either one or both types of custody. But even when laws mention joint physical custody or shared parenting explicitly, whether they truly promote shared parenting or not depends on the details of the laws, which can be difficult to assess or might be simply overlooked. Moreover, there are a range of types of custody laws. While some custody laws do not allow for shared parenting and others have a presumption of joint physical custody, there exists a continuum of legal support for joint physical custody between these two extremes, making the identification of 'friendly' vs. 'un-friendly' shared parenting regimes sometimes difficult.

As an example of the above, during the 1980s and 1990s, many U.S. states passed pro-joint custody laws, guided by the "best interest of the child" standard. Because these laws allowed but rarely required EPT of children after divorces, judges' discretion and parents' disagreements have created a situation in which EPT or joint physical custody remain low in the United States. Although there are no official statistics of the prevalence of shared parenting in the United States, several independent sources yield an incidence rate of around 25% that has remained quite stable over the past several decades. For example, according to the U.S. Census Bureau, only 25% of the 12.9 million custodial parents in 2017 had joint (legal or physical) custody of their children. Using micro-level divorce certificate data from the National Vital Statistics, Halla (2013) finds that joint physical custody (defined as a minimum of 30% time share with each parent) applies to 25% of all divorces in the period between 1989 and 1995. Finally, using the 2014 Annual Social and Economic Supplement sample of the CPS, 23.45% of all cases with a child support agreement were awarded joint physical custody of the children (defined as a minimum of 40% time share with each parent).

The low and stagnant incidence of shared parenting in the United States may be due to issues of emphasis in many of the statutes that regulate the custody of children after divorce, with some statutes permitting but not directly promoting shared parenting. One assessment of shared parenting laws assigned low scores to 42 states (National Parents Organization NPO, 2019). That assessment looked at the complete language of each state's child custody statutes and found that only nine states' statutes² indicated an explicit preference for shared parenting or a rebuttable presumption of shared parenting even when both parents do not agree.³ It is in this context that in the last 10 years different states considered as many as 86 bills to encourage shared parenting or make it a legal presumption, even when parents disagree. However, of those bills, 52 failed to be passed or were withdrawn, 26 are pending for approval and only 8 were signed into law.

These shifts reflect a more general, global trend. Many European countries also have changed their family laws to promote EPT after divorce, though, as in the US, these laws vary in intensity and emphasis. Some reforms grant judges more discretion if parents disagree about physical custody, so they have had little impact on the incidence of EPT (de Blasio and Vuri, 2013). Others prompted surges in EPT cases. Among these, Spain is a pioneer case where EPT is designated as the preferred type of custody, even if one parent opposes it.

We undertake an empirical study of the impact of EPT laws on divorce-related outcomes, female employment and risky behavior by teenagers, using the natural experiment created by a series of reforms to promote EPT in five Spanish regions, implemented between 2009 and 2011. The new laws established a presumption that EPT is in the best interest of the child, and parents' disagreement was deemed insufficient to deny EPT. In turn, the incidence of EPT increased dramatically, showing a fourfold rise, from 10.3% of all divorces the year before the reforms to roughly 40.0% six years later.⁴ These EPT laws had no bearing with the status of joint legal custody, which was already the standard in Spain. This context thus offers an ideal environment in which to study the impact of a drastic move toward EPT after divorce, separate from other changes in custody law. We take advantage of the different timing of the reforms in various regions (diff-in-diff) to identify the unique effect of the new laws.

Our analysis reveals that EPT laws have led to significant increases in the incidence of shared parenting. We also find a decrease of contentious and wife-initiated divorces and an increase of employment among mothers relative to fathers. An analysis of drug use and family relationships, among 165,000 teenagers, further shows that EPT laws significantly decrease risky behavior by teenagers, especially boys, who claim to have better relationships with their father, although more unclear norms for behavior. Our results are robust to a battery of tests but are sensitive to the treatment of pre-reform trends. Given that we control for pre-reform trends in all our specifications, we interpret our results as deviations from those trends.

With these insights, this study contributes to extant literature in three main ways. First, we analyze the effects of EPT laws on family outcomes, adding to the literature that investigates joint custody laws, which allow but do not require EPT.⁵ Second, moving beyond standard analyses of the relationship between the type of custody and family outcomes, our study provides the first assessment of the effects of EPT laws on teenagers' specific behaviors,

including alcohol and drug consumption and their relationships with their parents. Third, as a novel contribution, we use longitudinal data to analyze the employment effects of EPT laws on divorced women and thus control for pre-divorce employment differences between divorced and non-divorced mothers.

Our work is also related to Fernández-Kranz et al. (2020). In that study we investigate the effect of the Spanish EPT laws on the incidence of intimate partner violence. The family outcomes that we analyze in that paper are related to some of the outcomes in this paper. For example, our finding of a decrease of the number of contentious divorces is consistent with the evidence in Fernández-Kranz et al. (2020) showing a decrease of the incidence of intimate partner violence in the Spanish regions that passed EPT laws. Both results are consistent with the idea that EPT laws equalize the bargaining power of the two spouses in a divorce proceeding.

In the next section, we discuss our theoretical considerations in more detail. Section 3 then describes the study context, that is, EPT laws in Spain and legal changes since 2009. After we outline the data in Section 4, we analyze the effects of EPT laws on the incidence of EPT; divorce; female employment; and adolescent behavior in Section 5. In Section 6, we offer some robustness tests, and Section 7 concludes.

Section snippets

EPT laws and divorce⁶

Similar to general joint custody laws, EPT seemingly increase the bargaining power of men over women (Allen and Brinig, 2011), in that without an EPT assumption, fathers who want equally shared time with their children after divorce often cannot obtain it if the mother disagrees. As a consequence, EPT laws have contrasting effects on men and women, with unclear net effects. For example, EPT lowers the cost of divorce for men, so these laws may increase men's willingness to marry, divorce, have...

Identification strategy: EPT in Spain

In the original formulation of the Spanish Civil Code (CC), the legal custody of children following marriage nullity or separation was granted to both parents (joint *legal* custody),⁷ but physical custody was granted exclusively to one, usually the mother. This distinction between...

Divorce and female employment rates

To measure the impacts of EPT laws on the divorce rate, we use official records and province-level population data. Annual records of nullity, divorces, and separations are collected by the General Council of the Judiciary and compiled by the Spanish National Statistical Institute. To estimate populations at the province level, we use microdata from the Spanish Labour Force

Survey (LFS; second quarter). This quarterly survey, representative of the Spanish population at the province level,...

*Divorce rates*¹⁵

To assess the effect of the policy on divorce rates we follow a DiDiD approach. Because equal parenting time after divorce is relevant for couples with minors but not for those without minors, we examine whether there are systematic differences in the evolution of divorce rates between couples with and without minors in treated versus control regions when the reforms passed. More precisely, we estimate a slightly modified version of Eq. (1):

$$\text{Divorce rate}_{git} = \alpha_0 + \alpha_1 \text{Post}_t + \alpha_2 \text{Minors}_g + \alpha_3 (\text{Minors}_g \cdot \text{Post}_t) + \beta \dots$$

Robustness tests

We performed several analyses to check the robustness of our main results (see Table AP1). Clustering the standard errors at the region level has little impact on the significance of the results; all previously significant coefficients remain statistically significant at standard confidence intervals. The same can be said when we estimate the standard errors with bootstrapping. Excluding the pre-reform treatment-specific linear trends affects the magnitude and/or significance of most...

Concluding remarks

We analyze the effects of EPT laws on family outcomes and teenagers' behavior, in recognition of the growing implementation of such laws in the United States and Europe. Our results must be interpreted from the perspective of models of bargaining power within the household.

From that perspective, EPT laws, by equalizing the bargaining power of both spouses in a divorce proceeding, act as an incentive for them to reach beneficial agreements for both parents and their children. Hence, one of our...

Declaration of interest

"The authors have no conflicts of interest related to this research to disclose."...

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