

# **REACHING AGREEMENT AFTER DIVORCE AND SEPARATION**

Essays on the effectiveness of parenting plans and divorce mediation

Simon de Bruijn

**Manuscript committee:**

prof. dr. C. Finkenauer (Utrecht University)

prof. dr. I. A. van Gaalen (University of Amsterdam / Statistics Netherlands)

prof. dr. E. S. Kluwer (Radboud University Nijmegen / Utrecht University)

prof. mr. W. Schrama (Utrecht University)

prof. dr. F. Swennen (University of Antwerp)

This dissertation has been funded by a Research Talent Grant (406-13-090) of the Netherlands Organisation for Scientific Research (NWO).

<b>Cover</b>	Chris Bartman
<b>Printed by</b>	GVO drukkers & Vormgevers
<b>ISBN</b>	978-90-393-6995-1

© 2018 Simon de Bruijn

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage or retrieval system, without permission in writing from the author. The copyright of the articles that have been accepted for publication or that already have been published, has been transferred to the respective journals.

# **REACHING AGREEMENT AFTER DIVORCE AND SEPARATION**

Essays on the effectiveness of parenting plans and divorce mediation

## **HET MAKEN VAN AFSPRAKEN NA (ECHT)SCHEIDING**

Essays over de werking van het ouderschapsplan en (echt)scheidingsbemiddeling

(met een samenvatting in het Nederlands)

### **Proefschrift**

ter verkrijging van de graad van doctor aan de  
Universiteit Utrecht op gezag van de rector magnificus,  
prof. dr. H.R.B.M. Kummeling, ingevolge het besluit van het  
college voor promoties in het openbaar te verdedigen  
op donderdag 7 juni 2017 des ochtends te 10.30 uur

door

**Simon de Bruijn**

geboren op 11 april 1985  
te Leidschendam

**Promotor:** Prof. dr. ir. A. G. van der Lippe

**Copromotor:** Dr. A. Poortman

# Contents

<b>1 Synthesis</b>	<b>7</b>
1.1 Introduction	9
1.2 Policy background and debate	10
1.3 Previous research	12
1.3.1 <i>Findings of previous research</i>	12
1.3.2 <i>Limitations of previous research</i>	14
1.4 The study's contributions to the literature	15
1.5 Data	16
1.6 Overview of the empirical chapters	17
1.6.1 <i>Second chapter: formerly cohabiting parents and parenting plans</i>	17
1.6.2 <i>Third chapter: the effectiveness of the parenting plan</i>	18
1.6.3 <i>Fourth chapter: content of parenting plans and how it relates to child well-being</i>	18
1.6.4 <i>Fifth chapter: the role of divorce mediation</i>	19
1.7 Conclusion	19
1.7.1 <i>General conclusion</i>	19
1.7.2 <i>Practical implications</i>	21
1.7.3 <i>Research limitations and future research</i>	22
<b>2 Formerly cohabiting parents and parenting plans: Who makes the effort?</b>	<b>25</b>
2.1 Introduction	27
2.2 Theoretical background	28
2.3. Data, operationalization and methods	30
2.3.1 <i>Data</i>	30
2.3.2 <i>Measures</i>	31
2.3.3 <i>Analytical strategy</i>	33
2.4 Results	34
2.4.1 <i>Descriptive results</i>	34
2.4.2 <i>Multivariate results</i>	34
2.5 Discussion	41
<b>3 The Effect of Parenting Plans on Procedural, Family and Child Outcomes</b>	<b>45</b>
3.1 Introduction	47
3.2 Policy background	48
3.3 Data, operationalization and methods	51
3.3.1 <i>Data</i>	51

3.3.2 <i>Measures</i>	53
3.3.3 <i>Analytical strategy</i>	57
3.4 Results	57
3.5 Discussion	60
<b>4 The content of parenting plans and child well-being: The role of parental conflict</b>	<b>63</b>
4.1 Introduction	65
4.2 The Policy Debate	66
4.3 Data, operationalization and methods	68
4.3.1 <i>Data</i>	68
4.3.2 <i>Measures</i>	69
4.3.3 <i>Analytical strategy</i>	71
4.4 Results	72
4.5 Discussion	78
<b>5 Divorce mediation and child well-being</b>	<b>81</b>
5.1 Introduction	83
5.2 Theoretical background	84
5.3. Data, operationalization and methods	88
5.3.1 <i>Data</i>	88
5.3.2 <i>Measures</i>	88
5.3.3 <i>Analytical strategy</i>	91
5.4 Results	92
5.5 Discussion	96
 <b>Nederlandse samenvatting (Summary in Dutch)</b>	 <b>101</b>
<b>References</b>	<b>111</b>
<b>Curriculum Vitae</b>	<b>119</b>
<b>ICS dissertation series</b>	<b>123</b>







# Chapter 1

Synthesis



## 1.1 Introduction

Divorce rates in the Netherlands increased between the 1950s and 1990s, and although they have stabilized in recent decades, they remain high (CBS, 2017). Each year about 33,000 Dutch children experience parental divorce; if we include cohabiting parents, the number rises to between 50,000 and 60,000 (De Graaf, 2011). By now, there is a long tradition in the family literature demonstrating the negative effects of divorce on both children and parents (see e.g. Amato, 2000; Kalmijn & Monden, 2006). Paul Amato's comprehensive summary of the effects of divorce on children reviews the findings of multiple scholars and concludes that, compared with children of parents who remain married, the children of divorced parents *'score lower on a variety of emotional, behavioral, social, health, and academic outcomes, on average'* (Amato, 2010, p. 653). Not only do the young children of divorced parents face problems but adults who came from broken homes also have more problems than adults whose parents stayed together (see Amato, 2010), suggesting that divorce has long-term effects.

The Dutch government aims to mitigate the adverse consequences of divorce for children. Two procedural approaches potentially conducive to this goal have dominated the policy debate over the last decades. These are: 1) bringing in a divorce mediator to help parents to reach agreement; 2) introducing regulations obliging parents to formalize their post-divorce arrangements in writing. Although compulsory divorce mediation has often been suggested in and out of the Dutch parliament (Kamerstukken, 2004, Baracs & Vreeburg-Van der Laan, 2014), it has so far not been implemented. The second approach was formalized in 2009 with the introduction of the Promotion of Continued Parenting and Proper Divorce Act, which obliges divorcing and separating parents to come up with a parenting plan for their minor children. In this dissertation we will examine both approaches and how they have manifested themselves in the lives of divorced and separated families based on the following research questions:

- 1) *To what extent are parenting plans effective?*
- 2) *To what extent is divorce mediation effective?*

Unlike divorce mediation, the parenting plan has been a mandatory part of Dutch divorce proceedings since 2009. Most of the focus in this dissertation is therefore on this plan. We specifically study whether parents draw up a plan and which ones do so. Although the parenting plan is mandatory for both divorcing and separating parents of minor children, not all parents actually abide by this law. That is particularly true in the case of former cohabiting parents; because they do not have to go through legal proceedings when they separate, no one checks whether they are adhering to the statutory requirements of their separation. It is interesting from that perspective to know whether parents actually do draw up a parenting plan and which parents do not. The Dutch government introduced the mandatory parenting plan because it believed it would be in the child's best interest. Critics, however, worried that the plan would not have the intended effects. For instance, the mandatory nature of parenting plans raises questions as to whether parents always use it constructively (Van der Lans, 2011). In addition, the legal criteria to parenting plans are supposed to adhere remain uncertain because the relevant legislation does not spell out the precise content (Ackermans-Wijn & Brands-Bottema, 2009). In this dissertation, we examine how the mandatory parenting plan is working out in practice by examining whether

parenting plans are drawn up, who drafts such plans, what matters parenting plans cover, and whether parenting plans work as the Dutch government intended.

We also examine divorce mediation, an approach that has not yet been implemented in the Netherlands but is being discussed. Because divorce mediation is not part of official divorce proceedings, it is unclear to what extent divorcing and separating parents consult mediators and which ones actually do so. Since divorce mediation is being debated in the Netherlands, it is also interesting to evaluate its effectiveness. We have therefore extended our research on the parenting plan to explore the role of divorce mediation in this dissertation. We examine whether parents consult a divorce mediator, which parents are more likely to do so, and whether consulting a divorce mediator is actually as effective as many suggest.

## 1.2 Policy background and debate

The Dutch government's attempts to mitigate the adverse consequences of divorce for children can be traced back to the 1990s. In 1995, the government amended the divorce law, focusing primarily on joint parental authority after divorce. The amended law stipulated that, after divorce, parents could retain joint parental authority, but only when parental agreement was provided (Jeppesen de Boer, 2008). The court could deny their joint request if there was reason to believe that joint parental authority would not be in the child's best interest. In 1998, the law was once again amended, changing the way parental authority was regulated. This time, the law stipulated that joint parental authority would continue automatically (Nikolina, 2015), unless this was not in the child's best interest. The search for adequate policy to mitigate the adverse consequences of divorce continued in March 2009 with the introduction of the Promotion of Continued Parenting and Proper Divorce Act. This law states that children have the right to equal care by both parents, including after divorce. The most apparent change is that parents with joint parental authority over minor children must draw up a parenting plan when they separate (Schonewille, 2009). This obligation stands regardless of the formality of the parents' relationship. In other words, both formerly married and formerly cohabiting parents with joint parental authority must put their decisions regarding the post-divorce situation in writing. The mandatory nature of such plans is unique in the world (Van der Lans, 2011) and only a few other countries also require cohabiting parents to submit written agreements (Antokolskaia & Coenraad, 2006). Under the Dutch legislation, parenting plans must address at least the following points:

- the division of care and childrearing tasks
- child support and other childrearing expenses
- the way the parents communicate and inform each other about important matters concerning their child (Staatsblad, 2008).

Additionally, the Dutch government advises parents to cover additional points in the parenting plan (Rijksoverheid, 2013) and to keep their parenting plan up to date (Rijksoverheid, 2013). Besides the above-mentioned points, parents also have to explain how their child was involved in drafting the parenting plan. Overall, the Dutch government believed that implementing the parenting plan would encourage parents to consider and think carefully about post-divorce arrangements and to draw up more concrete agreements (Tomassen-van der Lans, 2015). It also aimed to reduce or prevent parental conflict regarding child-related arrangements after divorce (Tomassen-van der Lans, 2015) and, ultimately, to serve the child's best interest.

As mentioned in the introduction, critics worried that parenting plans would not have the intended effects. These worries were fueled by multiple aspects of the 2009 law. First, although drawing up a parenting plan is mandatory for all divorcing and separating parents, some exceptions apparently can be made. Married parents can still finalize their divorce without drawing up a parenting plan because Dutch legislation allows them to opt out when extreme conflict makes it impossible for them to reach agreement (Tomassen-van der Lans, 2015). Second, cohabiting parents generally do not go through the courts when they separate, making it quite hard to enforce the parenting plan. Third, it is unclear precisely what matters parents must cover in their parenting plan and what form it should take, leading to legal uncertainty and/or vague written arrangements. Earlier studies have demonstrated that not all parents draw up a parenting plan and that some draw up incomplete parenting plans. Moreover, although many parents make vague arrangements in their plan, even these plans are accepted by the court (Tomassen-van der Lans, 2015). The mandatory nature of the parenting plan is not as binding as it may seem, in other words. Fourth, critics worried that the parenting plan will not have the intended effect on child well-being because parents would simply use a template provided by their lawyer or downloaded from the internet (Nikolina, 2014), and would not consider their parenting plan as carefully as was intended. Further, adverse effects of the parenting plan were also expected, because parents may use the mandatory nature of the parenting plan as means to undercut each other (Coenraad & Antokolskaia, 2010).

Divorce mediation has also been on the policy agenda since the 1990s but has not been formalized (yet). After debating the possibility of divorce mediation, the Dutch government launched two experiments in 1999 (Chin-A-Fat & Steketee, 2001). The outcomes were promising, but did not lead to divorce mediation becoming part of divorce proceedings. The project '*Mediation naast rechtspraak*', initiated in 2005, aimed to encourage the courts and legal aid organizations to refer couples to divorce mediation. The extent to which divorcing couples did so increased (Combrink, Klijn, Pel & Verberk, 2009), but the experiment did not result in divorce mediation becoming an official step in divorce proceedings. In 2013, the Dutch Parliament introduced a bill to promote the use of divorce mediation (Kamerstukken, 2014). The bill was ultimately withdrawn but the discussion about divorce mediation and what form it should take continues. At the moment, the court may refer parents to divorce mediation if they are unable to draft the mandatory parenting plan (Boele-Woelki & Jonker, 2015). In that sense, divorce mediation is deployed when parents are unable to draw up a parenting plan themselves and not to assist parents in reaching agreements in general, or as a way of preventing conflict escalation during divorce proceedings. General attitudes towards divorce mediation support this approach. Most commentators believe that divorce mediation is successful because it makes dispute resolution more efficient and more family friendly (Emery, Sbarra & Grover, 2005). The most problematic issue in the debate about divorce mediation, and perhaps the reason why it has not become a formal part of divorce proceedings, is its voluntary nature. Critics believe that divorce mediation thrives precisely because it is voluntary and are concerned that it would lose its effectiveness if it were made compulsory (Dullaert, 2002).

## 1.3 Previous research

### 1.3.1 Findings of previous research

Most research in the Netherlands and other Western countries has focused on the specific content of elements in the parenting plan, such as visitation and residence arrangements. These studies, for example, examine the effects of residence arrangements on measures of child well-being or parental well-being (Van der Heijden, Poortman & Van der Lippe, 2016; Kalmijn, 2016; Kelly & Lamb, 2000; Pruett, Ebling, & Insabella, 2004; Warshak, 2014). They are highly relevant from both the scientific and societal points of view, but they do not address the parenting plan. So far, then, there has been very little research on the role of written parental arrangements regarding children in formal documents. Most of the research focusing on the mandatory parenting plan was carried out in the Netherlands and stems from a legal and sociological background. The studies that have a legal background use court documents, whereas the sociological studies also use survey data and hence examine other aspects. Below we review the findings of previous studies on the Dutch parenting plan and briefly look at studies addressing divorce mediation.

#### *Are parenting plans drawn up?*

There has been very little research on whether parents draw up a parenting plan after their divorce or separation. Using court documents, Tomassen-van der Lans (2015) concluded that the mandatory parenting plan has led to more parents making arrangements regarding their children than before the introduction of the 2009 divorce law. This finding is supported by Ter Voert and Geurts (2013), who used register data to reveal that the percentage of divorcing parents who reached formal arrangements increased from 59 percent in 2007 to 82 percent in 2011. Additionally, Spruijt and Kormos (2014) used survey data to show that since 2009, Dutch children of divorced parents more often report that there is a written document or arrangement. As the number of written arrangements has increased, situations where no arrangements are made for the children have declined from 13 percent in 2007 to 3 percent in 2011 (Ter Voert & Geurts, 2013). However, Ter Voert and Geurts (2013) also conclude that even when parents did not draft a parenting plan, they were still able to finalize their divorce. Thus, not all divorcing parents draw up a parenting plan. With the exception of the study undertaken by Spruijt & Kormos (2014), these studies only cover formerly married parents. The numbers cited by Spruijt & Kormos (2014), however, are not broken down by the formality of the relationship, so we do not know the extent to which formerly cohabiting parents also draw up parenting plans.

#### *Who drafts parenting plans and what do they say?*

Although not all parents draw up a parenting plan, there have been a few studies exploring which parents are less likely to do so. Ter Voert & Geurts (2013) showed that among divorcing parents, lower educated people and first-generation immigrants are relatively less likely to make written arrangements regarding their children. Whether this finding also holds for formerly cohabiting parents is still unknown. Additionally, Ter Voert & Geurts (2013) rely on register data, so they only examine the relevant demographic characteristics; there may be other characteristics or mechanisms that influence whether or not parents draw up a parenting plan.

There have also been a few studies regarding the content of the parenting plan. Tomassen-van der Lans (2015) showed that after the 2009 law was introduced, formerly married

parents made more comprehensive arrangements regarding their children. She adds, however, that these agreements tend not to be very concrete, and the agreements do not always constitute a complete parenting plan in line with the requirements set by law (in about a quarter of the cases). Again, we do not know whether this is also the case for formerly cohabiting parents.

### *Do parenting plans work?*

Most of the studies that are concerned with the effects of the parenting plan focus primarily on procedural outcomes and therefore provide answers related to how the parenting plan operates in (legal) practice. Procedural outcomes refer to changes in the procedures that divorcing or separating parents have been obliged to follow after the introduction of the mandatory parenting plan, as opposed to the situation before its introduction. This may therefore reflect on objective outcomes, such as the extent to which people return to court after finalizing their divorce, but also on more subjective outcomes, such as the extent to which these parents are satisfied with their arrangements.

Tomassen-van der Lans (2015) found that child-related legal proceedings after the finalization of divorce did not decline in 2010 compared with 2008. This finding is supported by Ter Voert and Geurts (2013), who conclude that there was no change in the legal proceedings related to child care and visitation or in child support procedures. They did find an increase in legal proceedings regarding parental authority, although this may be due to the growing number of disputes regarding parents' relocations or because their study includes formerly cohabiting parents without joint parental authority (Ter Voert & Geurts, 2013), who might initiate legal proceedings to arrange joint parental authority after their separation; they are not, however, required to draw up a parenting plan. The rise in legal proceedings regarding parental authority thus cannot be linked directly to the introduction of the mandatory parenting plan.

Another change that emerged after 2009 is that parents now have to explain in their parenting plan how they involved their child in drafting their particular plan. Smits (2015) examined this aspect and concluded that over 60 percent of the written arrangements include some kind of default wording regarding the child's involvement in which it remains unclear whether and how the child participated in drafting the parenting plan (Smits, 2015). Additionally, Smits (2015) concludes that the courts do not actually examine whether and how much the child actually participated in drawing up the arrangements. Apart from these studies of procedural outcomes, earlier literature has not explored the effect of the 2009 law on more subjective procedural outcomes, i.e. outcomes related to the procedure but focusing more on how those involved experience it, such as their level of satisfaction with the procedure.

Previous research did not focus on procedural outcomes alone. There are two studies that also address family and child outcomes, and they did so using small-scale survey data. Family outcomes refer to changes in outcomes related to the family, such as parental conflict and parental contact. Child outcomes focus solely on child well-being. First, Van der Valk and Spruijt (2013) revealed an increase in parental conflict and child-related problems in the group who divorced after the 2009 divorce law compared with the group who divorced then. That is in stark contrast to the intentions of lawmakers. However, the study did not allow for the amount of time that had passed since the divorce, so we may question to what extent these groups are comparable. Second, Spruijt & Kormos (2014) present an updated analysis of the study carried out by Van der Valk & Spruijt (2013). This study, which does control for timing since divorce, found no significant differences in subjective well-being between the children of parents who

divorced before the 2009 law and those who divorced after. It should also be noted that the groups of children studied are very small (i.e. 82 children in the pre-2009 group and 112 in the post-2009 group), making it probably harder to generalize their findings for the entire population.

#### *The role of divorce mediation in divorce proceedings*

Unlike the literature on the parenting plan, previous research examining divorce mediation has generally not focused on the Dutch context. The most groundbreaking study of divorce mediation was started in the 1980s by Emery and Wyer (1987). They randomly assigned 40 pairs of separated parents to settle their disputes related to child custody through adversary procedures or through divorce mediation. These parents were included in a follow-up program, among a few other studies, the study of Emery, Sbarra & Grover (2005) discussed the results of the longitudinal follow-up research twelve years later. Their study showed that parents report higher satisfaction with divorce mediation than with adversary settlement, both in the shorter and the longer term (Emery et al. 2005). The potential positive effect of divorce mediation is also underscored in the review article by Kelly (2004). Here, it became apparent over the course of nine studies that divorce mediation was successful at resolving custody and access disputes and also helped parents reach generally lasting agreements. Even though these findings reflect on the U.S. and Canadian context, research from the Netherlands is in line with these findings. In 1999, the Dutch Ministry of Justice launched two experiments in divorce mediation in the Netherlands. The first experiment involved voluntary divorce mediation and showed that most people were satisfied with divorce mediation in divorce proceedings and were able to reach agreements, and that these agreements were found to last (Chin-A-Fat & Steketee, 2001). The second experiment concerned parents sent by the court to discuss their visitation rights with a mediator; here too, the majority were satisfied with mediation (Chin-A-Fat & Steketee, 2001). These experiments show the potential of divorce mediation, but they are relatively outdated. Additionally, earlier studies are based on quite small datasets and could not provide information how divorce mediation is related to child well-being.

### **1.3.2 Limitations of previous research**

Although earlier studies provide interesting insights into the effectiveness of the parenting plan and divorce mediation, they also have some limitations. We identify four of them here. First, most studies concerning the parenting plan have focused primarily on a wide range of procedural outcomes. Although there has been some research on family and child outcomes, much remains uncertain and unexamined. Considering that the 2009 law was meant primarily to improve the post-divorce situation for the family as a whole and the child in particular, this is surprising. Even though procedural outcomes are quite interesting, it is not clear how they and the parenting plan itself have affected family life and child well-being.

Second, most studies focus on formerly married parents or do not distinguish between formerly married and formerly cohabiting parents. Although both groups have a formal obligation to draw up a parenting plan, proceedings to end a marriage between parents differ significantly from those meant to end a relationship between cohabiting parents. Differences in the outcomes of these groups are thus to be expected. For example, formerly married parents must go through the courts, which question them about their parenting plan. Formerly



cohabiting parents who want to end their relationship face no such court interference. Thus, the extent to which parenting plans are drafted, by whom, and their possible effects may differ between these groups.

Third, most research regarding Dutch parenting plans is based largely on court documents. This is obviously a good way to investigate whether differences in litigation or (procedural) conflicts between parents emerged after the parenting plan became mandatory. However, court documents rarely reveal the bigger picture. After all, the group of parents who do not return to court after finalizing their divorce is presumably quite broad and diverse. It includes those who have very little or no conflict with each other, but also those who are in conflict but do not have the time, or the money, or the energy to engage in a legal battle. Moreover, the use of court documents makes it almost impossible to study more subjective feelings, such as satisfaction with the post-divorce situation or, even more important, the well-being of the child. Studies that have examined these more subjective feelings based on survey data used small samples.

Fourth, divorce mediation is becoming more popular as a subject of research and the field continues to grow. Nonetheless, as pointed out by Amato (2010), there is no research that explicitly examines the effect of divorce mediation on child well-being, nor are there any recent Dutch studies examining the role of divorce mediation in divorce proceedings to our knowledge. We therefore do not know to what extent divorce mediators are consulted and which families are more likely to do so and how it relates to child well-being. Additionally, the studies that have examined divorce mediation are mostly limited to a relatively small sample, which makes it difficult to generalize their findings.

## 1.4 The study's contributions to the literature

The four limitations mentioned in the previous section also explain how our study contributes to the literature. It does this in four ways. First, this study evaluates the effects of the Dutch mandatory parenting plan for a wide range of outcomes. We contribute to the literature by examining procedural outcomes and family and child outcomes associated with the parenting plan simultaneously. Even though most earlier research already addressed procedural outcomes, we have studied more of them. Additionally, we included subjective procedural outcomes, such as satisfaction with the proceedings, in our study. Our examination of family and child outcomes is especially new in the literature on parenting plans, and our use of representative large-scale survey data means we can provide more substantive information concerning contact between parents, parental conflict and child well-being.

Second, this study not only focuses on formerly married parents, but also on formerly cohabiting parents. None of the previous studies examined the effect of the parenting plan on formerly cohabiting parents separately. This is important, because like formerly married parents, formerly cohabiting parents are also obligated to draft a parenting plan. However, formerly cohabiting parents do not have to go through divorce proceedings and the plan is thus much harder to enforce in their case. Because parenting plans are therefore more voluntary for them, we do not know to what extent this group in fact drafts them. We also examine which parents in this group are more likely to do so, given the potentially positive effect of such a plan. The same logic holds for divorce mediation: because the court can refer divorcing parents to a divorce mediator, they are more likely to consult one. Formerly cohabiting parents do not go through the

courts and are thus less likely to be referred to a divorce mediator. Since divorce mediation is voluntary for both formerly married and formerly cohabiting parents, however, it is interesting to examine which parents consult a mediator and whether this affects their child's well-being.

Third, this dissertation examines the determinants surrounding the parenting plan by using data drawn from a recent, unique, large-scale web survey instead of court documents. We can derive more conclusive and generalizable information from this data than we would from court documents. Moreover, because parents who encounter minor problems related to their parenting plan may not return to court to start legal proceedings after their divorce is finalized, they will not show up in court documents. The survey data, however, does include these parents and allows for a broader range on certain outcomes. Additionally, the survey data includes a considerably larger group of respondents than previous studies and we therefore hope to provide more conclusive evidence of the effect of the parenting plan and divorce mediation.

Fourth, this dissertation also studies the role of divorce mediation. First, we examine the extent to which a divorce mediator is consulted by both formerly married and formerly cohabiting parents and which parents are more likely to do so, which is currently unknown. Second, we examine the effect of divorce mediation on child well-being, distinguishing between voluntarily consulting a divorce mediator and consulting a divorce mediator at the suggestion of a third legal party. By studying the effect of divorce mediation on child well-being, we contribute to the growing literature on divorce mediation because that effect is currently unknown (see Amato, 2010).

## 1.5 Data

This dissertation uses the dataset of the New Families in the Netherlands survey (NFN) (Poortman, Van der Lippe & Boele-Woelki, 2014). Statistics Netherlands (CBS) performed the sampling, which resulted in three samples derived from three target populations. The main sample, on which most of the chapters of this dissertation are based, consists of (1) formerly married parents who divorced officially in 2010 (post-reform), and (2) formerly cohabiting parents who ended their relationship in 2010. The other sample serves as a control group: (3) married parents who divorced officially in 2008 (pre-reform). These data were collected in 2012/2013 and both (former) partners were contacted by letter and invited to complete a web survey covering a broad range of topics related to the parenting plan and divorce mediation. Those who participated in the survey, with the exception of the formerly married parents who divorced officially in 2008, were approached again in 2015/2016 to participate in the second wave of the NFN survey. Besides being fairly recent, the NFN survey is also large-scale, with nearly 5,300 respondents participating in the first wave. They further include about 1,100 formerly cohabiting parents, making this group sufficiently large enough to study. The large number of respondents and the proportion of formerly cohabiting parents makes this survey quite unique. Additionally, because the NFN survey contains a large group of parents who divorced before or after the 2009 reform, we can make meaningful comparisons between the two groups to examine the effectiveness of the new law. The NFN survey contains extensive information on the parenting plan, divorce mediation, post-divorce child care arrangements, the comprehensiveness of these arrangements, various facets of the divorce proceedings, but also the parent's report on child well-being. These data allows us to examine the extent to which parenting plans have been drafted and divorce mediators consulted and which parents are more

likely to do so. We can also examine what the parenting plan covers, and whether all these factors are associated with child well-being, for example.

## 1.6 Overview of the empirical chapters

Each empirical chapter of this dissertation examines a specific aspect of one of our research questions. Chapter 2, 3 and 4 focus primarily on the role of the parenting plan. In these chapters we examine the extent to which formerly cohabiting parents draw up a parenting plan and which parents are more likely to do so (Chapter 2). Further, we examine the effectiveness of the parenting plan compared to the situation before the 2009 law reform for formerly married parents (Chapter 3) and extend this research by investigating the content of the parenting plan and how this relates to child well-being for both formerly married and formerly cohabiting parents (Chapter 4). In the Chapter 5, the focus shifts to the effectiveness of divorce mediation.

### 1.6.1 Second chapter: formerly cohabiting parents and parenting plans

In the first empirical chapter, we examine whether formerly cohabiting parents draw up a parenting plan and if not, whether these parents lay down their arrangements in other forms. We further examine which parents are more likely to draw up a parenting plan. This chapter extends previous literature by including cohabiting parents, which have so far been an unexamined group. Based on child characteristics, we hypothesized that parents with younger children and parents with children who face physical and psychological problems are in greater need of a parenting plan and thus more likely to draft one. Based on parent characteristics, we hypothesized that higher educated parents and those who have consulted a legal practitioner are more likely to draw up a parenting plan. Based on relationship characteristics, we hypothesized that parents who opt for residential co-parenting and parents who live farther away from each other have a greater need for a parenting plan. Parental conflict was hypothesized to increase the need for a parenting plan but also to restrict parents in their efforts to draft one.

Using descriptive statistics, we demonstrate that more than half of former cohabiters draw up a parenting plan. The other main arrangement categories are verbal arrangements (24%) or no arrangements at all (13%). Using logistic regression analyses, we show that formerly cohabiting parents are more likely to draw up a parenting plan if they consult a legal practitioner during their separation process. In addition, multinomial logistic regression analyses reveals that the younger the youngest child is, the more likely that former cohabiters will draft a parenting plan or make verbal arrangements rather than no arrangements. This is also true for higher educated households and for parents who opt for residential co-parenting after divorce. Formerly cohabiting parents in a high-conflict situation are less likely to develop a parenting plan than to make no arrangements. Our conclusion is that about half of former cohabiting parents do not draft a parenting plan and therefore do not comply with the legal requirements of the 2009 law. If we consider the characteristics of those who do not make arrangements for their children, it is especially worrying that the children who may have a greater need for their parents to draw up a parenting plan are those whose parents are less likely to do so.

### 1.6.2 Third chapter: the effectiveness of the parenting plan

In Chapter 3, we examine the effectiveness of the parenting plan for multiple outcomes. We selected formerly married parents who divorced in 2008 and in 2010. This chapter contributes to the literature by examining procedural, family and child outcomes simultaneously and controls for the extent to which these factors influence each other. We also compare the parents who were divorced prior to and after the introduction of the 2009 law to identify potential differences stemming from the mandatory parenting plan. We track whether the expectations of government policymakers have been fulfilled.

Using descriptive statistics, we demonstrate that since 2009, more parents draft written arrangements regarding their children. As this chapter studies multiple outcomes, which are also measured at varying levels, we performed linear, multinomial and logistic regressions and clustered the analyses at the household level. The analyses show that the introduction of the mandatory parenting plan brought about few changes for divorcing parents, but that post-divorce child arrangements became more comprehensive and were changed more often than the plans of those who divorced prior to 2009. The findings related to parental conflict were mixed; although the level of post-divorce tension increased after the introduction of the 2009 divorce law, we also see a decrease in extreme occurrences of parental conflict. Contrary to expectations, this study provides empirical evidence that the mandatory parenting plan does not affect child well-being. We conclude that the parenting plan has only affected the procedural outcomes related directly to the relevant statutory requirements (more parents put their agreements into writing and their agreements are more comprehensive). With respect to changes in family and child outcomes, there are no clear results.

### 1.6.3 Fourth chapter: content of parenting plans and how it relates to child well-being

Chapter 4 examines how the presence and comprehensiveness of the parenting plan are associated with child well-being. The 2009 law requires Dutch parents to draw up a parenting plan when they separate. Lawmakers imposed this obligation because they believed that the plan would be beneficial for children facing the dissolution of their parents' relationship. This chapter contributes to the literature by examining the association between the parenting plan and child well-being for a large sample of both formerly married and formerly cohabiting parents. Mindful of the expectations of policymakers but also the concerns expressed by critics, and embedding both lines of reasoning in findings from social research, we examined the role that the parenting plan and its level of comprehensiveness play in child well-being.

Using descriptive statistics, we show that almost all formerly married parents and about half of formerly cohabiting parents draft a parenting plan. Additionally, we reveal that the parenting plans of formerly married parents and those of formerly cohabiting parents are comparable in terms of comprehensiveness; here, the formality of the relationship plays no role. We examined the association between the parenting plan (and its comprehensiveness) and child well-being using multi-level regressions, including random effects at household and child levels. The results indicate that both the plan and its comprehensiveness are not associated with child well-being either for formerly married parents or for formerly cohabiting parents. Parental conflict has no influence on this association, but it does affect child well-being negatively. We further concluded that because the parenting plan is not associated with child well-being, it may

function as a mere ‘fill in the blanks’ exercise for most parents rather than offer them guidance in the post-divorce period.

#### 1.6.4 Fifth chapter: the role of divorce mediation

Chapter 5 examines the association between divorce mediation and child well-being. We also distinguish between parents who consulted a divorce mediator voluntarily and those who were advised to do so by a legal third party. Because the relationship differs in formality and thus with regard to the procedure that ends the relationship, we distinguish between formerly married and formerly cohabiting parents who ended their relationship. Based on child, parent and relationship characteristics, we describe parents’ need to consult a divorce mediator, the opportunities to do so and the restrictions they face. Given the positive potential of divorce mediation, we expect that consulting a divorce mediator may enhance child well-being.

Using descriptive statistics, we show that there is quite a difference between formerly married (48%) and formerly cohabiting (30%) parents when it comes to consulting a divorce mediator. Using logistic regression analyses, we see that in both groups, parents with younger children, higher educated parents, parents who face less personal problems, and those in longer relationships were positively associated with divorce mediation. Additionally, in the small group of parents who were advised to consult a divorce mediator by a (legal) third party, higher levels of pre-divorce conflict were found to have an influence; this finding holds for both formerly married and formerly cohabiting parents. Based on the expectations expressed in our hypotheses, we examine whether divorce mediation serves child well-being. Because some variables may affect both child well-being and the likelihood of parents consulting a divorce mediator, we conducted endogenous treatment regression analyses with maximum likelihood estimation. These analyses indicate that voluntarily divorce mediation could potentially be associated with fewer child-related problems among formerly cohabiting parents. The same is true when parents consult a divorce mediator on the recommendation of a legal third party, whether they are formerly married or formerly cohabiting. Even among those who face higher levels of pre-divorce conflict and are therefore advised to consult a divorce mediator, there could be a potential positive association between divorce mediation and child well-being. It must, however, be noted that the latter is a very small group of parents and thus possibly selective.

## 1.7 Conclusion

### 1.7.1 General conclusion

This dissertation aimed to evaluate two policies that may help mitigate the negative effects of divorce: the mandatory parenting plan and divorce mediation. Both policies have been discussed at length by the Dutch parliament, but only the mandatory parenting plan has become law. As the mandatory parenting plan was introduced in 2009 in the Promotion of Continued Parenting and Proper Divorce Act, we first state our main conclusions regarding that plan, looking at three different aspects.

First, the aim of the 2009 law was for all parents with joint parental authority to make written arrangements regarding their children. Moreover, it was suggested that these arrangements be as comprehensive as possible. In line with previous research (Tommassen-van der Lans, 2015), we found that almost all formerly married parents draw up a parenting plan. We

further see that after the introduction of the 2009 law, formerly married parents have indeed made more comprehensive arrangements regarding their children. These findings show that the 2009 law was successful in forcing more parents to draw up more comprehensive child arrangements.

Second, unlike formerly married parents, we see that only about half of formerly cohabiting parents draw up a parenting plan. Although some make verbal arrangements regarding their children, half of formerly cohabiting parents have not adhered to the rules set by the Dutch government. Additionally, a small percentage of formerly married parents were unable to draw up a parenting plan, possibly owing to extreme levels of parental conflict (Tomassen-van der Lans, 2015). The finding regarding formerly cohabiting parents reveals that the 2009 reform was only partially successful in obliging all parents with parental authority to draw up a parenting plan.

Third, the main goal of the mandatory parenting plan was to reduce procedural problems, mitigate parental conflict, increase parental contact, and ultimately enhance child well-being. In our study we found no clear evidence that these goals were achieved. In general, little has changed since the introduction of the mandatory parenting plan. There is, however, one exception: an increase in formerly married parents changing their post-divorce agreements after their divorce. Parents are now more likely to update their written agreements regarding their children, although this was not found to be associated with child well-being. Overall, we found that the introduction of the mandatory parenting plan did not affect child wellbeing, the level of procedural conflict, the extent to which the child participated in making the arrangements, the level of satisfaction and compliance with the arrangements, or contact between parents.

Taking all these considerations together, we may conclude that the introduction of the mandatory parenting plan was less successful than the Dutch government expected it to be. This may be due to the following factors. First, a substantial number of parents were already making written arrangements even before the parenting plan became mandatory. This may explain the absence of dramatic changes, such as enhanced child well-being. Second, the fact that more parents now adhere to the obligation to draw up a parenting plan, and that the parenting plans of formerly married and formerly cohabiting parents are quite similar, may indicate that these parents use templates offered by their lawyer or downloaded from the internet (Nikolina, 2014). If so, no real changes are to be expected; it is likely that parents see the parenting plan as a mere ‘fill in the blanks’ exercise rather than as a guide to the post-divorce period that offers them structure and help with bringing up their child – a worry also expressed by Tomassen-van der Lans (2015).

Third, as demonstrated by Ter Voert and Geurts (2013), Smits (2015) and Tomassen-van der Lans (2015), the courts do not judge parenting plans on their merits. Whether reflecting on the vagueness of the arrangements, the child’s participation in making the arrangements, or the completeness of the parenting plan, we see clear signs that the courts accept parenting plans that do not comply with the mandatory requirements of the 2009 law. Parenting plans may thus not be effective because they are never assessed or validated against the underlying principles.

This dissertation also examines a second research question concerning a different procedure that could live up to the potential attributed to the parenting plan, namely divorce mediation. Here too, formerly married and formerly cohabiting parents were found to differ. Almost half of formerly married parents consult a divorce mediator, whereas only about a third of formerly cohabiting parents do so. These numbers are clearly smaller than the number who

draw up a parenting plan, likely because it is not mandatory for couples to consult a divorce mediator before or during divorce proceedings.

Unlike the parenting plan, divorce mediation potentially affects child well-being. Children of formerly cohabiting parents may potentially show higher levels of well-being when their parents consult a divorce mediator. No such result was found for the dominant group who end their relationship, formerly married parents. This may be because almost all formerly married parents already have at least one legal practitioner involved in their divorce (usually a lawyer) who might take on the role of divorce mediator in the proceedings to some degree. Besides investigating the parents who consulted a divorce mediator voluntarily, we also investigated those who were advised to see a divorce mediator by a legal third party. This group thus consulted the divorce mediator less voluntarily and, interestingly enough, they can be characterized as having high levels of pre-divorce parental conflict. This is in line with what current legislation leads us to expect, since the courts refer those who are unable to reach agreement (a common result of conflict) to a divorce mediator (Boele-Woelki & Jonker, 2015). Interestingly, both formerly married and formerly cohabiting parents who are advised to consult a divorce mediator by a legal third party were estimated to have children with fewer difficulties than those who do not consult a divorce mediator. This suggests that children of parents in high-conflict situations potentially could benefit from mandatory divorce mediation. This finding supports the idea that divorce mediation, as explained by Emery, Sbarra and Grover (2005), is more efficient and family friendly.

Even though this is a very positive finding in the search for methods to reduce the adverse consequences of divorce, we should not forget that the positive effects were found in relatively small groups. The group of those advised by a third legal party to consult a divorce mediator is especially small, so we must be careful about drawing conclusions from these findings. Nonetheless, the contrast between formerly married and formerly cohabiting parents is of interest. Bearing in mind that all married parents need a legal practitioner to finalize their divorce, they have at least one extra person involved in their divorce proceedings who can address some of the issues that a divorce mediator would do as well. Because formerly cohabiting parents cannot be forced to go through legal proceedings and do not need a legal practitioner to end their relationship, their including an extra person in their break-up may reflect willingness rather than mere compliance with the rules. And because we found that divorce mediation potentially is positively associated with child well-being among formerly cohabiting parents but not among formerly married parents, this may support the idea that divorce mediation is most beneficial when it is voluntary (Dullaert, 2002).

### 1.7.2 Practical implications

The findings set out in this dissertation and in previous studies indicate that it would be advisable to reconsider the mandatory nature of the parenting plan for all parents. Even though the parenting plan was not found to have the assumed positive effects, there is also no evidence that drawing up a parenting plan has negative effects. Also, this dissertation compared the effect of the parenting plan for those who had already drafted written agreements prior to the change in the law. It might well be that those who would not have drawn up a plan in 2008 did so in 2010 and that it ultimately helped them and their children in the post-divorce period. Based on this perspective, we believe that it would be prudent for parents to put their child-related decisions



into writing, especially so that they have something to fall back if disputes arise later. It might also be of interest to investigate how parenting plans are currently assessed and validated. If stricter regulations result in more complete and less vague parenting plans, they might fulfill the promise intended by lawmakers when the 2009 law was introduced. However, if stricter requirements were imposed on the parenting plan, the templates offered by lawyers and the internet might be altered to comply with the new requirements.

Given that previous research suggests that parents who consult a divorce mediator are more satisfied with their arrangements and that these arrangements are more durable (Emery et al. 2005), and considering that our findings support arguments potentially favoring divorce mediation, it would be advisable for the lawmakers to consider or reconsider the role of divorce mediation in divorce proceedings. Combined with the parenting plan, divorce mediation might result in durable parenting plans that enhance child well-being.

### 1.7.3 Research limitations and future research

Although this study was unique with its large-scale approach and its examination of a broad range of outcomes, some cautionary remarks are in order. First, the group of former cohabiters was quite selective and may even underrepresent high-conflict separations. This selectivity could have influenced the results related to former cohabiters. It may be that in reality, a smaller percentage of formerly cohabiting parents have drawn up a parenting plan and consulted a divorce mediator.

Second, we studied the effect of the parenting plan for a relatively short time period. It may be that the positive effects of the parenting plan for children will only become apparent later in life. Because some children of divorced parents also face more behavioral problems when they are older, the effect of the parenting plan may not emerge until adolescence. Future research should therefore re-evaluate the role of the parenting plan later in life. Additionally, future research should examine the effect of the parenting plan on parents' well-being. It might be too ambitious to expect the mandatory parenting plan to change outcome measures directly for children. Perhaps the first step is to study which determinants have a positive effect on parents that may spill over to their children afterwards. Future research would also benefit from studying the role of the parenting plan from a more qualitative perspective. Even though our study concludes that the mandatory parenting plan did not lead to many changes, parents may still find their parenting plans quite helpful in the day-to-day reality of shared parenting after divorce. Besides studying how the parenting plan affects divorced/separated families, future research could also investigate the role of the parenting plan in the event of remarriage (and even new children in this marriage). When former partners start new relationships after their break-up, there may be a greater need for coordination, with a parenting plan perhaps offering the necessary structure and guidance to overcome potential coordination and other problems.

Even though this study represents a first step towards investigating the role of a divorce mediator in divorce proceedings, the study itself was not based on experimental data and the outcomes stem from a linear-potential outcome model which makes the outcomes estimations rather than empirical findings. Ideally, future research should investigate the role of divorce mediation by randomly assigning or not assigning a large group of respondents to a divorce mediator in an effort to truly assess the association between child well-being and divorce mediation. Besides studying child well-being, future research should examine a broader range of outcomes to assess the role a divorce mediator can play in divorce proceedings. We recommend



that future research also address procedural and family outcomes for a clearer overview of the potential of divorce mediation. The effect of divorce mediation on child well-being also requires a closer and more detailed look. The role of different aspects of divorce mediation itself should furthermore be evaluated, such as the frequency with which divorce mediators are consulted, the content of what is discussed with the divorce mediator, and the background of the divorce mediator himself/herself.



# Chapter 2

## Formerly cohabiting parents and parenting plans: Who makes the effort?<sup>1</sup>

### Abstract

Recent legislation in the Netherlands obliges both married and cohabiting parents to draw up a parenting plan when they separate. Parenting plans are not enforceable for cohabiters, however. Using data from the New Families in the Netherlands survey, we examine how many former cohabiters create a parenting plan and how this compares to the number of verbal or no arrangements. Results show that more than half of former cohabiters create a parenting plan. Furthermore, former cohabiters are more likely to draw up a parenting plan if they consult a legal practitioner during their separation process. The younger the youngest child and when former cohabiters opt for shared residence after divorce, the more likely it is that a parenting plan or verbal arrangements are constructed rather than no arrangements. Former cohabiters in a high-conflict situation are less likely to develop a parenting plan than make no arrangements.

<sup>1</sup> A slightly different version is published as: de Bruijn, S., Poortman, A. & van der Lippe, A.G. (2016). Formerly cohabiting parents and parenting plans: Who makes the effort?. *Familie en Recht*, 1 – 19. This chapter is co-authored. De Bruijn wrote the main part of the manuscript and conducted the analyses. Poortman and Van der Lippe substantially contributed to the manuscript. The authors jointly developed the idea and design of the study. An earlier version of this chapter was presented at the 12th Meeting of the European Network for the Sociological and Demographic Study of Divorce (Paris, France, 2014) and 'de Dag van de Sociologie' (Antwerp, Belgium, 2015).



## 2.1 Introduction

In this chapter, we aim to provide insight in the extent to which former cohabiters in the Netherlands comply with the Promotion of Continued Parenting and Proper Divorce Act (Staatsblad 2008, 500). The primary aim of this law, which came into force on 1 March 2009 (Staatsblad 2009, 56), is to encourage equal parenthood after divorce and a ‘careful divorce,’ in order to mitigate the adverse consequences of divorce for children (Jeppesen de Boer, 2014). A ‘careful divorce’ means that parents are encouraged to think carefully about post-divorce childrearing in advance. To this end, parents need to draw up a parenting plan (Schonewille, 2009). This is a legal document in which parents write down how they will exercise their parental responsibilities after their divorce.

The construction of a parenting plan is mandatory for both married and cohabiting parents (if they have parental authority) with minor children (Staatsblad 2008, 500). However, unlike married couples or parents who have a ‘registered partnership,’ Dutch cohabiters do not have to go through legal proceedings when they separate (Schonewille, 2009). Their falling outside the legal system implies that the requirement of a parenting plan is not enforceable for formerly cohabiting parents. It therefore remains to be seen how many cohabiting parents actually create a parenting plan and when they do not, whether they lay down their agreements in some other document or only make verbal agreements or perhaps even no arrangements at all.

In this chapter we examine to what extent formerly cohabiting parents have parenting plans and if not, what other arrangements they make. Additionally, we examine which parents are more likely to draw up a parenting plan. So far, little is known about former cohabiting parents because previous empirical studies about parenting plans focused on former married parents (Tomassen-van der Lans, 2015; Smits, 2015). More knowledge regarding former cohabiting parents is especially relevant when we consider that cohabiters have a higher risk of union dissolution than married couples (De Graaf, 2005; Liefbroer & Dourleijn, 2006; Amato, 2010), which makes it more likely that children born into a cohabiting family will experience the dissolution of their parents’ relationship than children born to married couples (Manning, Smock, & Majumdar, 2004). Moreover, if many cohabiting parents do not lay down their agreements in a parenting plan or other written document – as parenting plans are not enforceable for this group –, these parents have no legal document to fall back on in case of future (legal) disputes. To the extent that parenting plans may mitigate the adverse consequences of parental separation for children, the absence of such plans means that children of cohabiting parents are particularly vulnerable when their parents separate. This may all the more be true if it turns out that many cohabiting parents do not make any agreements at all about post-separation childrearing responsibilities. An examination of whether cohabiting parents create parenting plans, other (written or verbal) or no arrangements, shows whether cohabiting parents and their children are indeed a vulnerable group. Studying which cohabiting parents are more likely to construct a parenting plan, shows which cohabiters, and their children, are particularly at risk. Some cohabiters may be more inclined to create parenting plans or other written arrangements, than others, for instance because they have more knowledge about legal issues. In this chapter, we examine whether the chances of creating a parenting plan and other arrangements depend upon characteristics of children (e.g., their age), parents (e.g., their educational attainment) and the former relationship (e.g., parental conflict). We use the New Families in the Netherlands survey (NFN)

(Poortman, Van der Lippe, & Boele-Woelki, 2014), a representative large-scale survey of Dutch divorced and separated parents, to answer our research questions. This dataset is unique because it contains a large sample of cohabiting parents who separated after the 2009 divorce law came into effect. Another strength of the NFN is that it includes information about how parents dealt with their agreements about post-separation child rearing.

## 2.2 Theoretical background

We distinguish three types of factors that we assume are important for the likelihood of creating a parenting plan; child characteristics, parent characteristics and relationship characteristics.

### *Child characteristics*

Children's development requires continuous care (Linker, Stolberg, & Green, 1999). In addition, children may benefit from regularity and continuity (Lamb, Sternberg, & Thompson, 1997). A parenting plan may ensure such continuity as clear agreements can foster stability and structure in the post-separation period and may prevent that parents leave things to chance or ad-hoc decision-making. We expect that parents will be more likely to create a parenting plan when the child's need for stability and structure is higher. Because children who face psychological and/or physical problems and very young children likely need more structure and stability, we hypothesize that the likelihood of a parenting plan is higher for younger children and children with psychological or physical problems.

### *Parent characteristics*

The chance that parents construct a parenting plan depends upon their legal knowledge. At the very least, parents must have a basic knowledge of the law, i.e. they must be aware of the mandatory nature of parenting plans. Couples may be unaware of existing family laws and policies (Perelli-Harris & Gassen, 2012) or their implications (Boele-Woelki, Curry-Sumner, Jansen, & Schrama, 2007), which will lower the likelihood that these parents create a parenting plan.

We assume, first of all, that the parents' educational level is related to their knowledge of the law. People have to collect the necessary information and fully understand the implications of the law, and higher educated people probably need less time and effort to collect and understand this information (Giesen, 1999). Research indeed shows that cohabiters who legalize their union (i.e. registered partnership or cohabitation contract) tend to be higher educated than those who do not (Poortman & Mills, 2012). We therefore expect that higher educated cohabiters are more aware of the legal procedures, and thus more likely to draw up a parenting plan.

Second, we assume that parents' knowledge and awareness of the law depends upon whether or not they consulted a legal practitioner. Legal practitioners engage with the law and know the law as professionals (Constable, 2014). Because legal practitioners are aware of the mandatory nature of the parenting plan, it is likely that couples who consult a lawyer, notary or mediator more often construct a parenting plan than couples who did not consult a legal practitioner.

Besides legal knowledge, personal problems of parents (e.g., psychological problems, addiction) may also affect the likelihood that a parenting plan is constructed. Such problems may

restrict communication between parents, thereby reducing the likelihood that a parenting plan is constructed since its construction requires extensive communication. Alternatively, parents may have a greater need for a parenting plan in case of personal problems. Because such problems can affect the respective parent's childrearing competencies and decrease the extent to which parents trust each other regarding the way the other partner is raising the child (Maccoby, Buchanan, Mnookin, & Dornbusch, 1993), parents may want to clearly write down who is responsible for what. A parenting plan offers the opportunity to do so and makes it easier to hold the other parent to his/her end of the bargain. We thus expect that personal problems of either parent increase the chance of having a parenting plan.

#### *Relationship characteristics*

Parents who opt for residential co-parenting, whereby the child alternates evenly between the parents' homes (Nikolina, 2015), may be particularly inclined to create a parenting plan. Because these parents have to communicate and inform each other more often than parents in sole-custody arrangements, residential co-parenting makes coordinating the child care a greater challenge (Van der Heijden, Poortman & Van der Lippe, 2016). To reduce the complexities of residential co-parenting, parents may want to make clear agreements in advance by creating a parenting plan.

The geographical distance between the former partners' homes may also affect the likelihood that a parenting plan is constructed. At least one of the ex-partners has to find a new place to live after the separation (Mulder & Malmberg, 2011). This move can cause communication problems, since communication about child-related decisions is harder for separated parents when they are in different locations (McBroom, 2011). If their homes are relatively far away from each other, communication may be particularly problematic. Longer distances make it harder for parents to visit each other (Cooksey & Craig, 1998), and instead of communicating directly and discussing child-related issues face to face, these parents will have to rely on the telephone or by e-mail. Long distances may therefore increase the need for clear arrangements. We expect that the farther away ex-partners live from each other, the more likely it is that they will create a parenting plan.

Finally, parental conflict may be another important relationship characteristic affecting the likelihood for a parenting plan. In general, separation is an unpleasant event for both former partners and in most cases there is at least some amount of conflict immediately after separation (Kim, 2011). Parents with high levels of conflict may be more inclined to construct a clear and detailed parenting plan, because clear and written agreements leave less room for own interpretation (Klein Woolthuis, Hillebrand, & Nooteboom, 2005) and ensure that the other parent will keep to the agreements. Severe conflict may, however, make it impossible for parents to create a parenting plan. Parents should at least be able to communicate and negotiate with each other. Because hostility between ex-partners is likely to hamper communication (Linker, Stolberg, & Green, 1999), we assume that it is almost impossible to reach agreement about the post-separation period in high conflict situations. The arguments we pose concerning the role of conflict are contradictory, but it is quite possible that both are true to some extent. If so, we expect that the level of conflict will positively affect the likelihood of a parenting plan being created, up to a certain point. After this point, the level of conflict is too severe for communication and negotiation, reducing the likelihood that a parenting plan will be created.

## 2.3. Data, operationalization and methods

### 2.3.1. Data

In this chapter, we analyze data from the New Families in the Netherlands (NFN) survey (Poortman, Van der Lippe, & Boele-Woelki, 2014) which were collected in 2012 and 2013. The survey involved formerly married and cohabiting parents from the Netherlands who ended their relationship in 2010, after the new divorce law came into effect in 2009. The sample was randomly drawn by Statistics Netherlands. Both former partners were contacted by letter and invited to complete a web survey covering their legal arrangements and other characteristics before, after and during their separation. In about one third of the couples contacted, both former partners participated in the survey. Concerning the overall response rate, about 39 percent of the parents who were approached participated, with the response rates being higher for formerly married (43 percent) than for formerly cohabiting parents (32 percent). In terms of households, i.e. when at least one parent in the former household participated in the survey, the response rate was higher (58 percent), again with formerly married households being more likely to respond (63 percent) than formerly cohabiting households (48 percent). These response rates are relatively high for a web-based survey in the Netherlands, a country known for its relatively low response rate (De Leeuw & De Heer 2001). Moreover, the response rates are quite high considering that the respondents who were approached were recently separated individuals in the middle of the post-separation period and might therefore have been less willing to participate.

Former cohabiters, men (particularly those with young children), younger persons, people of non-Western descent, people with low incomes and those on welfare were underrepresented, whereas men with children officially registered at their address were overrepresented. The group of former cohabiters was particularly selective: also parents from the most urban areas and men with fewer than two children were underrepresented (Poortman, Van der Lippe, & Boele-Woelki, 2014). In addition, non-responders may have been less willing to participate in the survey owing to severe problems and conflicts in the post-separation period. If so, we may overestimate the percentage of people who create a parenting plan and underestimate the effects of problems and conflict. Caution is therefore advised in interpreting the results.

The total sample consisted of 4,481 recently divorced/separated respondents who had children together (for former cohabiters this is determined by legal parenthood). Since the focus of this paper is on former cohabiters, 3,177 formerly married respondents were excluded and 179 respondents who had registered their partnership. Even though the sample was based on respondents who had separated after 2009, we excluded another 111 respondents who reported separating before March 2009 (the month and year the new divorce law became effective). Most variables included in the analyses had some missing values, so another 44 respondents were excluded due to list-wise deletion. Because our dependent variable is at the household level, we randomly selected one respondent from each household when both former partners participated ( $n = 172$ ) in the survey, to prevent their decisions from being overrepresented in the analyses. The total number of cases depends upon the specific analyses we conduct. For the analyses focused on whether or not parents constructed a parenting plan, 798 households are under study. When we analyze which other



arrangements (e.g. verbal, no arrangements) are made instead of a parenting plan, the number of households under study is 707. For more details, see below.

### 2.3.2. Measures

*Parenting plan.* For our dependent variable we constructed two measures. Respondents were asked ‘*Did you draw up a parenting plan in the separation/divorce?*’ with ‘yes’ = 1 and ‘no’ = 0. With this question we constructed our first measure, that is a dichotomous variable indicating whether a parenting plan is constructed or not. For our second measure, we examined what sort of arrangements were made when a parenting plan was not constructed. In case respondents indicated to have no parenting plan, they were asked whether arrangements concerning the children had been documented in some other way and, if so, in what sort of document. The response alternatives were ‘Don’t know,’ ‘Not applicable: no arrangements concerning the children were made,’ ‘Not applicable: court-issued ruling regarding the children,’ ‘Did make agreements, but they weren’t recorded in writing (verbal arrangements),’ ‘Recorded in divorce agreement,’ ‘Recorded in divorce petition,’ and ‘Recorded in other document.’ Respondents were allowed to give multiple answers, and 16 in fact did. Most were somewhat contradictory, however, so we decided that the most formal arrangement would be the respondent’s sole answer. For instance, if respondents gave the answers ‘court’ and ‘verbal arrangement’ the respondent was marked as reporting only ‘court’. Some of the answers were given by only a few respondents (as will be shown later on – Table 2.2), which makes it difficult to compare them. We therefore selected only the three largest groups for comparison, resulting in a variable indicating whether respondents have 1 ‘a parenting plan’, 2 ‘verbal agreements’ or 3 ‘no arrangements’.

In sum, we constructed two dependent variables: 1) a dichotomous variable showing whether or not a parenting plan has been created, and 2) a nominal variable showing whether the former couple had a parenting plan, a verbal arrangement, or no arrangement at all. The descriptive statistics of these variables will be discussed in the results section. Note that for the second measure some cases were excluded (i.e., respondents indicating ‘divorce petition’, ‘divorce agreement’, ‘court ruling’, ‘don’t know’ or ‘other document’), which results in a lower number of cases when we examine our second measure of the dependent variable compared to when the first measure is examined.

*Child problems.* Respondents were asked whether or not the following had happened to one of their children before parental separation: (1) severe psychic illnesses (e.g. disability), (2) behavioral problems (e.g. stealing), and (3) social or psychological problems (e.g. being bullied). We constructed a variable counting the number of problems the children faced, ranging from 0 to 3.

*Age of youngest child.* The question was ‘*What is the age of the youngest child that you and your ex-partner had together or adopted?*’ Because this variable indicates the age of the youngest child at the time of the interview, we subtracted the number of years between the separation and the interview. As a result, this variable represents the age of the youngest child at the time of the parents’ separation.

*Education.* Educational level is divided into ten categories, ranging from 1: ‘*Did not finish elementary school*’ to 10: ‘*Post-academic*.’ The respondents were asked to indicate their own and their ex-partner’s highest level of education. Based on this information, we selected the highest educational level of the two.

*Contacted a legal practitioner.* Respondents were asked ‘*Did you and/or your partner use a lawyer during the divorce/separation?*’ The response alternatives were ‘yes’ = 1 and ‘no’ = 0. We asked the same question about a notary and a mediator, using the same coding. This resulted in three dichotomous variables indicating whether the parents had contacted a lawyer, notary and/or mediator. It was possible for respondents to have consulted all three types of legal practitioners (only 3,63% did this).

*Parents’ personal problems.* Respondents were asked whether the following situations had happened to them and/or their ex-partner during their relationship: (1) severe physical illness or handicap, (2) severe psychological problems, (3) violence, drug or alcohol addiction, and (4) trouble with the law (traffic violations excluded). We constructed a variable counting the number of problems, ranging from 0 to 4.

*Residential co-parenting.* The question was ‘*What was agreed on during the divorce or decided by the court concerning with whom the child will live most of the time?*’ The response alternatives were ‘With me,’ ‘With my ex-partner,’ ‘With both (about) equally (residential co-parenting),’ and ‘Other,’. We constructed a variable indicating whether parents had opted for residential co-parenting (coded 1) or not (all other alternatives = 0).

*Geographical distance between partners.* The geographical distance between the partners is measured in minutes. Respondents were asked how many minutes it takes them to travel from their house to the house of their ex-partner (one-way trip).

*Level of conflict.* Respondents were asked to what extent there were conflicts between the ex-partners concerning things that had to be arranged during the divorce/separation. The response alternatives were ‘no conflicts’ = 1, ‘few conflicts’ = 2, ‘somewhat frequent conflicts’ = 3, and ‘very frequent conflicts’ = 4. Since a non-linear relationship was expected, we constructed four dummy variables for each possible answer category.

#### *Control measure*

In the analyses we controlled for the duration of the former cohabiters’ relationship. Duration was measured by four dummies indicating whether the relationship lasted four years or less, five to eight years, nine to twelve years, and the reference category thirteen years and longer. Earlier analyses (not presented here) showed that this variable had a non-linear relationship with the dependent variable. The descriptive statistics for all independent and control variables used in the analyses can be seen in Table 2.1.

**Table 2.1.**

Descriptive statistics of the independent variables (n = 798)

<i>Variable.</i>	Range	Mean	St. dev <sup>a</sup>
<u>Child characteristics:</u>			
Problems child	0 – 3	.450	.807
Age youngest child	0 – 16	4.368	3.748
<u>Parent characteristics:</u>			
Highest level of education	1 – 10	7.026	1.772
Lawyer	0/1	.388	-
Notary	0/1	.185	-
Mediator	0/1	.302	-
Problems parents	0 – 4	.595	.890
<u>Relationship characteristics:</u>			
Residential co-parenting	0/1	.257	-
Distance between parents	0 – 600	22.731	42.089
Conflicts (none)	0/1	.302	-
Conflicts (few)	0/1	.325	-
Conflicts (somewhat frequent)	0/1	.218	-
Conflicts (very frequent)	0/1	.155	-
<u>Controls:</u>			
Length 0-4	0/1	.226	-
Length 5-8	0/1	.262	-
Length 9-12	0/1	.238	-
Length >12	0/1	.274	-

<sup>a</sup> = Not presented for dichotomous variables**2.3.3. Analytical strategy**

To examine to what extent former cohabiters create a parenting plan and what their alternatives are, we used descriptive statistics. To identify the correlates of creating a parenting plan, we estimated a logistic regression model whereby the outcome variable distinguishes between having and not having a parenting plan. We also estimated a multinomial logistic model to capture differences between the determinants of three different post-separation arrangements, namely parenting plan, verbal arrangement and no arrangement. For ease of interpretation, we calculated the predicted probabilities of having each type of post-separation arrangement based on our multinomial logistic regression models. These predicted probabilities also more clearly demonstrate the size of the effects for our

key variables. As explained before, the number of respondents included in the multinomial logistic model differs from the number included in the descriptive results and the logistic model.

2.4 Results

2.4.1. Descriptive results

We first examined to what extent former cohabiters create a parenting plan after separation. As can be seen in Table 2.2, about half of the former cohabiters had drawn up a parenting plan (51,1 percent). We also investigated what sorts of arrangements are made when former partners do not create a parenting plan. The table shows that about a quarter of the former cohabiters (24,3 percent) make verbal arrangements concerning their children. A smaller percentage of parents make no arrangements at all for the post-separation period (13,2 percent). One out of ten former cohabiters chooses from among a wide variety of different alternatives to the parenting plan, with some respondents laying out their child-related arrangements in a document other than one of the options presented (3,9 percent). Although legal proceedings are not mandatory for former cohabiters, the courts nevertheless do rule on some arrangements (3,8 percent). Also remarkable is that some respondents do not know what kind of arrangements have been made (1,6 percent), and some mention options that pertain to married couples only, such as a divorce petition (0,3 percent) and divorce agreement (1,9 percent). This suggests that some people are unaware of the actual agreements they have made or do not know the formal name for the arrangement in question.

**Table 2.2**  
Descriptive statistics of the dependent variable (n = 798)

Sort of arrangement	N	%
Parenting plan	408	51.13
Verbal arrangements	194	24.31
No arrangements	105	13.16
Court-issued ruling	30	3.76
Divorce agreement	15	1.88
Divorce petition	2	0.25
Other document	31	3.88
Don't know	13	1.63
Total	798	

2.4.2 Multivariate results

Table 2.3 displays the results of our logistic regression model concerning whether or not a parenting plan is created. Given the many different alternatives to the parenting plan available to former cohabiters, it is interesting to see whether verbal or no arrangements do indeed offer an alternative to the parenting plan, and for whom. Moreover, certain parents may be more likely to create a parenting plan than make no arrangements but have no preference when asked to choose between a parenting

plan and verbal arrangements. We therefore present in Table 2.4 the multinomial logistic regression, which displays three contrasts: (1) creating a parenting plan versus making verbal arrangements, (2) creating a parenting plan versus making no arrangements, and (3) making verbal arrangements versus making no arrangements. When we compare the results from Table 2.3 and Table 2.4, we see that the same correlates are significant, yet Table 2.4 gives a more nuanced view on who differs from whom.

We start with discussing the effects of the child characteristics. From Table 2.3 we see that the number of problems a child faces does not significantly affect the likelihood that a parenting plan will be created. When we compare between the different sorts of post-separation arrangements (Table 2.4), again no effect of the number of problems the child faces is found. From Table 2.3 we can see that the age of the youngest child affects the likelihood that a parenting plan will be created: the younger the child, the higher the likelihood. The multinomial logistic model (Table 2.4) shows that while the age of the youngest child is indeed a factor when it comes to creating a parenting plan rather than making no arrangements, it does not influence the decision to create a parenting plan rather than make verbal arrangements. Also, the younger the youngest child, the more likely that parents will make verbal arrangements rather than no arrangements. This indicates that former cohabiters are more likely to make some sort of arrangements (be it written or verbal) rather than no arrangement at all the younger their child is. These findings are illustrated with predicted probabilities presented in Figure 2.1. Here we see that parents whose youngest child is four years or younger have a higher probability to construct a parenting plan (67.9%) compared to those with an older child (59.5%). The probabilities that verbal arrangements are made are quite comparable with 22.1% for parents with their youngest child being four years or younger compared to 23.4% for those where their youngest child is older than four year. Parents with an older youngest child do have a higher probability to make no arrangement (17.1%) compared to those with a younger child (9.9%).

When we look at the effects of the parents' characteristics, we see that the level of education does not help to explain whether a parenting plan is constructed or not. If we look at Table 2.4, however, we see that higher educated parents are more likely to create a parenting plan than to make no arrangements, and to make verbal arrangements rather than no arrangements. This suggests that higher educated parents are less likely to make no arrangements than other households.

**Table 2.3**

Logistic regression of a parenting plan (n = 798).

	<b>B</b>	<b>SE</b>
<u>Child characteristics:</u>		
Problems child	.090	.106
Age youngest child	-.080**	.029
<u>Parent characteristics:</u>		
Highest level of education	.063	.047
Lawyer	1.223***	.193
Notary	.884***	.220
Mediator	1.180***	.195
Problems parents	-.100	.098
<u>Relationship characteristics:</u>		
Residential co-parenting	.524**	.196
Distance between parents	-.003	.002
Conflicts (none)	.690*	.300
Conflicts (few)	.802**	.285
Conflicts (somewhat frequent)	.560*	.276
Conflicts (very frequent)	Ref.	
<u>Controls:</u>		
Length 0-4	-.850**	.302
Length 5-8	-.528*	.267
Length 9-12	-.244	.249
Length >12	Ref.	
Constant	-1.244*	.546
Pseudo R <sup>2</sup>	.158	

\* p &lt; .05, \*\* p &lt; .01, \*\*\* p &lt; .001 (two-sided)

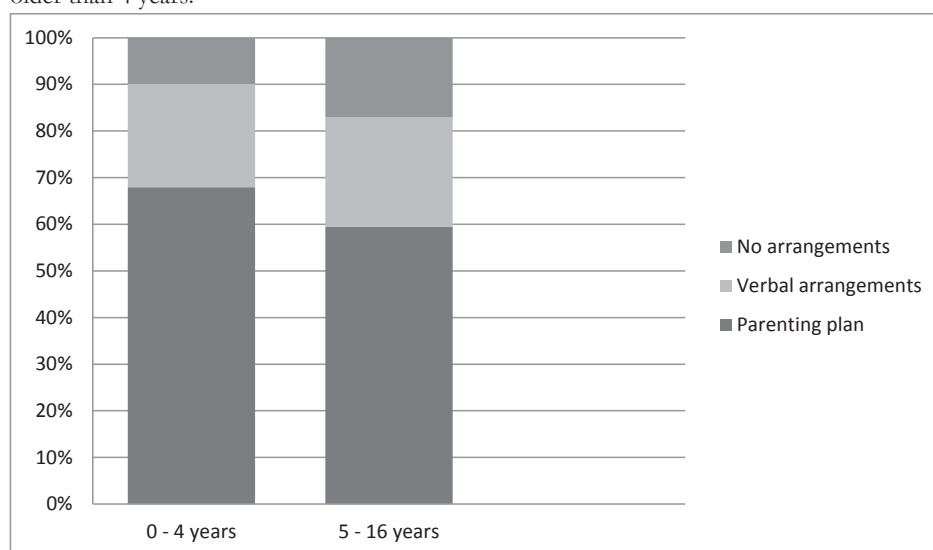
**Table 2.4.**  
Multinomial logistic regression of the post-separation arrangements (n = 707).

	Parenting plan vs No arrangements <sup>a</sup>		Parenting plan vs Verbal arrangements <sup>a</sup>		Verbal arrangements vs No arrangements <sup>a</sup>	
	B	SE	B	SE	B	SE
<u>Child characteristics:</u>						
Problems child	.108	.166	.152	.142	-.044	.177
Age youngest child	-.173***	.045	-.056	.037	-.117*	.047
<u>Parent characteristics:</u>						
Highest level of education	.177*	.068	.036	.062	.140*	.070
Lawyer	1.708***	.315	2.095***	.290	-.386	.366
Notary	1.391**	.430	1.167***	.295	.224	.466
Mediator	1.285***	.340	1.876***	.312	-.591	.418
Problems parents	-.051	.143	.012	.129	-.063	.146
<u>Relationship characteristics:</u>						
Residential co-parenting	1.183**	.357	.457	.238	.726*	.364
Distance between parents	-.003	.003	.001	.003	-.003	.003
Conflicts (none)	.901*	.460	.176	.435	.725	.509
Conflicts (few)	1.010*	.451	.457	.430	.554	.509
Conflicts (somewhat frequent)	.417	.430	.181	.436	.236	.504
Conflicts (very frequent)	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.
<u>Controls:</u>						
Length 0-4	-1.673***	.478	-.490	.388	-1.183*	.501
Length 5-8	-1.059*	.431	-.323	.340	-.736	.451
Length 9-12	-.180	.419	-.034	.316	-.146	.438
Length >12	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.
Constant	-.346	.839	-.745	.737	.399	.892
Log likelihood	-538.040					
Pseudo R <sup>2</sup>	.203					

a = the reference group. \* p < .05, \*\* p < .01, \*\*\* p < .001 (two-sided)

**Figure 2.1**

Predicted probabilities of post-separation arrangements where the youngest child is younger and older than 4 years.



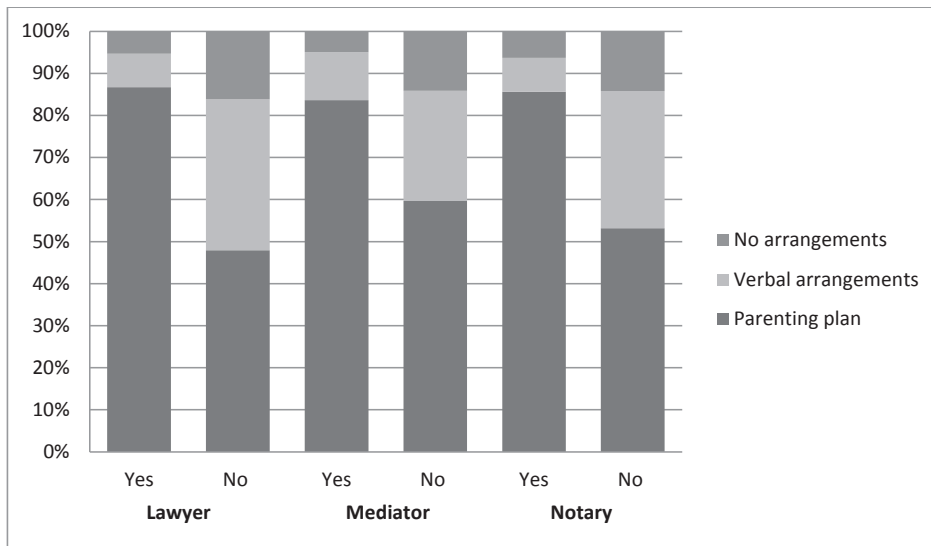
Note: Assuming mean scores on all other covariates; Predicted probabilities derived from estimates in Table 2.4.

Parents who consulted a legal practitioner are more likely to have a parenting plan as can be seen from Table 2.3. Table 2.4 provides us the information that this difference applies to both verbal and no arrangements. Figure 2.2 illustrates these findings, and clearly shows particularly the probability to construct a parenting plan is much higher when respondents consulted a lawyer (86.7% vis-à-vis 47.9% for those who did not consult a lawyer). Comparable probabilities are shown for those who consulted a notary (83.6%) versus those who did not (59.7%), and respondents who consulted a mediator 85.6% versus 53.1%). Conversely, the probabilities that verbal arrangements are made or no arrangements at all are much higher when respondents did not consult a legal practitioner.



**Figure 2.2**

Predicted probabilities of post-separation arrangements with the use of lawyer, notary and mediator



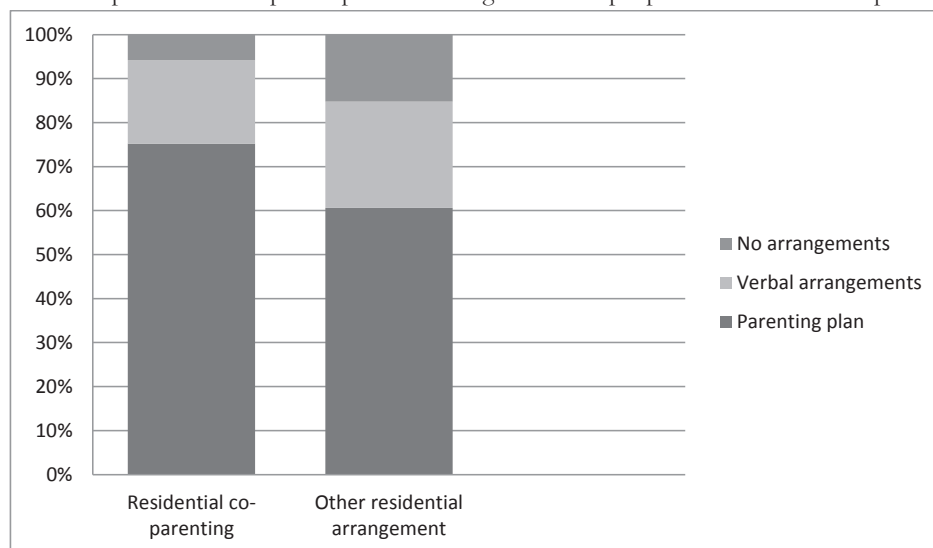
Note: Assuming mean scores on all other covariates; Predicted probabilities derived from estimates in Table 2.4.

Whether one or both parents face psychological and/or physical problems, does not seem to affect the likelihood that a parenting plan will be created as can be seen from Table 2.3. Moreover, Table 2.4 provides the information that this characteristic also does not help to explain why a parenting plan, verbal arrangement or no arrangement is made.

Finally, we discuss the findings regarding the relationship characteristics. Table 2.3 shows that parents who opted for residential co-parenting are significantly more likely to have a parenting plan. When we look at Table 2.4 we see that parents with a residential co-parenting arrangement are more likely to create a parenting plan or verbal arrangements as compared to no arrangements. Thus, when parents opt for residential co-parenting, they are more likely to make some form of arrangement (verbal or written in a parenting plan) as opposed to no arrangements. Figure 2.3 illustrates these findings and shows that parents with a residential co-parenting arrangement have a higher probability to make some sort of arrangement (94%) than those with other residence arrangements (85%).

**Figure 2.3**

Predicted probabilities of post-separation arrangements for people with residential co-parenting



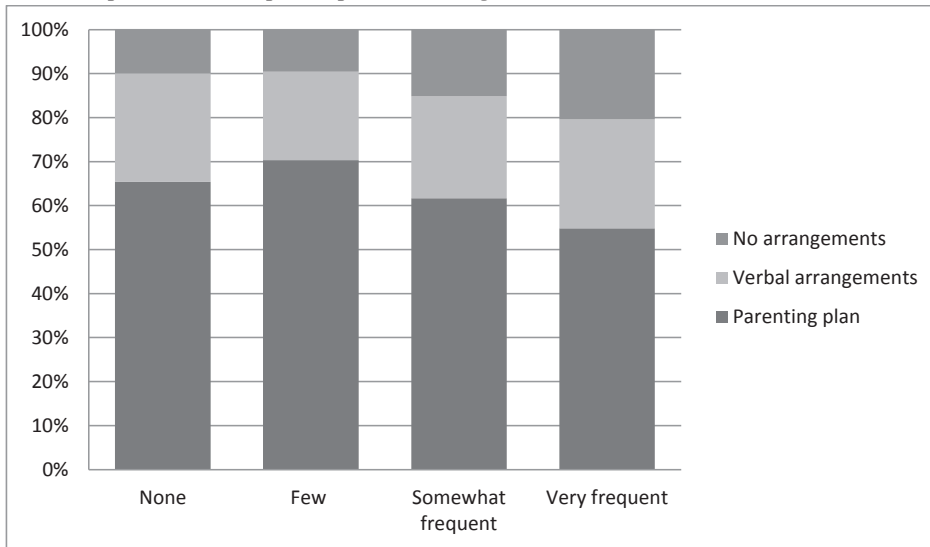
Note: Assuming mean scores on all other covariates; Predicted probabilities derived from estimates in Table 2.4.

The geographical distance between the former partners does not affect the likelihood of their creating a parenting plan (see Table 2.3). We also find no evidence that there is an effect of geographical distance to explain why parents are more likely to make a parenting plan, verbal arrangements or no arrangements, as can be seen from Table 2.4.

The level of parental conflict affects the probability to construct a parenting plan (see Table 2.3). Compared to the highest level of conflict during the separation process, all other levels of conflict show a greater likelihood that a parenting plan will be created. Additional analyses (not presented here) show that no statistical differences are visible between the three lower levels of conflict. This suggests that parents are less likely to create a parenting plan only in very high conflict situations. When we compare the different post-separation arrangements (Table 2.4), we see that the level of conflict affects the likelihood of a parenting plan versus no arrangements: parents are more likely to create a parenting plan than make no arrangements when there is no or little conflict between them, compared to a high level of conflict. However, no difference between creating a parenting plan and making verbal arrangements or between making verbal arrangements or no arrangements is found. Figure 2.4 clearly illustrates that couples with very frequent conflict are least likely to construct a parenting plan (55% versus e.g. 70% for parents with little conflict) and most likely to make no agreements regarding their children (20% versus 10% for the lowest conflict groups).

**Figure 2.4**

Predicted probabilities of post-separation arrangements for different levels of conflict



Note: Assuming mean scores on all other covariates; Predicted probabilities derived from estimates in Table 2.4.

With respect to the control variables, we find that parents who had relatively shorter relationships are less likely to draw up a parenting plan (Table 2.3). A further look shows that people who were together for just a short period are more likely to make no arrangements than to create a parenting plan or make verbal arrangements (Table 2.4).

## 2.5 Discussion

In March 2009 the Promotion of Continued Parenting and Proper Divorce Act came into force, which encourages equal parenting and a ‘careful divorce.’ One of the major differences compared to previous legislation is that both married and cohabiting Dutch parents of minor children are now obliged to create a parenting plan when they separate. However, given the informal nature of cohabitation, it is by no means certain that former cohabiters actually will create a parenting plan. In this chapter, we examined the extent to which formerly cohabiting parents create parenting plans, and if not, whether and how they settled their agreements about post-separation child rearing responsibilities, for example by making verbal agreements. Furthermore, we investigated which former couples were more likely to create a parenting plan. As far as we are aware, this is the first empirical study to focus on former cohabiting parents – previous studies focused on parenting plans of married parents only (Tomassen –van der Lans, 2015; Smits, 2015). Data from the survey New Families in the Netherlands allowed us to answer our research questions because these data contain a relatively large number of formerly cohabiting parents, who were questioned about their parenting plans and their arrangement otherwise.

We found that half of former cohabiters create a parenting plan. In other words, half of the former cohabiters do not create a parenting plan and therefore do not comply with the legal demands of the 2009 law. We caution that this number may be an underestimation, because it is likely that couples who went through a problematic and conflict-laden separation did not

participate in the survey. As these couples will be less likely to have a parenting plan, the percentage of former cohabiters without a parenting plan may even be higher in reality. A likely explanation for the high percentage of cohabiters without a parenting plan is that cohabiters do not have to go through a legal procedure when they want to separate; the legal requirement to construct a parenting plan can therefore often not be enforced. A closer look at those who did not construct a parenting plan furthermore revealed that almost a quarter makes verbal agreements regarding their children and another 13% makes no arrangements at all. The remaining ten percent was quite diverse in their arrangements (e.g. court ruling, other document) or did not precisely know how they settled their agreements about the children. These figures suggest that almost half of formerly cohabiting parents do not lay down their arrangements in writing, which could lead to problems should disputes arise later on. Because they do not have a formal written document to fall back on, any disputes may be more difficult to resolve. Moreover, about an eighth of cohabiting parents report that they made no agreements about their children whatsoever, suggesting that the children from these parents may be a vulnerable group as their parents did not agree upon, for instance, child support payments or visitation schedules.

We also found systematic differences between parents with regard to whether they construct a parenting plan or not, and whether they make verbal agreements or no arrangements at all. Parents with younger children, parents who consulted a legal practitioner, parents with low levels of conflict and those who had been in a long-term relationship more often constructed a parenting plan as compared to any other type of arrangement. Given the diversity in the other types of arrangements, we tried to obtain a more nuanced view by comparing the probability of constructing a parenting plan with that of making verbal arrangements and that of making no arrangements (i.e., the three options that were mentioned most). Results show that involvement of a legal practitioner in the separation process strongly increased the chances that parents constructed a parenting plan as compared to both verbal and no agreements. Legal practitioners are well aware of the 2009 law and the possible repercussions in the longer term when parents do not have a legal document to fall back on. They will therefore likely discourage to rely on verbal agreements or make no arrangements at all. Consultation of a legal practitioner was the only characteristic that increased the chance of a parenting plan in particular, that is, relative to the other types of arrangements. The other characteristics that were found to matter, differentiated between making some kind of arrangement, be it a parenting plan or verbal agreements about the children, and making no agreements at all. More specifically, parents with younger children, with a residential co-parenting arrangement, a higher education, low to medium conflict and those who had been with their ex-partner for more than four years, were more likely to have made agreements about post-separation childrearing responsibilities, be it verbal or laid down in a parenting plan, rather than not making any agreements. Parents with younger children or a residential co-parenting arrangement probably do not want to resort to ad-hoc decision making or to just wait how things will go after separation, because coordination can be complex for co-parents and younger children in particular need structure and continuous care. People with a higher education may also be less inclined to make no arrangements at all, because they probably are more aware of the importance of making at least some arrangements in case disputes arise. Not surprisingly, parents in a conflict-laden separation are more likely to make no agreements regarding their children, as it may simply be impossible to communicate or negotiate with each other. Also the group of cohabiters who have only been together for a very short time are more likely to make no agreements.

Overall, these findings suggest that children born to lower educated cohabiting parents, and those whose parents had high conflict or were together for only a short time are particularly vulnerable as their parents did or could not arrive at agreements about child support, visitation or other child-related issues. A next step for future research would therefore be to examine whether or not parenting plans and the other type of arrangements can limit the negative effects of parental separation on children's well-being.



# Chapter 3

## The Effect of Parenting Plans on Procedural, Family and Child Outcomes<sup>1</sup>

### Abstract

The Dutch legislature obligated divorcing parents to draw up a parenting plan when they divorce because it believed such a plan to be beneficial for reducing procedural and family-related problems, and ultimately increasing child well-being. In this study, the authors evaluate the effectiveness of the parenting plan for both procedural, family and child outcomes simultaneously, using a natural experiment. They use recent survey data from the Netherlands (n=1,470) and make a distinction between parents who divorced prior to the 2009 divorce law and those who divorced after its enactment. The implementation of the mandatory parenting plan encouraged more parents to document their agreements in writing. These written arrangements are found to be more comprehensive and are updated more often after the 2009 divorce law. With respect to the other procedural outcomes no difference with the situation before the change of the law is found. Findings regarding parental conflict are mixed, post-divorce tension increased after the 2009 divorce law, whereas extreme occurrences of parental conflict decreased. No differences are found in the level of parental contact. Additionally, the parenting plan is not found to affect child well-being, both directly and mediated through procedural and family outcomes. Most of these findings may be attributed to the fact that prior to the 2009 law reform many divorcing parents already made written arrangements regarding their children. Suggestions for further research regarding the parenting plan and possible other implications are discussed.

<sup>1</sup>A slightly different version is scheduled for publication as: de Bruijn, S., Poortman, A. & van der Lippe, A.G. (2018). "Do Parenting Plans Work? The effect of parenting plans on procedural, family and child outcomes". *International Journal of Law, Policy and the Family*, (3). De Bruijn wrote the main part of the manuscript and conducted the analyses. Poortman and Van der Lippe substantially contributed to the manuscript. The authors jointly developed the idea and design of the study. An earlier version of this chapter was presented at the Research Committee 28 on Social Stratification and Mobility (New York, United States, 2017).





### 3.1 Introduction

Divorce is a stressful life event that may negatively impact children (Lamb, Sternberg & Thompson, 1997). In an attempt to overcome these negative effects, the Dutch government, like the authorities in many other countries, introduced new divorce legislation in 2009. The divorce law (the Promotion of Continued Parenting and Proper Divorce Act) states that children have the right to equal care by both parents after divorce. The law also made it mandatory for both separating and divorcing parents of minor children to draw up a parenting plan (Staatsblad, 2008), which is a binding agreement that entails how parents will exercise their parental responsibilities in the post-divorce period. Additionally, the Dutch government also obliges parents to explain in what way their child participated in drafting the parenting plan (Smits, 2015).

Ironing out problems in divorce proceedings (e.g. lengthy litigation) and mitigating the harmful effects divorce can have on family life (e.g. parental conflict) are central to the 2009 divorce law. Ultimately, reducing procedural and family-related problems are assumed to enhance child well-being. The assumption that a parenting plan will be in the child's interest is controversial in public and scientific debate, with some people contending that the mandatory nature of the plan will lead to more acrimonious divorces (Coenraad & Antokolskaia, 2010) and thus lower levels of child well-being. Their mandatory nature may also make parenting plans more of a formality than a well-considered document (Loeb, 2009), which could undermine the assumed positive effects. If so, parenting plans may have no or even negative effects.

Only a few studies have examined the effectiveness of the Dutch parenting plan empirically, and most of these focus on procedural outcomes drawn from court documents. These studies reveal that the introduction of the mandatory parenting plan has led to more child-related agreements being made by divorcing parents than before 2009 (Tomassen-van der Lans, 2015). Whether the child actually participated in drafting the parenting plan is generally not explicitly examined by the court (Smits, 2015). Previous research is inconclusive about the effect of the new parenting plan on other aspects of divorce proceedings; Ter Voert and Geurts (2013) demonstrated that since the plan was introduced, legal conflicts have decreased or remained level, with the exception of court proceedings regarding parental authority (which have increased since 2012). Also, Tomassen-van der Lans (2015) found that, except for an increase in court decisions regarding the division of child care, the number of decisions remained the same after the parenting plan was introduced (Tomassen-van der Lans, 2015). With respect to litigation, there is no significant difference between the situation before and after introduction of the mandatory parenting plan (Tomassen-van der Lans, 2015). Regarding family outcomes, Spruijt and Kormos (2014) concluded that conflict has increased since the introduction of the parenting plan. Such higher levels of conflict have also found to influence child well-being negatively (Spruijt & Kormos, 2014). These results, however, are based on a relatively small sample and significant at the 10 percent level. Thus, previous research is mixed in its findings with respect to the effects of the parenting plan.

This chapter evaluates the effectiveness of the parenting plan for both procedural, family and child outcomes simultaneously, using a natural experiment. The procedural outcomes under study are outcomes that may be affected due to the change in divorce proceedings, such as satisfaction and compliance with the agreements, but also whether the agreements were more comprehensive and whether a court ruling on (some points of) the agreement was necessary. The family outcomes under study concern the amount of contact between the parents and the level of

parental conflict. Additionally, we also examine the direct effectiveness of the parenting plan on child well-being and whether a potential effect is mediated through the procedural and/or family outcomes. Using data from the New Families in the Netherlands survey (Poortman, Van der Lippe, & Boele-Woelki, 2014), we compare parents who divorced prior to the 2009 divorce law with those who divorced after its enactment. Because the treatment assignment can be attributed to a policy change, our study in this chapter qualifies as a natural experiment (Meyer, 1995).

We contribute to the literature by examining procedural outcomes, family outcomes and child outcomes related to the parenting plan simultaneously. Our examination of family outcomes is especially new in the literature on parenting plans, and our use of large-scale survey data also allows us to study contact between parents and parental conflict. Because we use recent, unique, large-scale survey data instead of court documents, we are able to examine outcomes that are not documented in legal proceedings. We investigate the subjective feelings of those involved in the divorce rather than what is agreed on in writing or documented under litigation. Also, using survey data allows us to include the somewhat milder cases omitted in court documents, since parents who face divorce-related problems but do not litigate will not appear in such documents. This also makes it possible to investigate a wide range of procedural outcomes, some of which have not been examined in previous studies (such as satisfaction and compliance with the agreements). We also contribute to the literature by examining whether parenting plans enhance child well-being and whether some effects related to child well-being are mediated through procedural and/or family outcomes.

### **3.2 Policy background**

The introduction of the Promotion of Continued Parenting and Proper Divorce Act in 2009 made some explicit changes to Dutch family policies. One of the most critical changes, and also the focus of this chapter, is the obligation on divorcing parents of minor children to draw up a parenting plan (Schonewille, 2009). Parents are required to put their decisions regarding the post-divorce situation in writing in the plan. Several items must be addressed in the parenting plan: the division of care and childrearing tasks, child support and other childrearing expenses, and the way the parents intend to communicate and inform each other about important matters concerning their child (Staatsblad, 2008). Besides these mandatory items, parents are also encouraged to cover additional points in their parenting plan (Rijksoverheid, 2013). The Dutch government further advises parents to update the parenting plan when needed, because agreements made today may be outdated a few months later (Rijksoverheid, 2013). Parents are further obligated to describe how their child participated in making the arrangements (Smits, 2015). Consequently, since the introduction of the mandatory parenting plan and its corresponding norms and obligations, both parents have been required to make more tailor-made arrangements in their child's best interest (Schonewille, 2009).

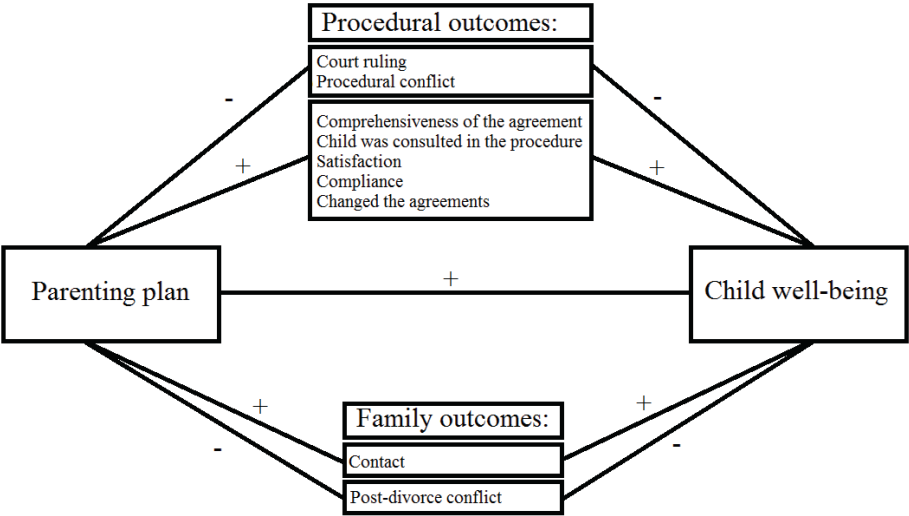
Before the introduction of the 2009 divorce law and thus the parenting plan, divorcing parents were free to decide whether and when they wanted to make binding agreements regarding their children and whether or not to put them in writing (Antokolskaia, 2010). Even though most parents already made agreements regarding their children, and even though the agreements set out in writing were documented in a divorce agreement, the procedure was voluntary and had not yet been formalized (Bunthof, 2006). Additionally, in practice more than

half of divorcing parents already drew up written arrangements regarding their children before the introduction of the mandatory parenting plan (Ter Voert & Geurts, 2013).

Besides the mandatory parenting plan, the 2009 divorce law introduced further changes that must be borne in mind because they could influence our findings to some extent. First, since 1998 Dutch parents had already automatically retained shared parental authority after divorce, but the legislation introduced in 2009 made it more difficult for one of the parents to petition the court to award them sole parental authority (Schonewille, 2009). This change was in line with the standard of continued shared parenting after divorce as upheld by Dutch lawmakers (Schonewille, 2009), but it may have also resulted in a rise in legal proceedings regarding parental authority compared with the years before the 2009 divorce law. Second, the new law underscored the right to equal care by both parents. This can be attributed to, or perhaps is a result of, the increase in residential co-parenting in recent years (Poortman & Van Gaalen, 2017). Previous research has shown that shared residential co-parenting is associated with higher levels of child well-being (Westphal, 2015), a finding that we should take into account. To overcome the spurious effects of increases in residential co-parenting, we control for the child’s current residential arrangement.

In this chapter, we describe how the parenting plan was expected to affect procedural outcomes and family outcomes by examining differences between the arrangements made by divorcing parents before and after the change in legislation. We follow the reasoning of Dutch lawmakers and how they assumed the mechanisms would work. These assumptions are illustrated in Figure 3.1.

**Figure 3.1**  
Diagram showing the effects of the parenting plan as assumed by Dutch lawmakers



### *Procedural outcomes*

The mandatory parenting plan was expected to reduce procedural problems between parents during divorce proceedings. As suggested by Schonewille (2009), a ‘good’ parenting plan goes beyond the legal minimum; it forces parents to carefully consider the facets of post-divorce parenting; it is in line with the needs of the child; and it allows parents to adapt and amend the plan as the child’s needs change. Because divorcing parents are obliged to draw up a parenting plan, and are thus forced to think about the post-divorce period in greater detail than parents who divorced before the 2009 law, it encourages them to draw up more comprehensive agreements regarding their children. Also, because parents are now forced to make arrangements before they can finalize their divorce, they must consider them at an earlier stage of their divorce proceedings. As a result, parents discuss their arrangements with each other *before* addressing the court and are therefore less likely to ask for a court-issued ruling regarding their arrangements (acrimonious divorces excepted). Moreover, when parents reach agreement themselves, they are also less likely to have conflicts about their divorce proceedings (Schepard, 2001).

The parenting plan not only encourages parents to give careful thought to their child in the post-divorce period, but also requires them to demonstrate whether their child participated in making the agreements (Ministerie van Veiligheid en Justitie, 2012). The lawmakers’ intention was to involve children more in decisions that affect them (Ministerie van Jeugd en Gezin, 2008), again highlighting the importance that the Dutch government attaches to the child’s best interest. The fact that parents are now advised to think carefully about the post-divorce situation and to consult their children regarding these arrangements may lead to more well-considered arrangements but also to a smoother negotiation process. If so, parents are more likely to be satisfied and to comply with the arrangements. Also, if parents want arrangements that suit their situation, they have to amend the agreement accordingly. Because children are constantly developing and environments change all the time, Dutch lawmakers suggest that parents update their agreements throughout the post-divorce situation (Rijksoverheid, 2013). In sum, the parenting plan leads us to assume that parents make more comprehensive agreements, use less court-issued rulings, encounter fewer procedural conflicts, include their child more in the decision-making process, are more satisfied with their agreements, comply more with the agreements made, and are more likely to update/change their agreements after divorce (see Figure 3.1).

### *Family outcomes*

We expect that the introduction of the parenting plan has affected not only procedural outcomes but also family outcomes. In their parenting plan, parents must state explicitly how they will inform and consult each other regarding their children after divorce. This obligation may give parents the opportunity to regulate the manner and frequency of their contact, and this could have a positive effect on the amount of mutual contact compared to parents who divorced prior to the 2009 law. The 2009 law also stipulates that when parents share parental authority, each parent has a responsibility to nurture the ties between the child and the other parent (Artikel 247 lid 3 Boek 1 BW). This too might increase the level of parental contact.

Besides giving parents an opportunity to have more contact with each other, a parenting plan offers them guidance after their divorce and may even prevent parental conflict later (Rijksoverheid, 2009). Parents who have a parenting plan will not need to discuss every decision that pertains to their child because they have a legal document to fall back on. As a result, there is

less risk of conflict between them. To summarize, parenting plans are assumed to increase parental contact and decrease parental conflict (see Figure 3.1).

### *Child well-being*

The main goal of the parenting plan is to mitigate the adverse consequences that parental divorce may have on child well-being. As Figure 3.1 shows, we assume that the parenting plan affects child well-being directly and indirectly. The parenting plan gives parents a document that entails how they will handle child care and all other child-related issues after divorce. It serves as a guideline for what they both agree is in the best interest of their child. Having and using this guideline offers the child structure and consistency and may mitigate the adverse consequences of divorce and thus enhance child well-being. Moreover, an important new element related to the introduction of the parenting plan is that parents are more aware of the factors involved in divorce and what is in their child's best interest (Ministerie van Jeugd en Gezin, 2008). The aim of the parenting plan is to improve parents' awareness of the problems that their divorce may cause their child and to put the child's interests front and center throughout the entire divorce process (Ministerie van Jeugd en Gezin, 2008). Again, this may well enhance child well-being.

The effect of the parenting plan may also be more indirect. Earlier, we discussed how the parenting plan affects procedural and family outcomes, but these outcomes may also affect child well-being. Figure 3.1 shows the assumed effects according to the Dutch government's reasoning. The lines at the top of the figure suggest that the presence of a parenting plan will decrease the likelihood of a court ruling and procedural conflicts and increase the comprehensiveness of the agreements, the child's participation in the procedure, satisfaction, compliance, and the likelihood of parents updating the agreements. These changes, which are contingent on the parenting plan, are assumed to be in the child's best interest. Taking compliance with the agreement as an example, it is assumed that parents who are able to draw up a parenting plan together are also more likely to comply with the arrangements made. This in turn may enhance child well-being, because if both parents comply, they will be less likely to expose their child to different rules and norms, which is known to decrease child well-being (Harris-Short, 2010). Thus, greater compliance with the parenting plan may enhance child well-being.

The lines at the bottom of Figure 3.1 represent how the effect of the parenting plan on child well-being may be mediated through family outcomes. Here it is assumed that when parents draw up a parenting plan, they have more contact and engage in less conflict. Figure 3.1 suggests that higher levels of contact and lower levels of parental conflict are in the child's best interest. If a parenting plan lowers parental conflict, it may also enhance child well-being; since parental conflict is known to negatively affect child well-being (Amato, 2010), lowering conflict will be in the child's best interest. Thus, we expect that the positive effect of the parenting plan may be mediated through both procedural and family outcomes.

## 3.3 Data, operationalization and methods

### 3.3.1 Data

In this chapter, we analyze data from the first and second wave of the New Families in the Netherlands survey. The first wave of the survey (Poortman, Van der Lippe, & Boele-Woelki, 2014), which was conducted in 2012/2013, involved formerly married parents who ended their

relationship in 2008 (i.e. before the new divorce law came into effect) and formerly married parents, parents in a registered partnership, and cohabiting parents with minor children who ended their relationship in 2010 (i.e. after the new divorce law came into effect). The sample was randomly drawn by Statistics Netherlands. Both former partners were contacted by letter and invited to complete a web survey covering their legal arrangements and other characteristics before, during, and after their separation. For comparison purposes, we only selected formerly married parents in both groups. Response rates were 44 percent for formerly married parents who divorced in 2008 and 43 percent for those who divorced in 2010, which is quite similar. For the second wave (Poortman, Stienstra & de Bruijn, 2018), which was conducted in 2015/2016, those who ended their relationship in 2010 were approached again to participate in the survey. The second wave of data collection had a response rate of 66 percent, which may indicate some selectivity on destabilizing issues such as higher levels of parental conflict.

For this chapter, we selected only formerly married parents who ended their relationship in 2008 and participated in the survey in 2012/2013 (first wave) and formerly married parents who ended their relationship in 2010 and participated in the second wave of the survey (2015/2016)<sup>i</sup>. Our selection allowed us to exclude potential time effects, because the data on both groups refer to the five-year period after their divorce, meaning that both groups had a comparable time period to adjust to their post-divorce situation. Additionally, we compared only those who made written arrangements regarding their child, based on what parents themselves reported about their written arrangements.

Parents who divorced in 2008 were asked *‘Were your divorce agreements about your children (e.g., where the children live, child support) recorded in writing? And in what form?’* The possible answer categories are shown in Table 3.1. Those who divorced in 2010 were first asked whether they had drawn up a parenting plan; if not, their question was similar to the question posed to those who divorced in 2008. Respondents could choose more than one answer, and if they did so we ascribed the ‘strictest’ answer as their sole answer (court-issued ruling > written arrangement > verbal arrangement > no arrangement > don’t know). Table 3.1 shows that in 2008, most divorcing parents set out their child arrangements in a divorce agreement, whereas in 2010 most did so in a parenting plan. Both groups have parents who made no arrangements, verbal arrangements, or needed a court-issued ruling. Some respondents further indicated that they had recorded their arrangements in a document that can be considered unusual, given the year in which they divorced (a parenting plan in 2008 and a divorce agreement in 2010). This may indicate that some parents were not aware of the formal name of their respective document. Note that even though those who divorced in 2010 record their arrangements in writing relatively more than those who divorced in 2008, the absolute number of arrangements other than a divorce agreement or parenting plan are small. To avoid potential error and/or bias in our results, we therefore only compare parents who documented their arrangements in a divorce agreement in 2008 and parents who documented their arrangement in a parenting plan in 2010.

<sup>i</sup>For each sample the respondents were selected on the divorce year of 2008 and 2010 respectively, still a small number of respondents finalized their divorce in a different year. As a result we only selected those who divorced in the year 2000 till 2008 to represent the 2008-group and omitted those who divorced after 2008 (because they do not fit the sample selection). The same argumentation holds for the 2010-group, this group is represented by divorces from March 2009 till 2012. These selections are made to assure that the difference in legislation can be tested.

**Table 3.1***Descriptive statistics for arrangements made (by divorce year)*

Sort of arrangement	2008		2010	
	N	%	N	%
Parenting plan	29	4.00	1,604	91.97
Divorce agreement	597	82.34	40	2.29
Divorce petition	17	2.34	11	0.63
Verbal arrangements	26	3.59	9	0.52
No arrangements	27	3.72	25	1.43
Court-issued ruling	19	2.62	44	2.52
Other document	6	0.83	4	0.23
Don't know	4	0.55	7	0.40
Total	725		1,744	

After making this selection, we had a total sample of 2,201 divorced respondents who made written arrangements regarding their children. We then excluded parents who reported having children younger than four or older than seventeen ( $n = 250$ ), because the well-being measure used in this chapter is best for children aged four to seventeen (for more details, see below). We further excluded 168 respondents because they had a missing value on the child well-being measure, which is a key variable in this chapter. Another 56 respondents were excluded because they did not know whether the court was required to intervene in their child-related arrangements ( $n = 37$ ), or whether they had amended their agreements ( $n = 7$ ) or asked their child's opinion while making the arrangements ( $n = 12$ ). A total of 51 respondents were omitted from the analyses because they were missing a value for at least one of the dependent or independent variables. Regarding our control variables, 100 respondents were excluded because they reported living in a residential arrangement other than mother residence, father residence or residential co-parenting, and 83 respondents were excluded because they did not know whether or not their ex-partner was in a new relationship. A total of 18 respondents were omitted from the analyses because they had a missing value for at least one of the control variables. We were ultimately left with 1,055 respondents from 916 households who divorced in 2010 and 420 respondents from 328 households who finalized their divorce in 2008. Implying that respectively in about 15 percent and 28 percent of the households in our sample, both partners participated.

### 3.3.2 Measures

*Satisfaction.* Respondents were asked *Looking back, to what extent are you now satisfied with the original agreements made during the divorce?* Answer categories ranged from 'very satisfied' (1) to 'very dissatisfied' (5). We changed the direction of the variable, so that a higher score on this variable indicates a higher level of satisfaction with the agreements made.

*Compliance.* This variable reflects the extent to which the former partners honored the arrangements they made for their children during their divorce. The respondents could indicate that the respondent and or his/her ex-partner; 'always honored the agreements made' (1), 'often honored the agreements made' (2), 'sometimes honored the agreements made' (3) or '(Almost)



never honored the agreements made' (4). Again, we changed the direction of the variable, so that a higher score on this variable indicates a higher level of compliance with the agreements made.

*Procedural conflicts.* Respondents were asked: *'To what extent was there conflict between you and your ex-partner about the issues that needed to be agreed for the divorce?'* The possible answer categories ranged from 'No conflict' (0) to 'A lot of conflict' (3).

*Comprehensiveness of the arrangement.* To assess the comprehensiveness of the arrangements made, respondents were shown ten items and asked whether each item was included in their parenting plan, with 'yes' = 1 and 'no' = 0. Four of the items are mandatory under current Dutch legislation; the other six items are not mandatory but known to be common in parenting plans. Examples of these 'extra' items are: *'How to handle daily decisions about the children's care'*, and *'Children's contact with other family members (e.g., grandparents).'* We constructed a count variable ranging from 0 to 10, with a higher score indicating a more comprehensive post-divorce arrangement.

*Child consulted.* Respondents were asked: *'When making the agreements about your children, did you consult them?'* We constructed three dichotomous variables from the answer categories that indicate whether: 1) the child was consulted, 2) the child was not consulted, and 3) the children were too young to consult, according to the respondent.

*Changed agreement.* This variable reflects whether parents altered the arrangements they made during the divorce at a later date. Respondents were asked: *'Later, did you and your ex-partner alter the agreements that were made about your children during the divorce?'* We used the answers to construct three dichotomous variables indicating whether the respondent and his/her ex-partner altered their agreements mutually, did so with help of a third (legal) party, or did not alter their agreements.

*Court decided.* Respondents were asked: *'Did you and your ex-partner go to court for a court ruling? If yes, on which points did you ask the court to make a decision?'* Multiple answers were possible, but because we were interested in whether or not parents required a court decision rather than in the issue itself, we decided to distinguish between whether the court needed to make a decision (1) or not (0). Note that the court's decision may refer to only a single item and that parents may have still drawn up the rest of the post-divorce arrangement themselves. This differs from the court ruling presented in Table 3.1, which concerns a ruling on the entire child arrangement.

*Contact.* Our contact measure relates to the frequency of parental contact. The respondents could indicate how often they have contact with their ex-partner, with answer categories ranging from 'Daily' (0) to 'Never' (8). We changed the direction of this measure so that a higher score on this variable indicates a higher level of parental contact.

*Post-divorce conflict.* This variable was constructed from a list of eight items accompanying the question: *'Has your ex-partner done any of the following things since the separation?'* The items were: 'Blamed you for something'; 'Said bad things about you to others'; 'Called or dropped in uninvited'; 'Turned the children against you'; 'Made false accusations'; 'Discredited your shared past'; 'Shouted at you, argued aggressively'; 'Threatened you with violence', with 'yes'= 1. We



computed a count variable ranging from 0 to 8, with a higher score indicating a higher level of parental conflict.

*Post-divorce tension.* This variable captured the current level of tension between the divorced parents. Respondents were presented the following question ‘How often are there currently tensions or conflicts between you and your ex-partner?’ The response categories ranged from ‘almost never’ (1) to ‘very often’ (4).

*Child well-being.* To construct this measure, we asked respondents to report on only one of their children. In order to select the child on which parents report, parents with more than one child were asked to report on their youngest child if they had children older than ten years. When all their children were younger than the age of ten, parents were asked to report on their eldest. We used the parent report version of the Strengths and Difficulties Questionnaire (SDQ) (Goodman, 1997) to construct this measure. Following the instructions on the SDQ website, and excluded the prosocial behavior subscale. We thus computed the SDQ Total Difficulties Score by adding up the emotional symptoms, conduct problems, hyperactivity and peer problems subscales. These subscales have 5 questions each, and parents can response on each item with not true (0), somewhat true (1), and certainly true (2). This variable can range between 0 and 40, with a higher score on the SDQ representing more child difficulties and thus lower child well-being (Goodman, 1997). Because the distribution of this variable was rightly skewed, we log-transformed our dependent variable using the natural logarithm.

*Controls.* In all our analyses, we control for the child’s residence arrangement and differentiated between residence with mother, residence with father, or residential co-parenting. As explained earlier, it might be that the change in the law (or changes in norms over time) have led to differences in residence arrangements between the two groups under study. We also controlled for the gender and the age of the child who is the subject of the SDQ, the highest level of education of the child’s parents, ranging from ‘Did not complete elementary school’ (1) to ‘Post-graduate’ (10). Other control variables included in the analyses are whether the child and/or one of its parents encountered any problems prior to the divorce (e.g. psychiatric illness, psychological problems), whether the child’s father or mother has a new partner, the level of pre-divorce conflict, and the gender of the responding parent. With the exception of the child’s residence arrangements, there are no reasons to expect any differences between the two groups under study regarding these control variables; nonetheless, we decided to control for them in order to detect possible selectivity in the sample. Descriptive statistics for all variables under study can be found in Table 3.2.

**Table 3.2***Descriptive statistics for variables under study (by divorce year)*

Variables	2008 (n = 420)			2010 (n = 1,055)		
	Range	Mean	SD <sup>a</sup>	Range	Mean	SD <sup>a</sup>
<b><u>Procedural outcomes:</u></b>						
Satisfaction	0 – 4	2.600	1.065	0 – 4	2.690	1.054
Compliance	0 – 3	2.267	.852	0 – 3	2.323	.878
Procedural conflicts	0 – 3	1.005	.911	0 – 3	1.006	.944
Comprehensiveness of the agreement	0 – 10	5.619	2.453	0 – 10	7.968	2.157
Child consulted (Yes)	0/1	.236	-	0/1	.274	-
Child consulted (No)	0/1	.321	-	0/1	.305	-
Child consulted (NA: age)	0/1	.443	-	0/1	.421	-
Changed agreement (Yes)	0/1	.305	-	0/1	.434	-
Changed agreement (Yes, with third party)	0/1	.117	-	0/1	.130	-
Changed agreement (No)	0/1	.579	-	0/1	.436	-
Court decided	0/1	.119	-	0/1	.118	-
<b><u>Family outcomes:</u></b>						
Contact	0 – 8	5.331	1.714	0 – 8	5.554	1.857
Post-divorce conflict	0 – 8	2.786	2.550	0 – 8	1.648	2.240
Post-divorce tension	0 – 3	.583	.803	0 – 3	.709	.875
<b><u>Child outcome:</u></b>						
SDQ (log)	0 – 2.890	1.396	.765	0 – 3045	1.313	.805
<b><u>Controls:</u></b>						
Female	0/1	.576	-	0/1	.609	-
Highest education in the household	1 – 10	7.176	1.700	2 – 10	7.382	1.537
Pre-divorce conflict	0 – 3	1.255	.818	0 – 3	1.212	.770
Parental problems	0 – 3	.400	.646	0 – 3	.385	.652
Gender of focal child (girl)	0/1	.450	-	0/1	.493	-
Age of focal child	5 – 17	12.914	2.720	6 – 17	13.209	2.680
Child problems	0 – 3	.505	.833	0 – 3	.483	.817
Respondent has new partner	0/1	.690	-	0/1	.643	-
Ex-partner of respondent has new partner	0/1	.710	-	0/1	.742	-
Residential co-parenting	0/1	.245	-	0/1	.373	-
Mother residence	0/1	.693	-	0/1	.572	-
Father residence	0/1	.062	-	0/1	.055	-

<sup>a</sup> Not presented for dichotomous variables

### 3.3.3 Analytical strategy

Our analyses allow for the structure of the data because in some cases, both former partners participated in the survey. To make this allowance, we clustered the regression analyses at the household level. We examined the effectiveness of the parenting plan in two stages. First, we reported clustered linear, multinomial and logistic regressions to see whether the introduction of the parenting plan has affected procedural outcomes and family outcomes. Second, we examined the effect of introducing the parenting plan (and its assumed outcomes) on child well-being, once again using clustered linear regressions. In both analyses, we estimated four models. The first model examines the effect of the parenting plan solely on the basis of the control variables. Although some of the control variables may be more specific to family outcomes and others to procedural outcomes or child outcomes, we decided to control for all control variables in all analyses for reasons of consistency and completeness. In the second model, we added the measures that relate to procedural outcomes to the analyses. In the third model, we added measures that relate to family outcomes and our control variables. In our final model (Model 4), we included all the variables mentioned; these are the control variables and the variables that reflect on procedural and on family outcomes. We performed additional robustness checks (not shown here), estimating our models by means of multilevel analyses and propensity score matching; these results showed the same pattern as the results presented in this chapter.

## 3.4 Results

Table 3.3 shows the results of the effect of the parenting plan on procedural outcomes. Here we present linear, multi-nominal and logistic regressions where we only report the effect of the parenting plan on the given outcome. Table 3.3 indicates that the introduction of the parenting plan has led to parents making more comprehensive agreements regarding their children; this effect is significant throughout the four models. A similar effect is found for the likelihood that parents alter their arrangements later. Throughout the four models, we see that parents with parenting plans are more likely to change their agreements themselves, compared with those who made written arrangements before the 2009 divorce law. Moreover, with the exception of Model 2 (Table 3.3), the introduction of the parenting plan is found to have led to more parents amending their agreements with the help of a third (legal) party. Conversely, the parenting plan was not found to affect satisfaction and compliance with the agreements made. When we also control for family outcomes, we see that procedural conflicts and the likelihood that the parents needed a court ruling increased after the mandatory parenting plan was introduced, but this finding loses its significance when we add all the other procedural effects. For the other procedural outcomes, we find that the introduction of the parenting plan seems to have had no effect on whether parents consulted their child about the arrangements.

Table 3.4 shows that the introduction of the parenting plan also affected certain family outcomes. Our results show that parents with a parenting plan encounter lower levels of severe post-divorce conflict, but higher levels of post-divorce tension. These effects are found across all four models. The parenting plan was not found to affect the level of contact between parents.

Tables 3.3 and 3.4 reveal that the introduction of the parenting plan made little or no difference to the procedural and family outcomes. In Table 3.5, we examine whether the introduction of the parenting plan affected child well-being and whether any such effect is

mediated through procedural and/or family outcomes. In all of the models associated with Table 3.5, we find that the introduction of the parenting plan does not seem to have affected child well-being.

**Table 3.3**

*Clustered regressions of effect of parenting plan on procedural outcomes (N = 1,475)*

Outcome variable:	<i>Model 1</i>	<i>Model 2</i>	<i>Model 3</i>	<i>Model 4</i>
	<i>Controls</i>	<i>Controls+ procedural</i>	<i>Controls+ family</i>	<i>Full model</i>
	B (SE)	B (SE)	B (SE)	B (SE)
Satisfaction <sup>a</sup>	.006 (.062)	-.031 (.060)	-.087 (.054)	-.079 (.057)
Compliance <sup>a</sup>	.008 (.049)	.036 (.046)	-.074 (.044)	-.006 (.046)
Procedural conflicts <sup>a</sup>	.039 (.055)	-.072 (.052)	.142** (.052)	-.011 (.053)
Comprehensiveness of agreement <sup>a</sup>	2.298*** (.145)	2.285*** (.144)	2.323*** (.152)	2.292*** (.153)
Child consulted (Yes) <sup>b</sup>	.118 (.166)	.113 (.189)	.129 (.177)	.103 (.200)
Child consulted (NA: age) <sup>b</sup>	.029 (.147)	-.016 (.165)	-.030 (.143)	-.087 (.170)
Child consulted (No) <sup>b</sup>	<i>Ref.</i>	<i>Ref.</i>	<i>Ref.</i>	<i>Ref.</i>
Changed agreement (Yes) <sup>b</sup>	.627*** (.139)	.611*** (.153)	.648*** (.148)	.623*** (.164)
Changed agreement (Yes, with third party) <sup>b</sup>	.500* (.210)	.346 (.236)	.756** (.234)	.585* (.256)
Changed agreement (No) <sup>b</sup>	<i>Ref.</i>	<i>Ref.</i>	<i>Ref.</i>	<i>Ref.</i>
Court decided (Yes) <sup>c</sup>	.176 (.195)	.078 (.222)	.410* (.202)	.241 (.244)
Court decided (No) <sup>c</sup>	<i>Ref.</i>	<i>Ref.</i>	<i>Ref.</i>	<i>Ref.</i>

\* p < .05, \*\* p < .01, \*\*\* p < .001, a = linear regression, b = multi-nominal logistic regression, c = logistic regression

Note: all the models include the control variables presented in Table 3.2

**Table 3.4**  
*Clustered linear regressions of effect of parenting plan on family outcomes (N = 1,475)*

Outcome variable:	Model 1	Model 2	Model 3	Model 4
	Controls	Controls+ procedural	Controls+ family	Full model
<b>Family outcomes:</b>	B (SE)	B (SE)	B (SE)	B (SE)
Contact	.108 (.102)	-.039 (.102)	-.009 (.103)	-.006 (.106)
Post-divorce conflict	-.997*** (.142)	-1.063*** (.130)	-1.172*** (.127)	-1.120*** (.125)
Post-divorce tension	.160** (.049)	.145** (.048)	.351*** (.045)	.310*** (.048)

\* p <.05, \*\* p <.01, \*\*\* p <.001  
 Note: all the models include the control variables presented in Table 3.2

Although these results show that the introduction of the parenting plan had no direct overall effect on child well-being, Models 2, 3 and 4 examine whether the procedural and family outcomes of the parenting plan may have done so. Among the outcomes affected by the parenting plan, only post-divorce tension seems to affect child well-being negatively. However, when we exclude post-divorce tension from the analyses, post-divorce conflict becomes significant (analyses not shown here), which of course can be attributed to their high level of correlation ( $r = .537$ , analyses not shown). Only Model 2 (Table 3.5) shows that satisfaction and compliance with the agreements diminish child difficulties, but these effects vanish when we control for family outcomes as well. Further, the level of parental contact, post-divorce conflict, procedural conflicts, comprehensiveness of the agreements, whether the child was consulted, whether the agreements were altered and whether the court made a decision regarding the agreements do not seem to affect child well-being.

**Table 3.5***Clustered linear regression of effects on child difficulties (log) (N = 1,475)*

Variable	<i>Model 1</i> <i>Controls</i>	<i>Model 2</i> <i>Controls+</i> <i>procedural</i>	<i>Model 3</i> <i>Controls+</i> <i>family</i>	<i>Model 4</i> <i>Full model</i>
Parenting plan	-.030 (.046)	-.003 (.051)	-.023 (.047)	-.004 (.052)
<b><u>Procedural outcomes:</u></b>				
Satisfaction		-.047* (.023)		-.020 (.024)
Compliance		-.063* (.028)		-.038 (.029)
Procedural conflicts		.014 (.027)		.005 (.027)
Comprehensiveness of agreement		-.013 (.009)		-.013 (.009)
Child consulted (Yes)		-.058 (.054)		-.046 (.054)
Child consulted (NA: age)		-.047 (.050)		-.039 (.047)
Child consulted (No)		<i>Ref.</i>		<i>Ref.</i>
Changed agreement (Yes)		.035 (.044)		.041 (.044)
Changed agreement (Yes, with third party)		.038 (.067)		-.010 (.068)
Changed agreement (No)		<i>Ref.</i>		<i>Ref.</i>
Court decided (Yes)		-.106 (.072)		-.114 (.072)
Court decided (No)		<i>Ref.</i>		<i>Ref.</i>
<b><u>Family outcomes:</u></b>				
Contact			-.018 (.013)	-.015 (.014)
Post-divorce conflict			.019 (.011)	.016 (.012)
Post-divorce tension			.085** (.031)	.075* (.032)

\* p &lt; .05, \*\* p &lt; .01, \*\*\* p &lt; .001

Note: all the models include the control variables presented in Table 3.2

### 3.5 Discussion

This chapter aimed to provide new insights into the effectiveness of the parenting plan in the Netherlands. On the introduction of the mandatory parenting plan in 2009, the assumption was

that it would improve the relationship between partners after divorce and reduce problems in divorce proceedings. It was believed that the plan itself and its assumed effects on these family and procedural outcomes were in the child's best interest.

In the study in this chapter, which takes the form of a natural experiment, we reveal that the introduction of the mandatory parenting plan led to few differences either in procedural or in family outcomes. With respect to procedural outcomes, our conclusion is that the level of compliance, satisfaction, child's participation, court rulings and procedural conflicts were not affected by the change in the law. Nonetheless, some procedural outcomes did change after the 2009 reform. In line with previous research by Tomassen-van der Lans (2015), we see that parents make relatively more agreements regarding their children than before the change in the law. This finding is twofold: a growing number of parents made written arrangements after 2009, and the arrangements themselves were more comprehensive.

Our study also revealed that those who divorced after 2009 alter their agreements more often than those who divorced prior to the change in the law. This may be because the Dutch government advises parents to update their parenting plan regularly so that it reflects the child's needs. An alternative explanation might be that after the introduction of the parenting plan, post-divorce agreements regarding children became more comprehensive and there was therefore a greater need to update the agreements. In sum, the introduction of the Promotion of Continued Parenting and Proper Divorce Act in 2009 encouraged more parents to document their child arrangements in writing, make these arrangements more comprehensive, and update these arrangements more often.

Besides examining procedural outcomes affected by the 2009 divorce law, this chapter also examined its effect on family outcomes. There is no empirical evidence that the level of parental contact altered after the 2009 divorce law. Our findings concerning parental conflict are mixed: although the level of post-divorce tension increased after 2009, we also see a decrease in extreme occurrences of parental conflict. On the one hand, this suggests that the guidance offered by a parenting plan helps parents overcome extreme levels of conflict and therefore communicate with less hostility; on the other hand, these parents divorced for a reason, but instead of expressing their displeasures with each other explicitly, they keep it to themselves and thus experience more tension. The increase in residential co-parenting arrangements means that more parents are dealing with each other directly, which might explain the rise in levels of post-divorce tension between parents since the introduction of the parenting plan. An alternative explanation may lie in the selectivity of the data; the sample – parents who divorced after 2009 and whose data are present in both the first and the second wave – entails a willingness to participate in the survey, which could be a proxy for parents who encounter lower levels of severe conflict.

The Dutch government assumed that the new legislation would not only reduce procedural and family problems but would also be in the child's best interest. Contrary to expectations, this chapter provides empirical evidence that the presence of a parenting plan does not seem to affect child well-being. This finding pertains to both the direct effect of the new legislation and to the mediated effect through procedural and family outcomes. There is only one exception: post-divorce tension seems to have increased after the introduction of the 2009 divorce law, and higher post-divorce tension is related to more child difficulties. This might suggest that the new divorce law had a slightly negative effect. However, we know that post-

divorce parental conflict is a key stressor for children (Musick & Meier, 2010). If we exclude the level of post-divorce tension from the model, we find the same negative effect for post-divorce conflict, indicating that the new divorce law had a slightly positive effect because those who divorced after 2009 encountered lower levels of post-divorce conflict. Nonetheless, the main effect of the parenting plan remained unrelated and unchanged with child well-being when post-divorce tension and/or post-divorce conflict is added to the model. Therefore, we must be cautious about drawing conclusions in this respect and recommend that future research aim to untangle this relationship.

Overall, we found that the introduction of the 2009 divorce law led to few changes either in the divorce proceedings or in post-divorce family life. We found no empirical support for the Dutch government's belief that the new legislation would be in the child's best interest. We can attribute much of these findings to the fact that, prior to the 2009 divorce law, parents already made (written) arrangements regarding their children. Making such written agreements mandatory may have not been such a dramatic change to begin with and would therefore not have had a major effect. Alternatively, although we examine and control for satisfaction and compliance with the agreements, we do not know whether parents actually meant them to assist them in the post-divorce period or whether they saw them as a mere formality to finalize their divorce. If the latter, this may explain why parenting plans were found to have so little effect: parents did not actually use their arrangements to guide them in the post-divorce situation. In line with previous research (Amato & Sobolewski, 2001), this chapter also reveals the impact of parental conflict on child well-being. Policymakers should therefore investigate how they can help parents resolve their conflicts, or at least protect their child against the effects of that conflict. The introduction of the mandatory parenting plan was a noble attempt in this direction, but it may have been too ambitious to expect it to lead to greater child well-being, especially when parents are obliged to come to an agreement just when they are ending their relationship.

Even though this chapter improves on previous research and informs the public debate regarding parenting plans, we must note some limitations. The first relates to our sample. Those who divorced in 2010 participated in both the first and the second wave of the survey, and may constitute a selective group with respect to the level of parental conflict. As a result, we may underestimate the effects of parental conflict or the effect of the parenting plan on parental conflict. The second limitation concerns the selected time period. We examined the effects of parental arrangements five years after divorce, but it may be that the effect of the new law will arise somewhat later, or that, regardless of the divorce proceedings, parents face similar problems in the first five years after divorce. Because we know that divorce also has long-term implications in the life course (Ahrons, 2007), the new legislation may not diminish the negative consequences immediately but will do so later on in life. Future research should therefore examine the effects of the 2009 divorce law over a longer time period.

All in all, our study provides new information for the debate regarding Dutch parenting plans and suggests that the mandatory parenting plan is not as successful as Dutch lawmakers intended it to be. On the other hand, our study also shows that the mandatory parenting plan had not had the negative effects forecast by critics.



# Chapter 4

## The content of parenting plans and child well-being: The role of parental conflict<sup>1</sup>

### **Abstract**

Dutch parents are obliged to draw up a parenting plan when they separate. The legislature imposed this obligation because it believed such a plan to be beneficial for children facing parents' relationship dissolution. The authors examine how the presence and comprehensiveness of the parenting plan are associated with child well-being. They use recent survey data from the Netherlands (n=3,306) and make a distinction between formal and informal relationships. Almost all formerly married parents and about half of formerly cohabiting parents construct a parenting plan. The comprehensiveness of the parenting plan is comparable between these groups. The results indicate that for both formerly married and formerly cohabiting parents, the parenting plan and its comprehensiveness are not associated with child well-being. Parental conflict has no influence on this association, but it does affect child well-being negatively. Suggestions for further research regarding the parenting plan and possible other implications are discussed.

<sup>1</sup>This chapter is co-authored by Anne-Rigt Poortman and Tanja van der Lippe and is currently under review. Simon de Bruijn is the first author. De Bruijn wrote the main part of the manuscript and conducted the analyses. Poortman and Van der Lippe substantially contributed to the manuscript. The authors jointly developed the idea and design of the study. An earlier version of this chapter was presented at the 13th Meeting of the European Network for the Sociological and Demographic Study of Divorce (Vilnius, Lithuania, 2015) and 'de Dag van de Sociologie' (Amsterdam, the Netherlands, 2015).



## 4.1 Introduction

A large body of literature shows that parents' relationship dissolution can have negative consequences for children (for a review, see Amato, 2010). Many countries have therefore introduced policies to mitigate these adverse consequences (Antokolskaia & Coenraad, 2006). The Netherlands is one such country that overhauled its regulations. The Promotion of Continued Parenting and Proper Divorce Act, implemented in March 2009, encourages both parents to continue their parenting duties after divorce, and to carefully consider the post-divorce arrangements regarding their children (Jeppesen de Boer, 2014). The most important new facet of this law is that parents with joint legal custody of minor children are obliged to draw up a parenting plan when they separate (Schonewille, 2009). Parents are obliged to minimally include agreements concerning the division of care and childrearing tasks, child support and other childrearing expenses, and the way they communicate and inform each other about important matters concerning their children (Staatsblad, 2008). Parents are also encouraged to cover additional points in their parenting plan (Rijksoverheid, 2013). The obligation to draw up a parenting plan exists regardless of parents' former marital status. Yet, unlike married couples and registered partners, former cohabiters do not have to go through legal proceedings when they separate (Schonewille, 2009), which makes the enforceability of the parenting plan questionable for this group.

The main goal of the mandatory parenting plan is to mitigate the adverse consequences that parental divorce may have on child well-being. The assumption of the Dutch legislator was that the construction of a parenting plan, if focused on the best interests of the child, would reduce the negative impact of divorce on child well-being. The more comprehensive their parenting plan, the more this may show that parents have thought carefully about how to arrange post-divorce child care. Comprehensive parenting plans can therefore indicate parent's careful consideration of the post-divorce situation, and can thus also enhance child well-being. Besides being a sign of goodwill, parenting plans, and comprehensive parenting plans especially, may also increase consistency in parenting. A parenting plan offers more clarity for both parents about childrearing facets, because it can provide an objective standard for parental behavior (Schrodt, Baxter, McBride, Braithwaite, & Fine, 2006), it offers parents guidance after their divorce and it may even prevent parental conflict afterwards (Rijksoverheid, 2009). If both parents commit themselves to the agreements made, they are less likely to differ on decisions concerning the child's upbringing (e.g. bedtimes, punishment etc.), thereby increasing consistency in childrearing. Considering that child well-being decreases when children are exposed to different rules and norms between their parents (Harris-Short, 2010), a (comprehensive) parenting plan is likely to increase child well-being. Furthermore, parents with a parenting plan also have less need to constantly discuss the decisions that should be made regarding their child because they have a legal document to guide them. As a result, there are fewer risks of engaging in conflict. Because research has shown that parental conflict is a key stressor for children's adjustment after divorce (Musick & Meier, 2010), it is in the child's interest for parents to have a (comprehensive) parenting plan that includes child-related agreements that they can follow and thus avoid ongoing discussions.

The aim of this chapter is to evaluate how the Dutch 2009 divorce law works in practice. First, we examine whether parenting plans are constructed and if so, how comprehensive these plans are. Despite the mandatory and enforceable nature of the parenting plan Dutch legislation

allows formerly married parents to opt out in cases of extreme parental conflict (Tomassen-van der Lans, 2015). The likelihood of parents not drawing up a parenting plan is even higher for former cohabiters. Their informal relationship status means that the obligation to draw up a parenting plan cannot be enforced. In the case of both formerly married and formerly cohabiting parents, it remains to be seen how much effort they actually put into the parenting plan by including more than the minimum requirements, because they are not required by law to make the parenting plan more comprehensive. Second, we examine whether the presence of a parenting plan (only for formerly cohabiting parents) is associated with child well-being, and how the comprehensiveness of the parenting plan (for both formerly married and formerly cohabiting parents) is associated with child well-being. Due to the differences in enforceability, and thus likelihood of drawing up a parenting plan, we only examine the association between the presence of a parenting plan and child well-being for formerly cohabiting parents. Because parental conflict is assumed to play an important role in the association between a (comprehensive) parenting plan and child well-being, we pay special attention to the role of parental conflict.

This chapter adds to the existing knowledge in two important ways. First, this chapter informs the ongoing debate regarding Dutch parenting plans and divorce policy. Second, the chapter fills the gap in empirical knowledge about the association between parenting plans and child well-being. Below we elaborate on both of these points in greater detail, and end with the contributions of this chapter.

## 4.2 The Policy Debate

While the legislature emphasizes the importance of the parenting plan for enhancing child well-being, critics are concerned that a parenting plan may not have the intended effect. Some critics have argued that parenting plans may have no effect at all, because parents construct them solely to meet the legal requirements. The mandatory nature of parenting plans may make them a formality rather than a well thought-through document. Previous empirical research has revealed that most parents use a template provided by their legal practitioner or the internet to draw up a court-approved parenting plan (Nikolina, 2015). This may suggest that parenting plans are solely constructed as a means to get the divorce finalized (Tomassen-van der Lans, 2015). In turn, this raises the question of whether the parents are actually committed to the parenting plan. If not, then a parenting plan can be expected to have no effect whatsoever. Others have argued that a mandatory parenting plan may have negative, instead of positive, effects on child well-being. Parents may use parenting plans as means to undercut each other (Coenraad & Antokolskaia, 2010). Additionally, following the Transaction Cost Approach (Williamson, 1981) we can argue that contracting, in this case in the form of a parenting plan, can be seen as a sign of distrust. Because the former partners distrust each other in the post-divorce situation, they want to have as much documented in their parenting plan as possible. The more comprehensive the parenting plan is, the more it can be seen as a sign that parents do not trust each other (Chou, Halevy, & Murnighan, 2011). This distrust will diminish the likelihood of cooperative parenting on both sides after divorce (Markham & Coleman, 2012), which may negatively affect child well-being. Furthermore, parents may use a parenting plan to force or confront the other parent when he/she makes decisions contrary to the plan (Schrodt et al., 2006). These moments could fuel tension and conflicts between parents. The more comprehensive the parenting plan, the more scope there is for parents to confront each other and engage in conflict. And the more parents

engage in conflict, the lower the well-being of the child (Amato & Afifi, 2006). Besides the adverse consequences for children of experiencing parental conflict, parents who are primarily preoccupied with their dispute may not be emotionally or physically available to reassure or comfort their children (Camara & Resnick, 1989), which may also negatively affect child well-being.

Parenting plans may not only fuel, rather than mitigate parental conflict, but they may be especially counterproductive when parents are engaged in a lot of disputes. In high-conflict divorces, the possible negative effects of a parenting plan may weigh more heavily and outweigh any positive effects. The construction of a parenting plan is more likely to be a sign of distrust rather than goodwill in high-conflict divorces, because some parents prefer to have things in writing due to trust issues (Braithwaite, McBride, & Schrodt, 2009). If that is the case, parenting plans are likely to fuel further parental conflict and possible litigation, especially in high-conflict divorces. Moreover, the more comprehensive the parenting plan becomes, the more reasons there are to engage in conflict; again, this will even be more problematic in high-conflict divorces. Because a comprehensive parenting plan covers more topics, there are also more topics to argue about in the post-divorce period. Also, parents going through a high-conflict divorce will be less flexible owing to trust issues, and this will be even more problematic when they have a parenting plan. More comprehensive agreements may in this case lead to less than optimal decisions, because there is less room to make changes without the consent of the other parent. In cases of high parental conflict, parents are less likely to cooperate and trust each other to make good decisions that are not in line with the parenting plan. And even if the initial idea behind the parenting plan was based on goodwill, sticking to the rules in the parenting plan can be more problematic in high-conflict divorces, which will undermine potential positive effects. It has also been shown that consistency in parenting may be more problematic if parents are hostile to each other (Krishnakumar & Buehler, 2000). Potential positive effects of the parenting plan, therefore, will likely be weaker for high-conflict divorces, or – from a more pessimistic perspective – potential negative effects will be stronger.

### Previous Studies and This Study's Contributions

In the Netherlands and many other Western countries, most research about the association between parenting plans and child well-being have focused on specific elements that can be included in the parenting plan, such as children's residence arrangements or visitation frequency by the nonresident parent. These studies, for instance, examine the effects of parent-child contact or shared residence on measures of child well-being (Kalmijn, 2016; Kelly & Lamb, 2000; Pruett, Ebling, & Insabella, 2004; Warshak, 2014). While these studies are relevant from both a societal as well as a scientific perspective, they do not examine the role of the mere presence or comprehensiveness of parenting plans. In addition, one should be careful to generalize findings from a specific country to other countries.

When we focus on Dutch research, only few studies have addressed the relationship between the presence of a parenting plan and child well-being. Van der Valk and Spruijt (2013) showed that children whose parents divorced after the introduction of the new law, and who are thus assumed to have constructed a parenting plan, face more problems and encounter more parental conflict than those whose parents divorced prior to the implementation of the new divorce law. This finding can, however, also be explained by the fact that those who divorced before the implementation of the new divorce law had more time to adjust and arrange their

situation than those who divorced later in time. Other research focused on the legal disputes that may result from the implementation of the parenting plan (Tomassen-van der Lans, 2015) and did not address child outcomes. This chapter revealed that the parenting plan obligation did not affect litigation. Parents did, however, make more agreements regarding their child after the law was introduced, but whether they actually followed through on their agreements after the divorce was finalized was questionable (Tomassen-van der Lans, 2015). Finally, one study examined the role of the child in constructing the parenting plan (Smits, 2015), but not in relation to child well-being. This study also did not focus on the role of the parenting plan as such.

Our study improves on the existing literature in three ways. First, we are among the first to relate both the presence of a parenting plan and its comprehensiveness to child well-being. Second, we distinguish between both formal (married and registered partnership) and informal (cohabitating) relationships. Previous studies have only examined married parents. Given that there is no legal separation procedure for former cohabiters, how the law works out in practice for this group remains yet to be studied. Third, by paying particular attention to the role of parental conflict, we address a key aspect in the association with child well-being as indicated by both the Dutch legislator and the critics of the parenting plan. Regardless of the direction of the effect of parenting plans being positive or negative, most arguments assume that some of the effect of a (comprehensive) parenting plan can be accounted for by the level of parental conflict. We therefore examine the extent to which the level of parental conflict can explain any effect of the presence and comprehensiveness of a parenting plan on child well-being. Because the critics furthermore have argued that parenting plans are less effective when parents are engaged in a lot of conflict, we also examine whether the association between a (comprehensive) parenting plan and child well-being varies with the level of parental conflict.

In this chapter, we used the New Families in the Netherlands survey (NFN) (Poortman, Van der Lippe, & Boele-Woelki, 2014), a representative large-scale survey of Dutch divorced and separated parents. This dataset is unique because it contains a large sample of married and cohabiting parents who separated shortly after the 2009 divorce law came into effect. These parents were thus obliged to draw up a parenting plan. Another strength of the NFN is that child characteristics such as well-being, information about parenting plans and the comprehensiveness of the arrangements made by separated couples are included.

## **4.3 Data, operationalization and methods**

### **4.3.1 Data**

In this chapter, we analyze data from the New Families in the Netherlands (NFN) survey (Poortman, Van der Lippe, & Boele-Woelki, 2014) collected in 2012 and 2013. The survey involved formerly married parents, parents in a registered partnership, and cohabiting parents with minor children from the Netherlands who ended their relationship in 2010 (i.e. after the new divorce law came into effect in 2009). We combined those in a registered partnership and formerly married parents into one group, because both are in a formal relationship and subject to the same legal proceedings when they end their relationship. The sample was randomly drawn by Statistics Netherlands. Both former partners were contacted by letter and invited to complete a web survey covering their legal arrangements and other characteristics before, during, and after their separation. In about a third of the couples contacted, both former partners participated in

the survey. Concerning the overall response rate, about 39 percent of the parents who were approached participated, with the response rates being higher for formerly married parents (43 percent) than for formerly cohabiting parents (32 percent). In terms of households, i.e. when at least one parent in the former household participated in the survey, the response rate was higher (58 percent), again with formerly married households being more likely to respond (63 percent) than formerly cohabiting households (49 percent). These response rates are relatively high for a web-based survey in the Netherlands, a country known for its relatively low response rates (De Leeuw & De Heer 2001). Moreover, the response rates are quite high given that the respondents were approached shortly after the first two years since their divorce/separation and might therefore have been less willing to participate.

Former cohabiters, men (particularly those with young children), younger people, individuals of non-Western descent, people from urban areas, people with low incomes and those on welfare were underrepresented, whereas men with children officially registered at their address were overrepresented in the data. Besides having a lower response rate, formerly cohabiting parents were also the group that statistically deviated on most characteristics from the target population, making this group especially likely to be non-representative (Poortman, Van der Lippe, & Boele-Woelki, 2014). Because the data were collected only a few years after the respondents' separation, non-responders may have been less willing to participate in the survey owing to severe problems and conflicts in the post-separation period. Again, this selection bias with respect to parental conflict may be an even bigger factor for formerly cohabiting parents.

The total sample consisted of 4,481 recently divorced/separated respondents with children. Because this chapter is concerned with the association of the mandatory parenting plan with child well-being, we excluded parents who indicated that they divorced ( $n = 433$ ) or separated ( $n = 293$ ) before 2009, because they were not obliged to draw up a parenting plan. We also excluded same-sex couples ( $n = 33$ ) and parents who reported having children younger than four ( $n = 193$ ) or older than seventeen ( $n = 69$ ), because the well-being measure used in this chapter is best for children aged between four and seventeen (for more details, see below). Regarding our control variables, 37 respondents were excluded because they did not report the age of their child or reported an impossible value. A further 58 respondents were excluded because they reported living in another residential arrangement than mother, father or residential co-parenting. Another 59 respondents were excluded because they had a missing value on the dependent variable ( $n = 15$ ) or on one of the independent variables ( $n = 44$ ).

We were eventually left with 3,306 respondents (2,641 formerly married and 665 formerly cohabiting parents) coming from 2,502 households, implying that in about 25 percent of the households in our sample both partners participated. We report the number of formerly married parents solely to indicate the extent to which they had constructed a parenting plan. In the further analyses, however, we focused only on the comprehensiveness of the parenting plan of formerly married parents. In our analyses, we also omitted 235 formerly married respondents because they did not draw up a parenting plan.

### 4.3.2 Measures

*Child Well-Being.* For the construction of this measure, respondents were asked to report on only one of their children. Parents with more than one child were asked to report on their eldest child if all their children were younger than ten years, whereas they were asked to report on their

youngest child if they had children older than ten years. Respondents reported using the parent report version of the Strengths and Difficulties Questionnaire (SDQ) (Goodman, 1997). The SDQ is frequently used to assess the psychological well-being of children between the ages of 4 and 17. It consists of 25 items that help describe the child's behavior over the last six months. The respondents were asked to consider attributes concerning the focal child, such as '*Restless, overactive, cannot stay still for long*,' '*Often complains of headaches, stomach-aches or sickness*,' '*Often has temper tantrums or hot tempers*' and '*Generally liked by other children*'. The response categories for each item ranged from (0) not true, (1) somewhat true, (2) to certainly true.

We next constructed the subscales – emotional symptoms, conduct problems, hyperactivity, peer problems and prosocial behavior – by adding up the five items for each scale. The variables representing the child's strengths were reversed to construct the subscales so that each scale would range from 0 to 10. The SDQ Total Difficulties Score was computed by adding up the subscales emotional symptoms, conduct problems, hyperactivity and peer problems ( $\alpha = .712$ ). Following the instructions on the SDQ website, we excluded the prosocial behavior subscale. The SDQ Total Difficulties Score can range between 0 and 40, with a higher score representing more emotional difficulties and thus lower child well-being (Goodman, 1997). We decided to focus on the overall difficulties score in this chapter, especially since the subscales turned out to be less reliable in general samples (Goodman, Lamping, & Ploubidis, 2010). Since the distribution of this variable was rightly skewed, we log-transformed our dependent variable using the natural logarithm.

*The presence of a parenting plan.* Respondents were asked '*Did you draw up a parenting plan in the separation/divorce?*' with response alternatives being (1) 'yes' or (0) 'no'. This question gave us a dichotomous variable indicating whether or not a parenting plan had been constructed.

*Comprehensiveness of parenting plan.* To assess the comprehensiveness of a parenting plan, respondents were shown ten items and asked whether each item was included in their parenting plan, with (1) 'yes' and (0) 'no'. Four of the items are mandatory under legislation; the other six items are not mandatory but known to be common in parenting plans. Examples of these 'extra' items are: '*How to handle daily decisions about the children's care*,' and '*Children's contact with other family members (e.g., grandparents)*'. We constructed a count variable ranging from 0 to 10, with a higher score indicating a more comprehensive parenting plan. For additional analyses, we also constructed two additional measures from the non-mandatory items. The first, a count variable ranging from 0 to 4, displays the 'more common' items. The second reflects the 'less common' items and is also a count variable, but ranges from 0 to 2. A more detailed overview of the measures (presence of parenting plan, items presented to respondents, and extent of inclusion in parenting plan) is given in Table 2, which will be discussed in the Results section.

*Parental conflict.* This variable was constructed from a list of eight items presented to respondents with the question: '*Has your ex-partner done any of the following things since the separation?*'. The items were: Blamed you for something; Said bad things about you to others; Called or dropped in uninvited; Turned the children against you; Made false accusations; Discredited your shared past; Shouted at you, argued aggressively; Threatened you with violence, with (1) 'yes'. We computed a count variable ranging from 0 to 8, with a higher score indicating a higher level of parental conflict. We also performed the same analyses with two different measures for parental conflict;



1) the occurrence of tensions and conflicts at the time of the survey, and 2) the extent to which there was conflict between the ex-partners concerning matters that had to be arranged during the divorce/separation. Neither of these analyses changed the results.

*Controls.* We controlled for some child characteristics that are known to influence child well-being, namely number of siblings, age and gender of the child who is the subject of the SDQ. We also controlled for this child's residence arrangement and differentiated between residence with mother, residence with father, or residential co-parenting. Furthermore, we controlled for highest level of education of the child's parents, ranging from (1) 'Did not complete elementary school' to (10) 'Post-graduate'. To account for possible causality issues, we also controlled for the level of parental conflict in the year prior to divorce. Our pre-divorce conflict measure is a mean-scale ( $\alpha = .866$ ) constructed from five statements regarding the presence of tensions, discussions, arguments etc. in the year prior to divorce. Respondents indicated whether this (0) never happened or (3) happened often. To overcome possible procedural effects, we also controlled for whether a legal practitioner was consulted during the divorce. This variable did not affect the outcomes and we therefore decided to exclude it from the analyses. The descriptive statistics of all variables under study can be seen in Table 4.1, except for those concerning the parenting plan; these are given in Table 4.2 and will be discussed in the Results section.

**Table 4.1.**  
*Descriptive Statistics of Variables for Both Formerly Married and Formerly Cohabiting Parents*

Variables	Former Cohabitors (n = 655)			Former Married (n = 2406)		
	<i>M</i>	<i>SD<sup>a</sup></i>	Range	<i>M</i>	<i>SD<sup>a</sup></i>	Range
Child well-being (SDQ) [log]	1.948	.743	0 – 3.433	1.956	.753	0 – 3.497
Parental conflict	2.809	2.627	0 – 8	2.816	2.600	0 – 8
<u>Controls:</u>						
Age of focal child	8.442	3.357	4 – 17	10.955	3.380	4 – 17
Gender focal child <sup>b</sup>	.475	-	0/1	.475	-	0/1
Number of siblings	.707	.724	0 – 4	1.043	.790	0 – 9
Mother residence	.695	-	0/1	.645	-	0/1
Father residence	.035	-	0/1	.051	-	0/1
Residential co-parenting	.271	-	0/1	.304	-	0/1
Highest level of Education	7.047	1.736	1 – 10	7.021	1.782	2 – 10
Pre-divorce conflict	1.483	.820	0 – 3	1.295	.778	0 – 3

<sup>a</sup>Not presented for dichotomous variables, <sup>b</sup>Gender focal child: 0 = boy, 1 = girl.

### 4.3.3 Analytical strategy

We used descriptive statistics to examine the extent to which parenting plans are drawn up by both formerly married parents and formerly cohabiting parents. Among those who did draw up a parenting plan, we also used descriptive statistics to examine how comprehensive these parenting plans were. The next step in our analyses was to examine whether both the presence and the comprehensiveness of the parenting plan are associated with child well-being. To identify this

association correctly, we had to take the structure of the data into account. About one third of the sample consists of both former partners who reported on the same child. We therefore used multi-level models for these analyses, including random effects at the household level. For the sake of completeness, we also included a random effect at the child level, since we had reason to believe that in some cases, the two former partners participating in the survey did not report on the same child (e.g. different year of birth and gender). For all analyses, we performed separate analyses for formerly married/registered partners and former cohabiters. We made this distinction because of the difference in legal status of these relationships. As discussed earlier, the formal difference implies a difference in the enforceability of the parenting plan. This may result in the comprehensiveness of the parenting plan having different effects for these groups.

The results of the multi-level analyses are presented in Tables 4.3 and 4.4. Both tables review three models, with Model 1 containing (the comprehensiveness of) the parenting plan and the controls. Model 2 includes parental conflict and tests to what degree such conflict can account for the association between (the comprehensiveness of) the parenting plan and child well-being. To investigate whether this association varies along different levels of conflict, we added an interaction term between conflict and (the comprehensiveness of) the parenting plan to the multi-level linear regression analyses in Model 3. To check whether the effect of the comprehensiveness of the parenting plan differs depending on the specific items included, we also performed comparable analyses on the non-mandatory items exclusively. Here, we differentiated between the ‘more common’ items and the ‘less common’ items. This distinction is based on the distribution of the items in the parenting plan (see Table 4.2). These analyses are presented in Table 4.5. For all analyses, we also performed clustered analyses in order to check the robustness of our findings. These analyses showed the same results.

## 4.4 Results

Table 4.2 presents all the descriptive statistics regarding the parenting plan. This table shows that formerly married parents and formerly cohabiting parents differ considerably with regard to the presence of a parenting plan. Nearly all formerly married parents have a parenting plan (91%), whereas only 54% of former cohabiters had drawn up a plan. No such difference can be found for the comprehensiveness of the parenting plans, however. On average, both formerly married and formerly cohabiting parents have included more than seven out of ten of the items presented in their parenting plan. However, when we looked at the extent to which the two groups included a specific item, some differences emerged.

Most parenting plans include the items required by law, with the item included least being ‘information provision and consultation about the children’. This item, however, is the only mandatory item whose inclusion did not differ significantly between formerly married and formerly cohabiting parents. The mandatory items concerning legal custody, the child’s residence and the division of child-related costs are all included statistically significantly more often by formerly married parents (see Table 4.2). Examining the non-mandatory items, revealed that the item concerning vacations, public holidays and special days is most common.

**Table 4.2***Descriptive Statistics Regarding Parenting Plan*

	Former Cohabitors (n = 665)	Former Married (n = 2641)	
<i>Variable:</i>	Mean (SD) <sup>a</sup>	Mean (SD) <sup>a</sup>	Chi <sup>2</sup> -value
Presence of parenting plan	.54	.91	534,74***
	Cohabitors (n = 359)	Married (n = 2406)	
	Mean (SD)	Mean (SD)	T-value
Comprehensiveness of parenting plan (0-10)	7.58(2.65)	7.62(2.46)	0,26
'More common' non-mandatory items (0-4)	3.00 (1.39)	2.93(1.42)	-0,94
'Less common' non-mandatory items (0-2)	1.02 (0.85)	0.99(0.88)	-0,58
<i>Mandatory items:</i>	Prop.	Prop.	Chi <sup>2</sup> -value
Legal custody of children	0.88	0.92	6,18*
Where children live, contact with other parent (incl. alternating residence)	0.95	0.97	4,26*
Division of costs for children/child support	0.89	0.94	11,51**
Information provision and consultation about Children	0.84	0.87	3,23
<i>More common' non-mandatory items:</i>			
Vacations, public holidays or special days	0.85	0.81	2,18
How to handle school matters (e.g., school options, parents' evenings)	0.72	0.71	0,20
How to handle the children's medical matters	0.71	0.72	0,40
How to handle everyday decisions about child care	0.72	0.68	3,32
<i>Less common' non-mandatory items:</i>			
Children's contact with other family members (e.g., grandparents)	0.51	0.48	1,05
How to handle future changes (e.g., moving house, new partner)	0.51	0.51	0,00

<sup>a</sup> = Not presented for dichotomous variables

\* p &lt; .05, \*\* p &lt; .01, (two-sided)

Both formerly cohabiting and formerly married parents include this item to about the same degree as the mandatory 'information and consultation' item. We also noticed that three other non-mandatory items are quite common in the parenting plan, i.e. those concerning school matters, medical matters and everyday decisions. Interestingly, items concerning future changes or contact with people other than the parents are included about half of the time. Overall, Table 4.2 also shows that among the formerly cohabiting parents with a parenting plan, the distribution of non-mandatory items included in the parenting plan is similar to the distribution among formerly married parents.

**Table 4.3**

*Mixed Effects Multi-level Linear Regression for Formerly Cohabiting With and Without a Parenting Plan (n = 665)*

	Child difficulties (log transformed)					
	Model 1		Model 2		Model 3	
	B	SE	B	SE	B	SE
Parenting plan	0.01	0.06	0.00	0.06	0.01	0.08
Parental conflict			0.05***	0.01	0.05***	0.02
Parenting plan * parental conflict					-0.00	0.02
<u>Controls:</u>						
Age of focal child	-0.00	0.01	0.00	0.01	0.00	0.01
Gender focal child (1 = girl)	-0.18**	0.06	-0.19***	0.06	-0.19***	0.06
Number of siblings	-0.11*	0.04	-0.12**	0.04	-0.12**	0.04
Gender respondent (1 = female)	-0.02	0.05	-0.02	0.05	-0.02	0.05
Father residence	0.28	0.16	0.26	0.16	0.26	0.16
Mother residence	0.09	0.07	0.06	0.07	0.06	0.07
Residential co-parenting	Ref		Ref		Ref	
Highest level of education	-0.04*	0.02	-0.03	0.02	-0.03	0.02
Pre-divorce conflict	0.20***	0.03	0.13***	0.04	0.13***	0.04
<u>Variance Components/Model:</u>						
SD( $\sigma_{\text{Household}}$ )	.00	.00	.00	.00	.00	.00
SD( $\sigma_{\text{Child}}$ )	.50	.04	.50	.04	.50	.04
Wald Chi <sup>2</sup>	73.01		94.65		94.70	

\*  $p < .05$ , \*\*  $p < .01$ , \*\*\*  $p < .001$  (two-sided)

Tables 4.3, 4.4 and 4.5 present the results of our multilevel analyses for children's SDQ Total Difficulties scores. In Table 4.3, we tested the association between the presence of a parenting plan and child well-being, which was limited to formerly cohabiting parents. Model 1 shows that for former cohabiters, the presence of a parenting plan does not affect child well-being. Model 2 includes the level of parental conflict, showing that the higher the level of parental conflict, the more difficulties children have ( $b = .05, p < .001$ ).

When the level of parental conflict is added to the model, the presence of a parenting plan once again has no significant effect. Model 3 includes the interaction between the level of parental conflict and the presence of a parenting plan. This reveals that the effect of having a parenting plan does not vary with the level of parental conflict. In sum, the parenting plan was found to have no effect and parental conflict does not play a mediating role with respect to child well-being. In all three models in Table 4.3, we found that children face fewer difficulties when they are female, have more siblings, and when parents are more educated. Moreover, in addition to the current level of parental conflict, children also face more difficulties when pre-divorce conflict was higher.

Table 4.4 examines the role of the comprehensiveness of the parenting plan for both formerly cohabiting and formerly married parents. For both groups, the comprehensiveness of the parenting plan does not affect child well-being as presented in Model 1. When we include the

level of parental conflict in Model 2, the comprehensiveness of the parenting plan remains non-significant. Parental conflict, however, is found to increase difficulties for children of both former cohabiting ( $b = .04, p = .010$ ) and formerly married parents ( $b = .05, p < .001$ ). Model 3 includes the interaction between the comprehensiveness of the parenting plan and parental conflict. Again, both the comprehensiveness and its interaction with parental conflict were found to be non-significant. Thus, neither a mediating or a moderating role for parental conflict is found for both formerly married and formerly cohabiting parents. Parental conflict, however, remains a significant predictor for a child facing more difficulties. Throughout the three models, we see that the effects our control variables generally are the same as found in Table 4.3. For former married parents we also find that their children were found to face fewer difficulties when they lived in a residential co-parenting situation rather than sole residence with the father or the mother. Formerly married mothers also seem to report fewer difficulties regarding their child than formerly married fathers. The number of siblings was not found to have any effect for formerly married parents.

Table 4.5 offers more insight into the role of the items included in the parenting plan. Rather than an overall measure of the comprehensiveness of the parenting plan, we examine whether the parenting plan included non-mandatory items. Our hope is to uncover additional information with respect to parents who do more than legally required. From Table 4.2 we derived that the degree to which some items are included differs. Based on this distinction, we decided to construct two groups: 1) 'more common' items, and 2) 'less common' items (for a more detailed description of these items, see Table 4.2).

Our analyses examined both groups of non-mandatory items simultaneously, revealing that – in line with our findings concerning the comprehensiveness of the parenting plan – the 'more common' items are not associated with child well-being. Also, parental conflict does not affect this relationship. However, the inclusion of the 'less common' items in the parenting plan does reveal some differences compared to our previous findings. In Model 3 of Table 4.5, we added the interaction effect of the 'less common' items with parental conflict, and both the main effect of the 'less common' items ( $b = .24, p = .005$ ) and the interaction effect ( $b = -.06, p = .005$ ) reached significance. These findings indicate that when both these items are included in the parenting plan and there is no parental conflict, the child faces more difficulties. Reversing the parental conflict measure (analyses not presented) shows that the opposite is also true, with the main effect of the 'less common' items ( $b = -.28, p = .035$ ) and the interaction effect ( $b = .06, p = .005$ ) both being significant. This means that in cases of high parental conflict, the child faces fewer difficulties when the 'less common' items are included. In other words, in cases of high parental conflict between formerly cohabiting parents, child well-being is best served when these two items are included in the parenting plan. The control variables in Table 4.5 are the same as in Table 4.4 and did not show any differences.

**Table 4.4***Mixed Effects Multi-level Linear Regression for Formerly Cohabiting and Formerly Married Parents With Parenting plan*

	Child difficulties (log transformed)											
	Former Cohabitors (n = 359)				Former Married (n = 2406)							
	Model 1	Model 2		Model 3	Model 1	Model 2		Model 3				
	B	SE	B	SE	B	SE	B	SE	B	SE	B	SE
Comprehensiveness of parenting plan	0.01	0.01	0.01	0.01	0.04	0.02	0.00	0.01	-0.00	0.01	0.00	0.01
Parental conflict			0.04*	0.02	0.10*	0.04			0.05***	0.01	0.06**	0.02
Comprehensiveness * parental conflict					-0.01	0.01					-0.00	0.00
<b>Controls:</b>												
Age of focal child	0.00	0.01	0.01	0.01	0.01	0.01	-0.00	0.00	-0.00	0.00	-0.00	0.00
Gender focal child (1 = girl)	-0.23**	0.08	-0.23**	0.08	-0.23**	0.08	-0.17***	0.03	-0.17***	0.03	-0.17***	0.03
Number of siblings	-0.14*	0.06	-0.15*	0.06	-0.14*	0.06	-0.02	0.02	-0.03	0.02	-0.03	0.02
Gender respondent (1 = female)	0.06	0.07	0.05	0.07	0.05	0.07	-0.08**	0.03	-0.07**	0.03	-0.07**	0.03
Father residence	0.38	0.25	0.36	0.25	0.34	0.25	0.28***	0.08	0.22**	0.07	0.22**	0.07
Mother residence	0.15	0.09	0.12	0.09	0.11	0.09	0.17***	0.04	0.13***	0.03	0.13***	0.03
Residential co-parenting	Ref		Ref		Ref		Ref		Ref		Ref	
Highest level of education	-0.07**	0.02	-0.06**	0.02	-0.06**	0.02	-0.05***	0.01	-0.05***	0.01	-0.05***	0.01
Pre-divorce conflict	0.19***	0.05	0.13**	0.05	0.13*	0.05	0.12***	0.02	0.05*	0.02	0.05*	0.02
<b>Variance Components/Model:</b>												
SD( $\sigma$ Household)	.00	.00	.00	.00	.00	.00	.40	.06	.36	.07	.36	.07
SD( $\sigma$ Child)	.43	.08	.44	.07	.43	.08	.29	.09	.30	.09	.30	.09
Wald Chi <sup>2</sup>	62.40		69.76		72.96		166.2		243.9		243.9	

\* p &lt; .05, \*\* p &lt; .01, \*\*\* p &lt; .001 (two-sided)

**Table 4.5**  
*Mixed Effects Multi-level Linear Regression on Additional Items for Formerly Cohabiting and Formerly Married Parents With Parenting plan*

	Child difficulties (log transformed)											
	Former Cohabitors (n = 359)						Former Married (n = 2406)					
	Model 1		Model 2		Model 3		Model 1		Model 2		Model 3	
	B	SE	B	SE	B	SE	B	SE	B	SE	B	SE
Most common not mandatory	0.00	0.03	-0.00	0.03	-0.06	0.05	0.00	0.01	0.00	0.01	-0.02	0.02
Less common not mandatory	0.05	0.06	0.05	0.06	0.24**	0.09	0.00	0.02	0.00	0.02	0.04	0.03
Parental conflict			0.04**	0.02	0.05	0.03			0.05***	0.01	0.05***	0.01
'Most common' * parental conflict					0.02	0.01					0.01	0.00
'Less common' * parental conflict					-0.06**	0.02					-0.01	0.01
Controls <sup>a</sup> :												
Wald Chi <sup>2</sup>	62.94		70.37		79.46		166.4		243.9		246.9	

\* p < .05, \*\* p < .01, \*\*\* p < .001 (two-sided)  
a = analyses are controlled for the same variables as in Table 3 and 4

## 4.5 Discussion

In March 2009, the Dutch government enacted a new divorce law that aimed to mitigate the adverse consequences of divorce for minor children. The most significant change of this law is that parents are obliged to construct a parenting plan and that this obligation holds for both formerly married and formerly cohabiting parents of minor children. The obligation to draw up a parenting plan stirred up both the public and scientific debate regarding the effectiveness of this new law: To what extent do parents actually comply with this obligation, and does the law have the intended effects? In this chapter, we evaluated the 2009 divorce law by investigating to what extent people had drawn up a parenting plan and, if so, how comprehensive this plan is. Furthermore, we explored the extent to which a parenting plan and the comprehensiveness of that plan are associated with child well-being. We paid special attention to the level of parental conflict, which was expected to play a crucial role.

The first issue that we addressed in this chapter is whether parents actually construct a parenting plan. Not only are formerly married parents exempt from the obligation to do so in cases of extreme parental conflict (Tomassen-van der Lans, 2015), it is also particularly doubtful whether formerly cohabiting parents draw up a parenting plan. Unlike married couples, formerly cohabiting parents do not have to go through legal proceedings when they separate, making the obligation to construct a parenting plan unenforceable. This difference in formal status was clearly illustrated by our results: Parenting plans are constructed by almost all formerly married couples, whereas this was the case for just over half of former cohabiters. On the one hand, that is quite a high percentage considering how difficult enforcement is. On the other hand, about half of formerly cohabiting parents do not draw up a parenting plan, so there is still a long way to go for this group from a policy perspective.

The second issue that we addressed is how comprehensive the parenting plans actually are. Because there are no official requirements concerning the shape that the parenting plan should take and how explicit the mandatory items should be, it remains unclear what such plans should cover precisely. Because the inclusion of additional items in the parenting plan is merely recommended, it is up to parents to decide whether to include extra agreements, and how many, over and above the mandatory ones. Generally, we found that nearly all parenting plans include the items that are legally set by the Dutch government. Although formerly married parents include items regarding legal custody, residence, and the division of child-related costs significantly more than formerly cohabiting parents, the differences are small. Exploration of the non-mandatory items revealed that some items are more commonly included than others. The more common non-mandatory items are included less than the mandatory items but still very often by both formerly cohabiting and formerly married parents. These items concern recurring, frequent, or important child-care issues. The less common non-mandatory items are included only about half of the time by both groups. These items pertain to contact with family members other than the parents themselves and how to handle any future changes; they may therefore be less pressing issues at the time of divorce or separation. Overall, both formerly cohabiting and formerly married parents include nearly eight out of the ten items presented in their parenting plans. Drawing together our findings concerning the presence and comprehensiveness of parenting plans, we conclude that formerly cohabiting parents construct parenting plans less frequently than formerly married parents, but when they do draw up a parenting plan, their plans are quite comprehensive and similar to those constructed by formerly married parents.



The third issue we addressed is whether parenting plans enhance child well-being. Our results suggest that, for children of formerly cohabiting parents, the presence of a parenting plan is not associated with child well-being. Furthermore, irrespective of the formal status of the former relationship, the comprehensiveness of the parenting plan is also not found to be associated with child well-being. Looking at the role of parental conflict, we also see little evidence that any adverse effects of parenting plans on child well-being are particularly pronounced in high-conflict situations between parents. Although parental conflict may be negatively associated with child well-being (also see Amato, 2010), the presence and comprehensiveness of parenting plans show the same effects (i.e. non-existent) with child well-being regardless of the level of parental conflict. The only exception is the association between including less common non-mandatory items and child well-being in the case of formerly cohabiting parents. Including items concerning contact with other family members and/or future changes in the parenting plan negatively affects child well-being when there is no parental conflict, but is positively associated with child well-being when parental conflict levels are high. We can only speculate on the implications of this finding. It may suggest that when parents experience high conflict but are still able to construct parenting plans addressing less pressing issues, they may be especially driven to ensure their child's well-being. In the case of low-conflict parents, it may be that they are already facing problems concerning contact with other family members and future changes (e.g. a new partner, moving), or that the child is already facing problems and that the parents have drawn up a comprehensive parenting plan that includes these less pressing items. We should, however, be careful about interpreting this finding, given that the group of former cohabiters who construct a parenting plan is relatively small to begin with and may be quite a select group with respect to parental conflict, for instance. Thus, more research regarding this association is needed.

Overall, the results suggest in favor of the view that the obligation to draw up a parenting plan is not associated with child well-being, corroborating the concerns expressed by Tomassen-van der Lans (2015). She warned that a significant share of formerly married parents may view a parenting plan more as a filling-in exercise rather than a commitment to seriously consider the post-divorce arrangements for their children. As a result, people may simply draw up a 'standard' parenting plan, sometimes even copying it from example parenting plans (Nikolina, 2015), just to finalize the divorce, and never look at the document again afterwards. If so, this may also explain why parenting plans of formerly married and formerly cohabiting parents are so similar.

These considerations suggest that even though drawing up a parenting plan is mandatory, parents fulfill this obligation with minimal participation. It may be that parenting plans are more effective when parents are more actively involved, as is suggested by research on divorce mediation, which requires a more active stance of parents in settling family disputes (Schepard, 2001) and was found to lower parental conflict (McIntosh, Wells, Smyth & Long, 2008) increase satisfaction with the procedure (Emery, Matthews & Kitzmann, 1994), and enable parents to reach durable agreements (Kelly, 2004). Increasing the active participation of separating parents in drawing up the agreements (maybe with the help of a divorce mediator) might help to achieve the goals set by the Dutch lawmakers.

Although our study provides new insights into post-divorce arrangements and how these may affect children experiencing a divorce or separation, some cautionary remarks are in order. First, in this chapter we have an underrepresentation of divorces/separations characterized by extreme parental conflict (Poortman, Van der Lippe, & Boele-Woelki, 2014). This could, for

instance, have led to our overestimating those who constructed a parenting plan and the comprehensiveness of the plan among those who did so. Second, even though we do not find evidence of an association between parenting plans and child well-being in this chapter, it is quite possible that the parenting plan and its comprehensiveness will reveal its effects later in the post-divorce period. It may, for instance, take some time to get used to the agreements made in the parenting plan before both parents implement them in full in their daily lives. We therefore advise future researchers to examine the role of the parenting plan over a longer time period as well, and preferably with panel data. When future researchers address this question longitudinally, we advise them to carefully consider the timing of parental conflict in relation to parenting plans as well. Moreover, future research should also consider whether parents have amended their agreements in mutual consultation. Comparing this group of parents with those who do not change their parenting plan may offer more insight into how parenting plans work over a longer time period. Also, future research might benefit from examining the role of the parenting plan with more qualitative measures. Because parents may still find parenting plans helpful in a day-to-day reality of shared parenting after divorce - even if parenting plans and child well-being appear to be not associated.

All in all, our findings lent little support for the intended effects of parenting plans claimed by the Dutch legislature, but also no support for the concerns expressed by critics. Future research should therefore also investigate other possible policies that might lessen a child's difficulties after parental separation, such as divorce mediation or divorce education, with a focus on stimulating parents' active involvement in reaching agreements.

# Chapter 5

## Divorce mediation and child well-being<sup>1</sup>

### **Abstract**

The possible negative effects of divorce remain a challenge for governments and policymakers. In this study, the authors investigate the role of alternative dispute resolution by examining divorce mediation in the Netherlands. Using recent survey data from the Netherlands (n=3,925), they examine how many formerly married and formerly cohabiting parents consult a divorce mediator and which parents are more likely to do so. They distinguish between whether the divorce mediator is consulted voluntarily or whether it was suggested by a legal third party. Additionally, the authors examine if consulting a divorce mediator is associated with child well-being. Almost half of the formerly married parents and about one third of formerly cohabiting parents consult a divorce mediator, of which most do so voluntarily. Parents with younger children, higher educated parents, parents who face less personal problems, and those in longer relationships were more likely to consult a divorce mediator. Whereas higher levels of pre-divorce conflict increase the likelihood of parents being advised to consult a divorce mediator. The results indicate that voluntarily divorce mediation could potentially be associated with fewer child-related problems, but only among formerly cohabiting parents. The same potential positive association is found for both (very small) groups of parents when they consult a divorce mediator after being suggested to do so rather than not consulting a divorce mediator.

<sup>1</sup>This chapter is co-authored by Kim Bastaits and Dimitri Mortelmans and is currently under review. Simon de Bruijn is the first author. De Bruijn wrote the main part of the manuscript and conducted the analyses. Bastaits and Mortelmans substantially contributed to the manuscript. The authors jointly developed the idea and design of the study. An earlier version of this chapter was presented at the 14th Meeting of the European Network for the Sociological and Demographic Study of Divorce (Stockholm, Sweden, 2016).



## 5.1 Introduction

Parental divorce and its possible negative effects on both parents and children (see Amato, 2010) continue to challenge governments and policymakers. Potentially, many of the adverse consequences of divorce can be reduced during the divorce process itself. For instance, parents who are able to communicate with each other and reach qualitative agreements at an early stage of their divorce may be able to prevent harmful effects on their children (Baracs & Vreeburg-van der Laan, 2014). In the Netherlands, divorcing parents of minor children are obliged to lay down post-divorce arrangements regarding their children in a written document, known as the parenting plan. Because previous research was unable to demonstrate the positive effects of this system as anticipated by the Dutch government (Tomassen-van der Lans, 2015, Spruijt & Kormos, 2014), researchers are suggesting a growing number of constructive alternatives. Among these, the one most frequently mentioned is that divorcing parents with minor children should (be obliged to) consult a divorce mediator.

The importance of divorce mediation has not escaped the notice of the Dutch government and has been on the political agenda since the late 1990s (Brenninkmeijer, 2005). The most recent example is a parliamentary bill in 2013 that aimed to promote the use of divorce mediation (Kamerstukken, 2014) – although the bill was ultimately withdrawn. While divorce mediation so far has not been formally implemented in Dutch law, it has been advocated as a potentially successful means of mitigating the adverse consequences of divorce because it is thought to make dispute resolution more efficient and family friendly (Emery, Sbarra & Grover, 2005). Additionally, divorce mediation mostly results in better parent-child and parent-parent relations than litigation (Schepard, 2001).

So far, the empirical evidence seems to suggest that divorce mediation may have positive effects (see review by Kelly, 2004). Dutch evidence regarding the positive effects of divorce mediation is scarce and dates back to the late 1990s. The relevant studies showed that the majority of people who agreed voluntarily to participate in divorce mediation or were sent by the court to consult a divorce mediator reached agreement and were satisfied with the mediation (Chin-A-Fat & Steketee, 2001). Even though most research demonstrates that divorce mediation has a positive impact on dispute settlement and on a couple's ability to reach (lasting) agreements, few studies have explored the relationship between divorce mediation and child well-being (Amato, 2010).

This chapter updates current knowledge about divorce mediation in the Netherlands and is one of the first to examine the relationship between divorce mediation and child well-being. We do this by asking three questions. The first is: to what extent do Dutch parents consult divorce mediators? We know little about this so far. Here, we make a distinction between two types of divorce mediation, voluntary and at the suggestion of a legal third party. Because parents in the Netherlands are under no legal obligation to consult a divorce mediator, most parents do so voluntarily. Nonetheless, the courts may refer parents to divorce mediation if they are unable to construct the mandatory parenting plan on their own (Boele-Woelki & Jonker, 2015), in most cases due to high levels of parental conflict. The second group of parents who consult a divorce mediator therefore consists of those who do so at the suggestion of a legal third party.

Second, we investigate which parents are likely to consult a divorce mediator. Besides knowing which personal characteristics might influence their decision, it is also important to know which parents do so because there may be a selective bias that could account in part for

any observed relationship between divorce mediation and its outcomes. In this investigation, we once again distinguish between voluntary divorce mediation and mediation on referral.

Third, we ask whether consulting a divorce mediator voluntarily or as suggested by of a legal third party is associated with higher child well-being than not consulting a divorce mediator at all. To offset possible selectivity in the group of parents who consult a mediator, we use statistical models that take such selectivity into account.

Studying divorce mediation in the Netherlands is of special interest because the country has one of the highest numbers of accredited mediators in Europe (European Commission for the Efficiency of Justice, 2014), meaning that most people can probably find and thus consult a divorce mediator. To answer our research questions, we use a recent Dutch database (New Families in the Netherlands) containing data on large numbers of (recently) divorced and separated parents who provided information on divorce mediation and child well-being. These data are therefore very suitable for this study.

## 5.2 Theoretical background

First, we discuss the theoretical assumptions that help to explain which people consult a divorce mediator voluntarily. We assume that the child, parent and relationship characteristics are important in explaining why parents do or do not consult a divorce mediator voluntarily. Second, we examine which parents are more likely to be referred to divorce mediation. Third, we present theoretical arguments showing why consulting a divorce mediator would serve child well-being.

### *Child characteristics*

In divorce mediation, most of the focus is on disputes related to childrearing (Emery, 1995). This implies that parents consult a divorce mediator because they are driven by their desire to arrange things properly for their children. If so, we can assume that certain child characteristics affect the likelihood that parents will consult a divorce mediator. One of these characteristics is the age of the youngest child. Parental separation is unpleasant and affects the whole family. The timing and the nature of that effect may vary depending on the age of the child who experiences the divorce. Older children may feel stress prior to the divorce, so that the divorce itself comes as a relief (Amato, 2000). For younger children, however, the negative effects of divorce may start the moment one of the parents leaves the household, ushering in a confusing time for them (Amato, 2000). Because divorce mediation helps parents to come to more family-oriented arrangements (Pruett, Ebling, & Cowan, 2011), which might also provide more clarity about the post-divorce situation, consulting a divorce mediator may serve the interests of younger children in particular. Moreover, because younger children experience a lengthier post-divorce period than their older siblings (simply because it takes them longer to leave the parental home), parents might feel a greater need to reach lasting agreements and will therefore be more willing to consult a divorce mediator. Since previous research has indicated that child development requires continuous care (Linker, Stolberg, & Green, 1999), it is in the interests of these children to ensure that they receive the care and attention that they need. Children who are more dependent on their parents, such as very young children and children who face psychological and/or physical problems, will have a greater need for regularity and continuity. Parents who wish to provide this will be more willing to consult a divorce mediator.

The third child characteristic that may play a role in parents deciding to consult a divorce mediator is the number of children. The need to make suitable post-divorce arrangements becomes even more crucial when more children are directly involved. The number of child support issues increases, and so does the number of potential conflicts because there are simply more family members to take into account (Criddle, Allgood & Piercy, 2003). Both factors intensify the need for post-divorce arrangements that address these issues, and make it all the more important that these arrangements are meticulous and well considered. Parents may need someone to help them reach such agreements and may therefore have a greater need to consult a divorce mediator. Consequently, the more children in the household, the more there is to arrange and the greater the need to consult a divorce mediator. Our hypothesis regarding child characteristics therefore reads:

*H1: The younger the youngest child, the more problems a child faces, and the more children there are in the household, the more likely it is that parents will consult a divorce mediator voluntarily (as opposed to not consulting a divorce mediator)*

#### *Parent characteristics*

Besides child characteristics, we also assume that parent characteristics affect the likelihood that parents will consult a divorce mediator. One prominent parent characteristic is educational attainment. We assume that this characteristic operates through the mechanism of awareness. Parents must be aware that divorce mediation is available before they can consult a mediator. It has been shown that a considerable number of divorcees are unaware that divorce mediation exists (Pasteels, Smit, Bastaitis & Mortelmans, 2014), which significantly limits their ability to consult a mediator. The study carried out by Pasteels et al. (2014) also revealed that in Flanders (Belgium), higher educated individuals are more likely to know about divorce mediation and also more likely to consult a mediator. The same was found in the Netherlands, where higher educated individuals are more likely to choose divorce mediation voluntarily (Chin-A-Fat & Steketee, 2001). Taking these considerations and findings into account, we expect that the higher educated at least one of the parents is, the more likely they are to consult a divorce mediator.

Another characteristic that may influence parents' likelihood of consulting a divorce mediator is if one or both face personal problems. In this case, both partners feel a greater need for an impartial person who can help them negotiate post-separation child care arrangements while respecting both parents' wishes. With one of the aims of divorce mediation being to support parents' (mental) well-being (Hoefnagels, 2007), consulting a divorce mediator might serve these parents' needs. Following these arguments, we have formulated the following hypothesis:

*H2: The higher educated (one of) the parents or the more problems faced by (one of) the parents, the more likely it is that the parents will consult a divorce mediator (as opposed to not consulting a divorce mediator)*

#### *Relationship characteristics*

We also assume that the characteristics that typify the relationship between the parents influences the decision to consult a divorce mediator. The first characteristic is the length of the relationship. People in longer relationships may be more willing to proceed with caution when ending their relationship. In line with this assumption, an Italian study shows that those who

divorced by mutual consent were, on average, married longer than those involved in contested divorces requiring judicial intervention (Lavadera, Caravelli, & Togliatti, 2013). Moreover, from our second chapter we know that among formerly cohabiting parents in the Netherlands, couples in shorter relationships are less likely to draw up a parenting plan. Both findings suggest that the longer people are together, the more likely they are to reach mutual agreements. This may indicate that they are more likely to invest in their post-divorce relationship. Consulting a divorce mediator can be considered an investment in ending a marriage without rancor. We thus assume that the longer parents are together, the more likely they are to consult a divorce mediator.

The level of parental conflict prior to divorce is the second important relationship characteristic. The higher the level of parental conflict, the harder it presumably is for parents to make post-divorce arrangements. Because consulting a divorce mediator may help parents resolve their divorce-related disputes (Emery, 1995), parents encountering higher levels of conflict will benefit most from divorce mediation. Additionally, unlike adversarial settlement proceedings, divorce mediation embraces a cooperative approach to dispute resolution (Emery et al., 2005). Knowing that divorce mediation lowers parental conflict (McIntosh, Wells, Smyth & Long, 2008) and that communication is negatively affected by conflict (Linker, Stolberg, & Green, 1999), parents who experience high levels of conflict have a greater need for divorce mediation. Our hypothesis therefore reads:

*H3: The longer the relationship and the higher the level of pre-divorce conflict, the more likely it is that parents will consult a divorce mediator (as opposed to not consulting a divorce mediator)*

#### *Mediation suggested by a legal third party*

As mentioned in the introduction, divorce mediation is not mandatory in the Netherlands. It is therefore mainly up to the parents themselves to decide whether to consult a divorce mediator. In previous sections, we hypothesized which parents are more likely to do so. However, despite the voluntary nature of divorce mediation in the Netherlands, not all of those who consult a divorce mediator do so out of their own volition. We know that the courts can refer parents to a divorce mediator if they were unable reach agreement about their post-divorce arrangements (Boele-Woelki & Jonker, 2015). Although some of the aforementioned characteristics that we hypothesized may influence the decision to consult a divorce mediator voluntarily – such as parents' personal problems or number of children – also affect parents' ability to reach agreements and may therefore cause a third legal party to refer them to divorce mediation, we expect the role of parental conflict to be particularly important. The courts are especially inclined to propose mediation when they believe that a court decision will not resolve the problem or when adversarial parties need to continue communicating with each other in the future (Gerritsen, Weda & Poort, 2009). In both instances, the courts are addressing parents in a high-conflict situation, especially in terms of their continued parenting after divorce. Thus, divorcing parents who have higher levels of conflict are less likely to reach agreement and are thus more likely to be referred to divorce mediation by the courts. We have therefore formulated the following hypothesis:

*H4: The higher the level of pre-divorce conflict, the more likely it is that parents will consult a divorce mediator at the suggestion of a legal third party (as opposed to not consulting a divorce mediator)*



*Does consulting a divorce mediator serve child well-being?*

Several of the aims of divorce mediation itself provide a strong indication of why it should have a positive impact on child well-being. First, unlike traditional dispute resolution such as litigation, divorce mediation shifts the focus to the family's needs and interests, both in the present and in the future (Pruett et al., 2011). A divorce mediator who is involved in the divorce process can offer parents neutral assistance as they negotiate post-divorce solutions (Pruett et al., 2011), something that is more likely to serve the family's needs and interests than a more adversarial process, which is more likely to fuel destructive family dynamics (Pruett et al., 2011) and where the focus tends to be on the past (Firestone & Weinstein, 2004). If divorce mediation is better able to serve the family's needs and interests, this will also be in the child's best interest.

Second, divorce mediation may lower parental conflict (Emery et al., 2005). Parental conflict is the main reason that children face difficulties after their parents separate (Amato, 2010) and feel as if they are caught in the middle (Amato & Afifi, 2006). Divorce mediation lowers parental conflict (McIntosh et al., 2008) and may thus benefit children experiencing parental divorce. Moreover, unlike adversarial divorce settlement proceedings that may aggravate or even spark parental conflict, divorce mediation is believed to be a more cooperative method of dispute resolution (Emery et al., 2005). Parental conflict may also hinder parents from making agreements that are in their child's best interest (Kelly 2008). Consequently, lowering parental conflict is in the child's best interest for multiple reasons.

Third, divorce mediation improves the co-parenting relationship (Emery & Emery, 2014)). That is important, because communication can influence the ability to cope with divorce. Closer communication between the two parents is also more likely to spill over to the communication between the parents and the child, which ultimately also promotes child well-being. Children are better able to cope with divorce when they can communicate their stress (Afifi, Huber & Ohs, 2006).

Fourth, divorce mediation may lead to closer compliance with the post-divorce agreements (Wardle & Nolan, 2011) because parents have reached these agreements themselves (Emery et al., 2005). When parents come to mutual agreements, they are also more likely to be satisfied with these agreements and more likely to cooperate after the divorce (Amato, 2010). When that is the case, it is also more likely that both parents will remain actively involved in the life of their child. Emery, Laumann-Billings, Waldron, Sbarra & Dillon (2001) found that among non-resident parents, those who had mediated instead of litigated had more contact with and were more involved in their children's lives. Taking all these considerations into account, we assume that divorce mediation serves child well-being. The arguments presented above underscore the positive potential of divorce mediation, and so we assume that divorce mediation will serve child well-being regardless of how parents came to consult a divorce mediator. We therefore hypothesize as follows:

*H5: Children whose parents consulted a divorce mediator voluntarily and children whose parents consulted a divorce mediator at the suggestion of a legal third party experience greater well-being than children whose parents did not consult a divorce mediator*

### 5.3. Data, operationalization and methods

#### 5.3.1 Data

In this chapter, we analyze data collected in 2012 and 2013 in the New Families in the Netherlands (NFN) survey (Poortman, Van der Lippe & Boele-Woelki, 2014). The survey involved formerly married and cohabiting individuals from the Netherlands who ended their relationship in 2010. The sample was drawn at random by Statistics Netherlands. Both former partners were contacted by letter and invited to complete a web survey covering their arrangements and other characteristics before, after and during their separation. In about one third of the couples contacted, both former partners participated in the survey. Concerning the overall response rate, about 39 percent of the parents who were approached participated, with the response rates being higher for formerly married (43 percent) than for formerly cohabiting parents (32 percent). The response rate was higher (58 percent) for households, i.e. when at least one parent in the former household participated in the survey; once again, formerly married households were more likely to respond (63 percent) than formerly cohabiting households (49 percent). These response rates are relatively high for a web-based survey in the Netherlands, a country known for its relatively low response rates (De Leeuw & De Heer, 2001). The response rates can also be considered quite high given that those approached had recently separated and may have been less willing to participate as a result. Men, younger people, individuals of non-Western descent and people living in urban areas were found to be underrepresented in the data.

The total sample consisted of 4,481 recently divorced/separated respondents with children. We excluded same-sex couples ( $n = 33$ ) and parents who reported having children younger than four ( $n = 228$ ) or older than seventeen ( $n = 92$ ), since the well-being measure used in this chapter is best for children aged between four and seventeen (for more details, see below).

With respect to our control variables, 47 respondents were excluded because they did not report the age of their child or reported an invalid value. A further 106 respondents were excluded because they had a missing value on the dependent variable ( $n = 21$ ) or on one of the independent variables ( $n = 85$ ). Another 30 respondents were excluded because they reported that the proposal to consult a divorce mediator came from 'Other, namely:' As a consequence, the nature of their divorce mediation was unclear and we therefore decided to omit them from the analyses. With respect to our control variables, 20 respondents were excluded because they did not indicate the gender of their child. In the end, this study thus investigates 3,925 respondents from 3,087 Dutch households.

#### 5.3.2 Measures

*Child well-being.* To construct this measure, we used the parent self-report version of the Strengths and Difficulties Questionnaire (SDQ) (Goodman, 1997). Respondents with more than one child were asked to report on only one of their children. Respondents with children older than ten were asked to report on their youngest child. If all their children were younger than ten, they were asked to report on their eldest child. The respondents were given 25 statements regarding their focal child's behavior over the last six months. Response categories for each item were (0) 'not true', (1) 'somewhat true', and (2) 'absolutely true'. Following the instructions of the SDQ website, we excluded the subscale (5 items) reflecting on prosocial behavior. Our dependent variable was computed by adding the outcomes of the other subscales. This variable can therefore range between 0 and 40, with a higher score representing more difficulties and thus

lower child well-being. Because the distribution of this variable was rightly skewed, we log-transformed our dependent variable using the natural logarithm.

*Consulted a divorce mediator.* We asked the respondents whether they had consulted a professional/divorce mediator during their divorce proceedings, with response alternatives being (1) 'yes' or (0) 'no'. Those who answered 'yes' were asked a follow-up question about who had proposed consulting a divorce mediator. These respondents chose one of the following answer categories: 'I did,' 'My ex-partner,' 'Both, by mutual consent,' 'Both, each on our own initiative,' 'Lawyer,' 'Judge/court,' 'Notary,' 'Legal desk,' and 'Other, namely:.' This allowed us to determine whether a third party had proposed consulting a divorce mediator or whether the proposal came from at least one of the ex-partners. If the respondent answered 'Lawyer,' 'Judge/court,' 'Notary,' or 'Legal desk,' we coded this respondent as having been referred to divorce mediation by a legal third party. As explained in the data section, 30 respondents answered 'Other, namely:.' and were omitted from the analyses because of the wide range of reasons given for choosing the 'Other' category. As a result, we constructed three groups to represent this variable 1) those who did not consult a mediator, 2) those who consulted a divorce mediator on their own initiative (voluntary mediation), and 3) those who consulted a divorce mediator at the suggestion of a legal third party (somewhat involuntary mediation). The distribution of this variable is presented in Figure 5.1.

*Age of youngest child.* This variable represents the age in years of the youngest child of the former household at the time of the interview.

*Child problems.* Respondents answered three questions asking whether (1) or not (0) the following had happened to one of their children before parental separation: severe physical illness (e.g. disability), behavioral problems (e.g. stealing), and social or psychological problems (e.g. being bullied). We constructed a count variable from the responses whereby a higher score indicates that the children had had more problems.

*Number of children.* This variable represents the number of children the respondent has with the partner from whom he/she was divorced.

*Highest level of education in the household.* We selected the highest level of education of the child's parents, ranging from (1) 'Did not complete elementary school' to (10) 'Post-graduate'.

*Parents' personal problems.* We used four questions to construct this independent variable. Respondents were asked whether the following situations (1) had or (0) had not happened to them and/or their ex-partner during their relationship: severe physical illness or handicap, severe psychological problems, violence, drug or alcohol addiction, and trouble with the law (traffic violations excluded). We constructed a count variable from the responses whereby a higher score indicates that at least one of the former partners had had more personal problems.

*Length of the relationship.* We constructed this variable by calculating the difference between the year the former partners started living together and the year they started living apart; the variable is presented in years.

90 **Table 5.1.**

Descriptive statistics of the variables under study

	Formerly married parents (n = 3,014)			Formerly cohabiting parents (n = 911)		
	Range	Mean	St. dev. <sup>a</sup>	Range	Mean	St. dev. <sup>a</sup>
<i>Dependent variable:</i>						
Child difficulties (log)	0 – 2.996	1.473	.748	0 – 2.944	1.480	.752
<i>Independent variables:</i>						
Age youngest child	0 – 17	9.933	3.984	0 – 17	7.271	3.637
Number of children	1 – 10	2.026	.801	1 – 5	1.690	.736
Child problems	0 – 3	.593	.877	0 – 3	.480	.841
Highest level of education in the household	2 – 10	6.966	1.795	1 – 10	7.072	1.759
Parent's personal problems	0 – 4	.557	.832	0 – 4	.588	.894
Length of relationship (in years)	0 – 39	14.999	6.107	0 – 34	10.377	5.845
Pre-divorce conflict	0 – 3	1.332	.805	0 – 3	1.471	.821
<i>Controls:</i>						
Gender respondent (1 = female)	0/1	.561	-	0/1	.618	-
Gender target child (1 = girl)	0/1	.475	-	0/1	.484	-

<sup>a</sup> = Not presented for dichotomous variables

*Pre-divorce conflict.* The respondents were presented with five statements regarding the presence of tensions, disputes, arguments etc. in the year prior to divorce. They could indicate whether the situation described in the statement never happened (0), sometimes happened (1), happened regularly (2) or happened often (3). We used the responses to construct a mean-scale ( $\alpha = .872$ ) ranging from 0 to 3.

*Controls.* In all our analyses, we control for the gender of the child who is the subject of the SDQ and for the gender of the respondent. The descriptive statistics of all variables under study are presented in Table 5.1.

### 5.3.3 Analytical strategy

In our first step, we used descriptive statistics to examine how many parents consult a divorce mediator. We distinguished between not consulting a divorce mediator, consulting a divorce mediator on the initiative of one or both parents, and consulting a divorce mediator at the suggestion of a legal third party. In the next step, we examined which people are more likely to consult a divorce mediator voluntarily and which are more likely to consult a divorce mediator after referral by a legal third party. We compared both groups with those who do not consult a divorce mediator using logistic regression analyses. To examine which parents are more likely to use divorce mediation voluntarily rather than no divorce mediation, we included the independent variables – the hypothesized child, parental and relationship characteristics – and our control variables in the logistic regression analyses. Although we only hypothesized that parental conflict influences the likelihood of parents being referred to divorce mediation, we also included the other characteristics for reasons of completeness and comparability. Thereafter, we examined whether consulting a divorce mediator serves child well-being compared to not consulting a divorce mediator and distinguished between voluntary consultation and referred consultation.

We understand that the most effective way to examine the role of divorce mediation is the random assignment of the ‘treatment.’ For obvious reasons we could not do this with our sample. In an effort to account for possible selection bias within the role of divorce mediation and how this relates to child well-being, we decided to perform linear regression analyses with endogenous treatment. This linear potential-outcome model allows for a specific correlation structure between the unobservables affecting divorce mediation and unobservables affecting child well-being. Performing linear regression analyses with endogenous treatment allowed us to estimate the potential effect of divorce mediation on child well-being using observational data. In examining the potential effect of voluntary mediation on child well-being, we took into account the variables that we hypothesized to explain why parents consult a divorce mediator voluntarily. The parameters estimated by means of endogenous treatment regression analyses can be used to estimate the average treatment effect of divorce mediation when the outcome (child well-being) is not conditionally independent of the treatment (divorce mediation) (StataCorp, 2013). Moreover, we also performed analyses comparing the average treatment effect on child well-being of consulting a divorce mediator at the suggestion of a legal third party with not consulting a divorce mediator. Because in some cases both parents participated in the survey, we clustered all our regression analyses at the household level. In using linear regression with endogenous treatment, we performed our analyses with a maximum likelihood estimator. For robustness purposes, we also performed the same analyses with a two-stage estimator and with

1000 bootstrap replications. It should be noted that the average treatment effect of divorce mediation in all our models loses significance when we use the two-stage estimator, but remains the same with the bootstrap replications. We decided to present the models with maximum likelihood estimation, but bore the outcomes of the two-stage estimator in mind when interpreting the results.

In all our analyses, we distinguish between formerly married and formerly cohabiting parents. We decided to make this distinction because there is a difference in the formality of the relationship. Married parents always require a lawyer to submit a petition for divorce (Chin-A-Fat, 2011). No such a petition is needed to end a cohabiting relationship. Unlike formerly cohabiting parents, then, all formerly married parents who did not consult a divorce mediator will have had contact with a legal practitioner during their divorce proceedings. It is therefore difficult to compare the parents in the two groups in their consultation of a divorce mediator.

## 5.4 Results

We began our examination of divorce mediation in the Netherlands by exploring the extent to which parents consult divorce mediators. Figure 5.1 displays the extent to which parents consulted a divorce mediator and whether they did so voluntarily or somewhat involuntarily. We can see that among formerly married parents, about 42 percent consult a divorce mediator voluntarily. The group that is referred to divorce mediation by a legal third party is substantially lower at 5 percent. These numbers are somewhat different for formerly cohabiting parents, at 26 percent and 4 percent respectively.

**Figure 5.1**  
Distribution of the nature of divorce mediation.

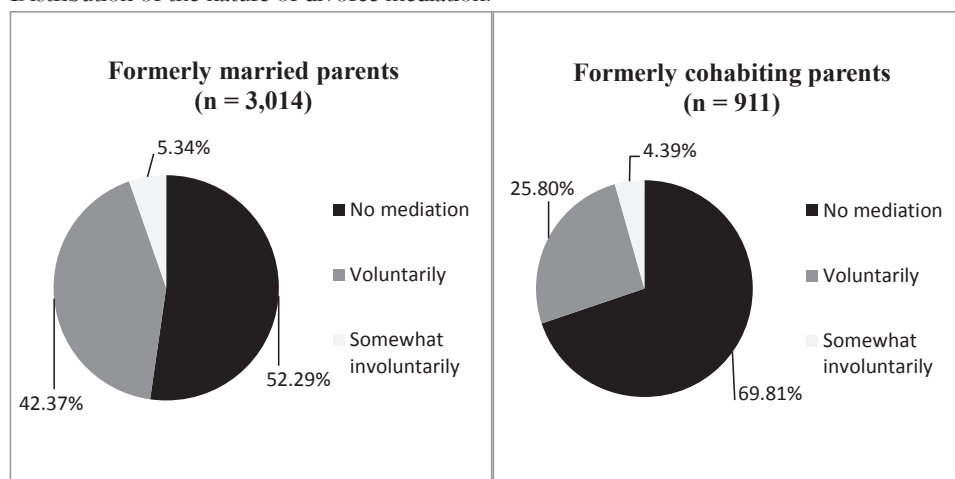


Table 5.2 shows the influence of respondents' characteristics on the likelihood of their consulting a divorce mediator voluntarily versus their not consulting a divorce mediator. As expected, the age of the youngest child affects whether parents consult a divorce mediator. The younger their child, the more likely they are to consult a divorce mediator. The results regarding the educational level of the parents are in line with our expectations as well. The higher the best-

Table 5.2.

Logistic regression predicting the consultation of a divorce mediator

	Formerly married parents				Formerly cohabiting parents			
	Mediator (yes/no) (voluntarily)		Mediator (yes/no) (referred)		Mediator (yes/no) (voluntarily)		Mediator (yes/no) (referred)	
	B	SE	B	SE	B	SE	B	SE
<i>Variables:</i>								
Age youngest child	-.042**	.014	-.056	.025	-.092**	.032	-.064	.059
Number of children	-.057	.060	.205	.106	.008	.136	.325	.230
Child problems	.013	.049	.026	.090	.074	.108	-.178	.201
Highest level of education in the household	.179***	.024	-.002	.049	.179**	.055	-.104	.091
Parent's personal problems	-.125*	.053	.194*	.099	-.267*	.107	-.061	.164
Length of relationship	.049***	.010	.004	.017	.063**	.021	-.059	.036
Pre-divorce conflict	-.113*	.055	.424**	.123	.250*	.115	.536*	.227
<i>Controls:</i>								
Gender respondent (1 = female)	-.146*	.067	.199	.167	-.436*	.137	-.643	.328
Gender target child (1 = girl)	.099	.087	-.027	.181	-.153	.176	.266	.345
N		2853		1737		871		676
Pseudo R <sup>2</sup>		.034		.041		.051		.065

\* p < .05, \*\* p < .01, \*\*\* p < .001 (two-sided)

educated person of the household is, the more likely it is that the parents consulted a divorce mediator voluntarily. Table 5.2 also shows that, in accordance with our expectations, those who were in longer relationships were more likely to consult a divorce mediator. With respect to parent's personal problems, we find the opposite of what we expected. The more problems at least one of the parents faced, the less likely it is that they consulted a divorce mediator voluntarily. Contrary to our hypothesis, the number of children and whether at least one child faced psychological and/or physical problems did not seem to affect the likelihood of the parents voluntarily consulting a divorce mediator. All these findings hold true for both formerly married and formerly cohabiting parents, with one exception: in the case of formerly cohabiting parents, we find that the higher the level of pre-divorce parental conflict, the more likely the parents are to consult a divorce mediator, whereas we find the opposite for formerly married parents. This group of parents is less likely to consult a divorce mediator voluntarily when there is more pre-divorce parental conflict.

We also examined which parents consulted a divorce mediator at the suggestion of a legal third party rather than not consult a divorce mediator. The results are also shown in Table 5.2. In line with our expectations, we see that the level of pre-divorce parental conflict affects the likelihood of referral to a divorce mediator. This finding is true for both formerly married and formerly cohabiting parents. Except for the role of parent's personal problems among formerly married parents, which positively affects the likelihood of parents being referred to divorce mediation, no other characteristics appear to affect this relationship.

In Table 5.3, we estimate the average treatment effect (ATE) of consulting a divorce mediator voluntarily on the natural logarithm of child difficulties. We estimate this for both formerly married and formerly cohabiting parents. Table 5.3 indicates that consulting a divorce mediator is potentially not associated with child well-being in the case of formerly married parents. That is otherwise for formerly cohabiting parents: there, we see that the estimated ATE of consulting a divorce mediator voluntarily is  $-1.088$  ( $p < .001$ ), indicating that in this group, voluntary mediation is potentially associated with fewer child difficulties. At the bottom of Table 5.3, we also present  $\rho$  ( $\rho$ ), which represents the estimated correlation between the outcome errors and the treatment-assignment errors. For formerly cohabiting parents this correlation is positive ( $\rho = .741$ ), indicating that the unobservables that increase child difficulties tend to occur in tandem with unobservables that increase the likelihood of voluntary divorce mediation.



**Table 5.3**

Linear regression with endogenous treatment predicting child difficulties  
(treatment = consulting a divorce mediator voluntarily)

	<i>Formerly married parents (n = 2,853)</i>		<i>Formerly cohabiting parents (n = 871)</i>	
	B	SE	B	SE
<b>Child difficulties</b>				
Consulting a divorce mediator (1 = yes)	.015	.133	-1.088***	.125
Age youngest child	-.015**	.005	-.0041***	.011
Number of children	-.065**	.020	-.142**	.050
Child problems	.224***	.016	.245***	.036
Highest level of education in the household	-.055***	.010	-.023	.016
Parent's personal problems	.054**	.018	-.052	.036
Length of relationship	-.001	.003	.010	.007
Pre-divorce conflict	.068***	.019	.132**	.039
Gender respondent (1= female)	-.086**	.024	.008	.045
Gender target child (1 = girl)	-.250***	.028	-.163**	.051
<b>Consulting a divorce mediator (1= yes)</b>				
Age youngest child	-.025**	.009	-.058**	.018
Number of children	-.033	.036	.007	.077
Child problems	.004	.031	.034	.059
Highest level of education in the household	.109***	.015	.093**	.030
Parent's personal problems	-.080*	.033	-.147*	.062
Length of relationship	.030***	.006	.038**	.012
Pre-divorce conflict	-.073*	.034	.126*	.064
Wald Chi <sup>2</sup>	519.71		187.11	
Rho	-.018	.115	.741	.063
Sigma	.688	.009	.824	.035

\* p < .05, \*\* p < .01, \*\*\* p < .001 (two-sided)

In Table 5.4, we perform identical analyses to those presented in Table 5.3, the only difference being that we compare parents who were referred to a divorce mediator by a legal third party with parents who did not consult a divorce mediator. Contrary to the results presented in Table 5.3, here we find a potential association between consulting a divorce mediator and child well-being for formerly married parents.

**Table 5.4**

Linear regression with endogenous treatment predicting child difficulties  
(treatment = consulting a divorce mediator somewhat involuntarily)

	<i>Formerly married parents (n = 1,737)</i>		<i>Formerly cohabiting parents (n = 676)</i>	
	B	SE	B	SE
<b>Child difficulties</b>				
Consulting a divorce mediator (1 = yes)	-.806***	.150	-1.303***	.153
Age youngest child	-.012*	.005	-.026**	.010
Number of children	-.081***	.022	-.120**	.044
Child problems	.205***	.020	.226***	.034
Highest level of education in the household	-.059***	.009	-.065***	.015
Parent's personal problems	-.054**	.020	-.015	.030
Length of relationship	-.003	.004	-.001	.006
Pre-divorce conflict	.094***	.026	.122**	.039
Gender respondent (1= female)	-.075*	.031	-.010	.052
Gender target child (1 = girl)	-.218***	.035	-.207***	.054
<b>Consulting a divorce mediator (1= yes)</b>				
Pre-divorce conflict	.256***	.055	.235**	.084
Wald Chi <sup>2</sup>	384.74		207.27	
Rho	.611	.107	.833	.042
Sigma	.726	.020	.757	.025

\*  $p < .05$ , \*\*  $p < .01$ , \*\*\*  $p < .001$  (two-sided)

Table 5.4 shows that the estimated ATE of consulting a divorce mediator at the suggestion of a legal third party is  $-.806$  ( $p < .001$ ), indicating that divorce mediation is potentially associated with fewer child difficulties for formerly married parents who were referred to mediation. The same is found for formerly cohabiting parents, with an ATE of  $-1.303$  ( $p < .001$ ). For both groups, the estimated correlation between the outcome errors and the treatment-assignment errors is found to be positive, with  $\rho = .611$  for formerly married parents and  $\rho = .833$  for formerly cohabiting parents.

## 5.5 Discussion

This chapter examined divorce mediation in the Netherlands. Our conclusions are threefold. First, we aimed to explore the extent to which parents in fact do consult a divorce mediator. We conclude that almost half of Dutch formerly married parents consult a divorce mediator, and most do so voluntarily. The proportion of formerly cohabiting parents who consult a divorce mediator voluntarily is with about a third of the parents who do so lower, but here too, the majority consult a divorce mediator on their own initiative. The higher proportion of Dutch parents who consult a divorce mediator can be attributed to the fact that the Netherlands has one of the largest numbers of accredited mediators in Europe. Because we believe that supply

generally matches demand to a certain extent, this may also indicate a high level of usage among divorcing and separating parents. Although the proportion of Dutch parents who consult a divorce mediator is quite high, the extent to which they do so voluntarily differs depending on whether they were married or cohabiting. This difference can be attributed to the fact that all formerly married parents are required to engage a lawyer to finalize their divorce, whereas this is not the case for formerly cohabiting parents. In other words, all formerly married parents already have a legal practitioner involved in their divorce proceedings, and because some Dutch lawyers are also accredited divorce mediators, this may well explain why the proportion of formerly married parents who voluntarily consult a divorce mediator is somewhat higher than the proportion of formerly cohabiting parents.

Second, we conclude that those who are more likely to consult a divorce mediator voluntarily are a selective group with regard to several characteristics. In terms of child characteristics, we conclude that parents whose youngest child is a younger age are more likely to consult a divorce mediator voluntarily. Given that younger children benefit from regularity and continuity (Lamb, Sternberg, & Thompson, 1997), and that the parents are the ones who are generally responsible for providing such regularity and continuity, this finding suggests that parents want to ensure a stable environment for their children even after their divorce. Additionally, younger children generally experience the post-divorce period longer than older children, and the parents might feel a greater need to make lasting and clear arrangements and are therefore more inclined to consult a divorce mediator voluntarily. The same argument may apply for children who face psychological and/or physical problems and for the number of children in the household. Children who face more problems may also benefit from regularity and continuity, and when there are more children in the household, more children are affected by the divorce. In this case, parents might be more willing to consult a divorce mediator. Our findings, however, do not find show that parents are more likely to consult a divorce mediator voluntarily the more their children face psychological and/or physical problems or the higher the number of children in the household. In investigating the role of parent characteristics, we see that higher educated parents are more likely to consult a divorce mediator voluntarily. This may be due to greater awareness, as Belgian research has shown that a considerable number of divorcing parents are unaware of the option of divorce mediation, especially those who are lower educated (Pasteels et al., 2014). If unfamiliarity with divorce mediation is a barrier to parents consulting a mediator, information provision would go a long way toward addressing this problem. An alternative explanation may be the cost of divorce mediation, as it is more expensive to include divorce mediation in divorce proceedings than not doing so. In general, higher educated individuals also have higher incomes and may therefore be more able to afford and thus more likely to consult a divorce mediator.

Another parent characteristic we found influences the likelihood of parents consulting a divorce mediator voluntarily is whether they have personal problems. The more personal problems faced by at least one of the parents, the less likely it is that they will consult a divorce mediator voluntarily. This finding may reflect the restrictions parents experience when such problems are present.

Besides child and parent characteristics, we found that relationship characteristics also influence the likelihood that parents will consult a divorce mediator. We concluded that the longer the relationship, the more likely parents are to consult a divorce mediator voluntarily. This suggests that those who were together longer have invested more in their relationship and are

thus more willing to work together on an appropriate post-divorce relationship with the help of a divorce mediator. Conversely, it also indicates that those who were in relatively shorter relationships are less willing (or able) to make this investment, raising doubts about their post-divorce relationship and, perhaps even more importantly, how this will affect the well-being of their child in the long run.

So far, all the characteristics found to influence the likelihood of parents consulting a divorce mediator voluntarily did so whether or not the parents were married. However, the level of pre-divorce parental conflict revealed differences between formerly married and formerly cohabiting parents and their likelihood of consulting a divorce mediator voluntarily. For formerly married parents, higher levels of pre-divorce parental conflict decreased the likelihood of their consulting a divorce mediator voluntarily, whereas for formerly cohabiting parents, higher levels of pre-divorce parental conflict increased that likelihood. Perhaps this difference can be attributed to how these relationships end. Formerly cohabiting parents can end their relationship informally, whereas formerly married parents have to go to court. As a result, higher levels of parental conflict may cause parents in the latter group to litigate rather than consult a divorce mediator.

This chapter also examined the characteristics of parents who consult a divorce mediator at the suggestion of a legal third party. We conclude that both formerly married and formerly cohabiting parents are more likely to consult a divorce mediator at the suggestion of a legal third party in the event of high pre-divorce parental conflict. This may be because judges can refer parents to a divorce mediator if they are unable to draw up a parenting plan (Boele-Woelki & Jonker, 2015), and we know from Chapter 2 that the level of parental conflict negatively affects the likelihood of parents drawing up such a plan. So when parents engage in high levels of conflict, they may have a greater need to consult a divorce mediator, and this need is also witnessed by legal third parties, perhaps encouraging them to suggest that these parents consult a divorce mediator.

Third, we investigated the implications of divorce mediation for the well-being of the child of divorced parents. Our findings are inconclusive. Among formerly married parents who consulted a divorce mediator voluntarily, we found no effects on child well-being. However, among formerly cohabiting parents we see that divorce mediation potentially may be positively associated with child well-being. This difference between formerly married and formerly cohabiting parents in terms of treatment effect is quite interesting and should be explored further. The explanation may lie in the fact that all formerly married parents already consult a lawyer during their divorce proceedings. The lawyer who submits the petition for divorce may also help divorcing parents with their arrangements to some extent. If so, then there is a major difference between the group of formerly married parents who do not consult a divorce mediator and the group of formerly cohabiting parents who do not do so.

We also examined the average treatment effect for both formerly married and formerly cohabiting parents who were advised to consult a divorce mediator by a legal third party. For both groups, the analyses revealed a potential positive effect of divorce mediation. Bearing in mind that both these groups experience higher levels of parental conflict, this finding suggests that those who need to consult a divorce mediator should be advised to do so, as it may be in their child's best interests. We should, however, proceed with caution when it comes to such conclusions because the group referred to divorce mediation is very small and maybe selective. Alternatively, our results may also indicate that the courts are quite capable of detecting which

parents may benefit from divorce mediation. Because the success of mediation depends on the willingness of both former partners to negotiate, those who are unwilling to do so do not get referred.

One could say that these findings suggest that divorce mediation should be made compulsory. Nonetheless, we advise caution concerning such suggestions and would stress that more research is needed, especially considering the controversial nature of compulsory divorce mediation in Europe. In Norway, for instance, divorce mediation became compulsory for both divorcing and separating parents of minor children in 2007 (James, Haugen, Rantalaaho & Marples, 2010), yet research indicates that 80 percent of Norwegian divorcing parents only attend a single session of divorce mediation (Tjersland, Gulbrandsen & Haavind, 2015), the minimum required by the Norwegian government. The current system in Norway is also unsatisfactory for almost 70 percent of parents experiencing high levels of conflict (Tjersland et al, 2015), which is probably the group that could benefit most from divorce mediation. This suggests that compulsory divorce mediation is not the perfect solution.

Our study revealed new insights into the role of divorce mediation in the Netherlands, but we must also address some shortcomings. First, we could not distinguish between divorce mediation and divorce litigation. It may be that those who consulted a divorce mediator also litigated. Long and intense litigation may overshadow the possible effects of divorce mediation. Second, we did not allow for the style and goal of the divorce mediator, which are found to affect the divorce mediation process (Baitar, Buysse, Brondeel, De Mol & Rober, 2013). Third, we used cross-sectional survey data and were therefore not able to study the effects entirely without selectivity. Apart of the analyses of voluntarily divorce mediation for formerly married parents, the rho in all our models was quite high which does justify the use of models with endogenous treatment. Still, some comments about the analytical strategy should be made. In our current analyses we could not include any variables that are only of influence with respect to divorce mediation and not for child well-being. Including such a variable (e.g. personally knowing a divorce mediator) will increase the reliability of the models. Bearing in mind that all reported average treatment effects of any form of mediation lose their significance when we use a two-stage estimator, increasing the reliability of the models is thus advisable. We therefore advise future researchers, when using observational data, to include more items in their questionnaire that influence either the treatment or the outcome. Future researchers should also examine differences in the effect of divorce mediation and divorce litigation on child well-being longitudinally, and preferably using an experimental design.

The role and characteristics of the specific divorce mediator should also be taken into account. Furthermore, we do not know what parents and the divorce mediator discuss during their sessions. We expect that the outcomes for both children and parents differ depending on the content of their discussion. Future research might thus benefit from a more qualitative approach to examining the role of divorce mediation.



Nederlandse samenvatting

(Summary in Dutch)





Elk jaar maken ongeveer 33.000 Nederlandse minderjarige kinderen mee dat hun ouders scheiden; als we hierbij ook de kinderen van samenwonende ouders meetellen, stijgt dat aantal naar tussen de 50.000 en 60.000 (De Graaf, 2011). Eerder onderzoek toont al geruime tijd de negatieve effecten van echtscheiding voor zowel kinderen als ouders aan (zie bijvoorbeeld Amato, 2000, Kalmijn & Monden, 2006). De Nederlandse regering streeft ernaar om die negatieve gevolgen van echtscheiding te verzachten, en vooral voor kinderen. Twee beleidsmaatregelen die mogelijk dit doel zouden kunnen bereiken werden de afgelopen decennia nadrukkelijk besproken; 1) een bemiddelaar inschakelen om ouders te helpen overeenstemming te bereiken, en 2) het introduceren van regelingen die ouders verplichten om hun afspraken na de (echt)scheiding schriftelijk vast te leggen. Hoewel verplichte bemiddeling bij (echt)scheiding vaak is gesuggereerd, zowel binnen als buiten de politiek (Kamerstukken, 2004, Baracs & Vreeburg-Van der Laan, 2014), is deze maatregel tot dusver niet ingevoerd. De andere maatregel werd echter wel geformaliseerd, dit gebeurde in 2009 door middel van de introductie van de Wet bevordering voortgezet ouderschap en zorgvuldige scheiding. Deze wet verplicht ouders die het gezamenlijk gezag over hun minderjarige kinderen uitvoeren om een ouderschapsplan op te stellen als ze uit elkaar gaan. In dit proefschrift staan beide benaderingen centraal, en wordt onderzocht hoe ze zich hebben gemanifesteerd in het leven van gezinnen na (echt)scheiding.

Aangezien het ouderschapsplan sinds 2009 een verplicht onderdeel is van de echtscheidingsprocedures in Nederland zal de meeste aandacht in dit proefschrift gericht zijn op het ouderschapsplan. Er wordt specifiek onderzocht óf ouders een ouderschapsplan opstellen én welke ouders dat doen. Hoewel het ouderschapsplan verplicht is, voor zowel ouders die hun huwelijk beëindigen als ouders die hun samenleving beëindigen, voldoen waarschijnlijk niet alle ouders aan de vereisten van deze wet. Dit geldt vooral voor voormalig samenwonende ouders. Deze groep doorloopt in principe geen juridische procedures als ze uit elkaar gaan, waardoor er geen (juridische) controle is of ze zich houden aan de wettelijke vereisten rondom hun scheiding. Vanuit dit perspectief is het interessant om te onderzoeken of deze ouders daadwerkelijk een ouderschapsplan opstellen en welke ouders dat nalaten. De Nederlandse regering heeft het verplichte ouderschapsplan geïntroduceerd omdat het van mening is dat dit uiteindelijk in het belang van het kind zou moeten zijn. Critici vreesden echter dat het plan niet het beoogde effect zou bereiken. Het verplichte karakter van het ouderschapsplan zou in averechtse effecten kunnen resulteren, omdat het maar de vraag is of ouders het altijd constructief zullen inzetten (Van der Lans, 2011). Bovendien zijn de wettelijke criteria voor wat er specifiek in het ouderschapsplan moet worden vastgelegd onduidelijk (Ackermans-Wijn & Brands-Bottema, 2009). In dit proefschrift wordt onderzocht hoe het verplichte ouderschapsplan in de praktijk werkt door na te gaan of ouders daadwerkelijk ouderschapsplannen opstellen. Verder wordt er onderzocht welke ouders een ouderschapsplan opstellen, wat er in het ouderschapsplan wordt vastgelegd en of het ouderschapsplan het effect heeft het zoals de Nederlandse overheid bedoelde.

In dit proefschrift wordt ook aandacht besteedt aan de werking van professionele bemiddeling bij (echt)scheiding, een aanpak die nog niet als (verplicht) onderdeel in Nederland geïmplementeerd is maar die wel wordt besproken. Omdat bemiddeling nog geen officieel onderdeel uitmaakt van de echtscheidingsprocedures is het onduidelijk in welke mate bemiddelaars worden geraadpleegd en welke ouders eerder een bemiddelaar consulteren. Aangezien bemiddeling wel vaker wordt benoemd om eventueel onderdeel uit te gaan maken van de echtscheidingsprocedures, is het interessant om het potentiële succes van professionele bemiddeling bij echtscheiding te evalueren. Hierom wordt in dit proefschrift het onderzoek naar

het ouderschapsplan uitgebreid door ook de rol van professionele bemiddeling te onderzoeken. Er wordt onderzocht of ouders een bemiddelaar raadplegen, welke ouders dit eerder zullen doen, en of het raadplegen van een bemiddelaar eigenlijk wel zo effectief is als wordt gesuggereerd.

In de vier empirische hoofdstukken van dit proefschrift zijn verschillende onderdelen van de onderzoeksvragen onderzocht, waarvan de eerste drie primair gericht zijn op de rol van het ouderschapsplan. In deze hoofdstukken wordt nagegaan in hoeverre voormalig samenwonende ouders een ouderschapsplan opstellen en welke ouders dit vaker doen (hoofdstuk 2). Daarnaast wordt de effectiviteit van het ouderschapsplan in vergelijking met de situatie vóór de wetshervorming van 2009 onder voormalig gehuwde ouders onderzocht (hoofdstuk 3). Dit onderzoek wordt uitgebreid door de inhoud van het ouderschapsplan te onderzoeken, maar ook door te onderzoeken hoe het ouderschapsplan en de uitgebreidheid van het ouderschapsplan zich verhoudt tot het welzijn van kinderen voor zowel voormalig gehuwde en voormalig samenwonende ouders (hoofdstuk 4). In hoofdstuk 5 verschuift de focus van het ouderschapsplan naar de werking van professionele bemiddeling bij (echt)scheiding. Hieronder volgt een samenvatting van deze vier empirische hoofdstukken.

### **Voormalig samenwonende ouders en ouderschapsplannen**

In het eerste empirische hoofdstuk (H2) werd onderzocht of voormalig samenwonende ouders een ouderschapsplan opstellen en zo niet, op welke manier deze ouders hun afspraken dan vastlegden. Verder werd er onderzocht welke ouders eerder geneigd waren een ouderschapsplan op te stellen. Door voormalig samenwonende ouders te onderzoeken, biedt dit empirische hoofdstuk een toevoeging aan eerder onderzoek rondom het ouderschapsplan. De verwachtingen in dit hoofdstuk werden onderverdeeld in kind-kenmerken, ouder-kenmerken en relatie-kenmerken. Op basis van kind-kenmerken werd verwacht dat ouders met jongere kinderen en ouders met kinderen die te kampen hebben met lichamelijke en psychische problemen, meer behoefte aan een ouderschapsplan hebben en om die reden waarschijnlijk ook eerder een ouderschapsplan opstellen. De verwachtingen op basis van ouder-kenmerken waren dat hoger opgeleide ouders en zij die een juridische professional hebben geraadpleegd, eerder een ouderschapsplan opstellen. Op basis van de relatiekenmerken werd verwacht dat ouders die kiezen voor verblijfsco-ouderschap en ouders die verder van elkaar wonen, een grotere behoefte hebben aan een ouderschapsplan. Ouderlijk conflict werd verondersteld om de behoefte aan een ouderschapsplan groter te maken, maar ook juist ouders te beperken in hun inspanningen er een op te stellen. Aan de hand van beschrijvende statistieken werd duidelijk dat meer dan de helft van de voormalig samenwonende ouders een ouderschapsplan opstelt. De andere veel voorkomende manieren waarop voormalige samenwonende ouders hun regelingen treffen is via mondelinge afspraken (24%) of helemaal geen afspraken (13%). Uit de logistische regressieanalyses bleek dat voormalig samenwonende ouders eerder een ouderschapsplan opstellen als ze een juridische professional raadplegen tijdens hun scheidingsproces. Bovendien toonden multinomiale logistische regressieanalyses aan dat hoe jonger het jongste kind is, hoe groter de kans is dat voormalig samenwonende ouders een ouderschapsplan opstellen of eerder mondelinge afspraken maken in plaats van helemaal geen afspraken. Dit gold ook voor hoger opgeleide gezinnen en voor ouders die na echtscheiding kiezen voor verblijfsco-ouderschap. Voor voormalig samenwonende ouders die gekenmerkt worden door een verhoogde conflictsituatie is het minder waarschijnlijk dat ze een ouderschapsplan opstellen dan dat ze geen afspraken maken. De conclusie uit dit hoofdstuk was dat ongeveer de helft van de voormalige samenwonende ouders

geen ouderschapsplan opstelt en daarmee niet voldoet aan de wettelijke vereisten van de wet van 2009. Als we kijken naar de kenmerken van ouders die geen afspraken maken over hun kinderen, is het vooral zorgwekkend dat juist de kinderen die misschien het meeste baat hebben bij een opgesteld ouderschapsplan, ouders hebben die minder snel geneigd zijn een ouderschapsplan op te stellen.

### **Effectiviteit van het ouderschapsplan**

In hoofdstuk 3 van dit proefschrift werd de effectiviteit van het ouderschapsplan onderzocht voor meerdere soorten uitkomsten. De effectiviteit werd onderzocht door voormalig gehuwde ouders die gescheiden zijn in 2008 te vergelijken met voormalige gehuwde ouders die hun relatie in 2010 beëindigde. Dit hoofdstuk breidt eerder onderzoek uit door procedurele, gezins- en kind-uitkomsten tegelijkertijd te onderzoeken, maar ook door te controleren in hoeverre deze factoren elkaar beïnvloeden. Tevens werden de ouders die vóór en na de invoering van de wet van 2009 gescheiden zijn met elkaar vergeleken, dit is om potentiële verschillen tussen deze groepen te identificeren die zouden kunnen voortvloeien uit het verplichte ouderschapsplan. In dit hoofdstuk werden de verwachtingen en assumpties van de beleidsmakers gebruikt als leidraad.

Uit de beschrijvende statistieken bleek dat sinds 2009 meer ouders schriftelijke afspraken maken over hun kinderen. Omdat er in dit hoofdstuk meerdere uitkomsten bestudeert werden, die ook op verschillende manieren zijn gemeten, zijn er lineaire, multinomiale en logistische regressies uitgevoerd en de analyses geclusterd op huishoudniveau. De analyses toonden aan dat de invoering van het verplichte ouderschapsplan weinig veranderingen teweeg heeft gebracht. Wel werd duidelijk in dit hoofdstuk dat de afspraken rondom de kinderen na scheiding uitgebreider waren en vaker werden gewijzigd dan de schriftelijke afspraken van degenen die vóór 2009 gescheiden waren. De bevindingen rondom conflict waren niet eenduidig; hoewel de mate van spanningen na de scheiding toenam na de invoering van de scheidingswet van 2009, is er ook sprake van een afname van extreme gevallen van ouderlijk conflict. In tegenstelling tot wat verwacht werd door de beleidsmakers, biedt dit hoofdstuk empirisch bewijs dat het verplichte ouderschapsplan geen invloed heeft op het welzijn van kinderen. Het ouderschapsplan heeft alleen invloed op de procedurele uitkomsten die rechtstreeks verband houden met de relevante wettelijke vereisten (meer ouders leggen hun overeenkomsten schriftelijk vast en die zijn uitgebreider). Met betrekking tot familie- en kind-uitkomsten lijkt de invoering van het ouderschapsplan geen verschil te maken.

### **De inhoud van het ouderschapsplan en het welzijn van kinderen**

In hoofdstuk 4 werd onderzocht in hoeverre het ouderschapsplan, en de uitgebreidheid van het ouderschapsplan, samenhangt met het welzijn van kinderen. De wet van 2009 verplicht Nederlandse ouders met gezamenlijk gezag over hun minderjarige kinderen om een ouderschapsplan op te stellen indien ze hun relatie beëindigen. Wetgevers legden deze verplichting op omdat ze verwachtten dat het ouderschapsplan uiteindelijk in het belang van kinderen zou zijn wanneer die geconfronteerd worden met de beëindiging van de relatie van hun ouders. Dit hoofdstuk draagt bij aan de wetenschappelijke literatuur door direct het verband tussen het ouderschapsplan en het welzijn van het kind te onderzoeken. Verder werd in dit hoofdstuk gebruik gemaakt van een grote steekproef van zowel voormalig gehuwde en voormalig samenwonende ouders. In dit hoofdstuk werd tevens aandacht besteed aan de verwachtingen van de beleidsmakers, maar ook aan de bezorgdheid van critici en werd er getracht beide

redeneringen waar mogelijk in te bedden in resultaten van eerder sociaalwetenschappelijk onderzoek. Aan de hand van deze redeneringen werd de rol die het ouderschapsplan, en de mate van uitgebreidheid, speelt met betrekking tot het welzijn van kinderen onderzocht.

De beschrijvende statistieken lieten zien dat bijna alle voormalig gehuwde ouders en ongeveer de helft van de voormalig samenwonende ouders een ouderschapsplan opstellen. Daarnaast bleek dat de ouderschapsplannen van voormalig gehuwde ouders en die van voormalig samenwonende ouders vergelijkbaar zijn in de mate van uitgebreidheid. Oftewel, indien een ouderschapsplan wordt opgesteld lijken ze erg op elkaar, ongeacht de formele status van de relatie. Daarnaast werd in dit hoofdstuk de samenhang tussen het ouderschapsplan (en de uitgebreidheid ervan) en het welzijn van kinderen onderzocht met behulp van multi-level regressies, inclusief randomeffecten op het niveau van huishoudens en kinderen. Uit de resultaten bleek dat zowel het ouderschapsplan als de uitgebreidheid ervan niet geassocieerd worden met het welzijn van het kind. Deze bevindingen gelden voor zowel voormalig gehuwde ouders als voor voormalig samenwonende ouders. Ouderlijk conflict heeft geen invloed op deze associatie, maar heeft wel een negatief effect op het welzijn van kinderen.

### **De rol van professionele bemiddeling bij scheiding**

Hoofdstuk 5 onderzocht de associatie tussen professionele bemiddeling bij echtscheiding en kindervelzijn. Ook werd er onderscheid gemaakt tussen ouders die vrijwillig een bemiddelaar hebben geraadpleegd en degenen die door een juridische derde partij zijn geadviseerd dit te doen. Omdat de formele status van de relatie verschilt en ook de procedure die de ouders moeten doorlopen om de relatie te beëindigen, werd er onderscheid gemaakt tussen voormalig gehuwde en voormalig samenwonende ouders in dit empirische hoofdstuk. Evenals in hoofdstuk 2, werden de verwachtingen in dit hoofdstuk opgesplitst op basis van kenmerken van het kind, ouders en relatie. Aan de hand van deze kenmerken werd de behoefte van ouders om een bemiddelaar te raadplegen, de mogelijkheden om dit te doen en de beperkingen waarmee zij worden geconfronteerd beschreven. Gezien het potentieel van professionele bemiddeling, werd in hoofdstuk 5 verwacht dat het raadplegen van een bemiddelaar het welzijn van kinderen positief kan beïnvloeden.

Uit de beschrijvende statistieken bleek dat voormalig gehuwde (48%) en voormalige samenwonende (30%) ouders erg verschillen als het gaat om de mate waarin een bemiddelaar geraadpleegd wordt. Met behulp van logistische regressieanalyses werd aangetoond dat ongeacht de formele status van de relatie, ouders met jongere kinderen, hoger opgeleide ouders, ouders die minder persoonlijke problemen hebben en diegene die een langere relatie beëindigen eerder een bemiddelaar raadplegen. Daarnaast bleek dat in de kleine groep ouders die geadviseerd werd om een bemiddelaar te raadplegen door een juridische derde partij, de mate van het ouderlijk conflict één jaar voor de scheiding van belang is. Hoe hoger het conflict des te waarschijnlijker is het dat er wordt voorgesteld om een bemiddelaar te consulteren. Dit geldt voor zowel voormalig gehuwde als voormalig samenwonende ouders. Dit hoofdstuk onderzocht ook of professionele bemiddeling bij scheiding van belang kan zijn voor het welzijn van het kind. Omdat sommige variabelen van invloed kunnen zijn op zowel het welzijn van het kind als de kans dat ouders een bemiddelaar raadplegen, werden er in dit hoofdstuk *endogenous treatment* regressieanalyses uitgevoerd. Uit deze analyses bleek dat vrijwillige bemiddeling mogelijk geassocieerd kan worden met minder kind-gerelateerde problemen bij voormalig samenwonende ouders. Hetzelfde gold voor ouders die op advies van een juridische derde partij een bemiddelaar raadplegen, of ze nu

een huwelijk of een samenwoonrelatie verbraken. Zelfs onder degenen die te maken hadden met hoog oplopend conflict voorafgaand aan de scheiding en daarom geadviseerd werden om een bemiddelaar te raadplegen, lijkt het alsof professionele bemiddeling positief kan uitpakken voor het welzijn van kinderen. Er moet echter worden opgemerkt dat de groep ouders die geadviseerd werd een bemiddelaar te raadplegen (en die dit dan ook nog eens doen) een zeer kleine groep ouders is en dus mogelijk zeer selectief.

## Conclusie

Dit proefschrift was gericht op het evalueren van twee beleidsmaatregelen die zouden kunnen helpen de negatieve effecten van (echt)scheiding te verminderen: het verplichte ouderschapsplan en professionele bemiddeling bij (echt)scheiding. Aangezien het verplichte ouderschapsplan in 2009 werd geïntroduceerd in de Wet bevordering voortgezet ouderschap en zorgvuldige scheiding, en professionele bemiddeling nog niet als zodanig is geïmplementeerd, worden eerst de belangrijkste conclusies met betrekking tot het ouderschapsplan gepresenteerd.

Ten eerste, het doel van de wet van 2009 was dat alle ouders met gezamenlijk gezag over hun minderjarige kinderen schriftelijke afspraken zouden maken indien ze hun relatie beëindigen. Bovendien werd geadviseerd dat deze afspraken zo uitgebreid mogelijk zouden zijn, maar dat is niet als zodanig verplicht gesteld. Evenals eerder onderzoek (Tomassen-van der Lans, 2015) toont dit proefschrift aan dat bijna alle voormalig gehuwde ouders een ouderschapsplan hebben opgesteld. Verder blijkt dat voormalig gehuwde ouders na de invoering van de wet van 2009 inderdaad uitgebreidere afspraken hebben gemaakt over hun minderjarige kinderen. Deze bevindingen tonen aan dat de wet van 2009 erin geslaagd is om meer ouders meer omvattende afspraken over hun kinderen te laten maken.

Ten tweede, in tegenstelling tot voormalig gehuwde ouders, blijkt dat ongeveer de helft van de voormalig samenwonende ouders slechts een ouderschapsplan heeft opgesteld. Hoewel sommigen wel mondelinge afspraken maken over hun kinderen, houdt de helft van de voormalig samenwonende ouders zich niet aan de vereisten van de wet van 2009. Wat betreft de voormalig gehuwde ouders, in de groep was maar een klein percentage niet in staat om een ouderschapsplan op te stellen, en dit valt waarschijnlijk toe te schrijven aan de 'ontsnappingsclausule' die ook door de wetgever is opgesteld (Tomassen-van der Lans, 2015). Deze bevindingen tonen aan dat het verplichten van alle ouders met gezamenlijk gezag over hun minderjarige kinderen een ouderschapsplan op te stellen slechts gedeeltelijk succesvol was.

Ten derde, het verplichte ouderschapsplan had als doel om procedurele problemen te verminderen, conflicten tussen ouders te verkleinen, het onderling contact van ouders na scheiding te verbeteren en uiteindelijk het welzijn van kinderen te verbeteren. In dit proefschrift is geen duidelijk bewijs gevonden dat deze doelen zijn bereikt. Over het algemeen is er weinig veranderd sinds de invoering van het verplichte ouderschapsplan. Buiten de toename van ouders die afspraken maken en dat deze afspraken uitgebreider zijn is er nog een verandering na de wet van 2009. Er is een toename van voormalig gehuwde ouders die de afspraken opgesteld ten tijde van de scheiding later nog aanpassen. Ouders zijn na de wetswijziging dus eerder geneigd om hun schriftelijke afspraken met betrekking tot hun kinderen aan te passen. Dit is een handeling die ook door de Nederlandse overheid wordt geadviseerd. Ook al lijkt deze bevinding positief, het wel of niet aanpassen van het ouderschapsplan bleek verder niet geassocieerd te zijn met het welzijn van kinderen. Over het algemeen blijkt uit de bevindingen in dit proefschrift dat de invoering van het verplichte ouderschapsplan geen invloed heeft gehad op het welzijn van

kinderen, het aantal procedurele conflicten, de mate waarin het kind wordt betrokken bij het opstellen van de afspraken, de mate van tevredenheid en naleving van de afspraken, of het contact tussen de ouders na scheiding.

Samenvattend kan geconcludeerd worden dat de invoering van het verplichte ouderschapsplan minder succesvol was dan de Nederlandse regering verwachtte. Dit kan te wijten zijn aan een aantal mogelijke factoren. Ten eerste maakte een aanzienlijk aantal ouders al schriftelijke afspraken voordat het ouderschapsplan verplicht werd. Dit kan het uitblijven van direct waarneembare veranderingen verklaren. Ten tweede, het feit dat meer ouders zich aan de verplichting houden om schriftelijke afspraken na de scheiding op te stellen, maar ook dat de uitgebreidheid van de afspraken van voormalig gehuwde ouders en voormalig samenwonende ouders behoorlijk op elkaar lijken kan erop wijzen dat scheidende ouders standaard documenten gebruiken. Deze documenten worden bijvoorbeeld door hun advocaat aangeboden of kunnen worden gedownload van het internet (Nikolina, 2014). Indien dit het geval is, zijn er ook geen echte veranderingen te verwachten. Ouders zien dan het ouderschapsplan alleen als iets wat ze aan moeten leveren om te voldoen aan de vereisten van de wet, in plaats van dat het gezien en gebruikt wordt als een leidraad voor de periode na de scheiding. Deze zorg wordt ook tot uitdrukking gebracht door Tomassen-van der Lans (2015). Ten derde, zoals aangetoond door Ter Voert en Geurts (2013), Smits (2015) en Tomassen-van der Lans (2015), beoordelen de rechtbanken ouderschapsplannen niet zo strikt als door de wetgever is opgesteld. Of er nu gekeken wordt naar de vaagheid van de afspraken, de participatie van het kind bij het opstellen van het ouderschapsplan of de volledigheid van het ouderschapsplan, er worden duidelijke signalen gevonden dat er ouderschapsplannen worden geaccepteerd die niet voldoen aan de vereisten van de wet van 2009. Ouderschapsplannen kunnen eventueel om die reden niet het beoogde resultaat behalen aangezien ze niet worden beoordeeld of gevalideerd aan de hand van de vereisten van de wet.

In dit proefschrift wordt ook nog een andere beleidsmaatregel onderzocht die zou kunnen voldoen aan het potentieel dat wordt toegeschreven aan het ouderschapsplan, namelijk professionele bemiddeling bij echtscheiding. Ook bij het consulteren van een bemiddelaar bleken voormalig gehuwde ouders en voormalig samenwonende ouders te verschillen. Bijna de helft van de voormalig gehuwde ouders consulteerde een bemiddelaar, terwijl ongeveer slechts een derde van de voormalig samenwonende ouders dat deed. Deze aantallen zijn duidelijk lager dan het aantal ouders dat een ouderschapsplan opstelt, hoogstwaarschijnlijk omdat het niet verplicht is voor koppels om een bemiddelaar te raadplegen vóór of tijdens de echtscheidingsprocedures. Echter, in tegenstelling tot het verplichte ouderschapsplan lijkt professionele bemiddeling mogelijk wel geassocieerd te zijn met het welzijn van kinderen. Kinderen van voormalig samenwonende ouders zouden in potentie een hogere mate van welzijn ervaren indien hun ouders een bemiddelaar raadplegen. Een dergelijk resultaat werd niet gevonden voor de overgrote groep die hun relatie beëindigde, de voormalig gehuwde ouders. Deze bevinding kan misschien toegeschreven worden aan het feit dat, in tegenstelling tot voormalig samenwonende ouders, er bij (bijna) alle voormalig gehuwde ouders in ieder geval minstens één juridische professional betrokken is bij hun echtscheiding (meestal een advocaat). Deze professional zou in zekere mate de rol van bemiddelaar in de procedure op zich kunnen nemen.

Naast het onderzoeken van de ouders die vrijwillig een bemiddelaar hebben geraadpleegd, is er in dit proefschrift ook gekeken naar mensen die door een juridische derde partij zijn geadviseerd om een bemiddelaar te raadplegen. Deze groep heeft de bemiddelaar dus minder

vrijwillig geraadpleegd en wordt gemiddeld genomen gekenmerkt door een hoger niveau van ouderlijk conflict voorafgaand aan de scheiding. Deze bevinding sluit aan bij de huidige wetgeving, aangezien de rechtbanken degenen die geen overeenstemming (meestal door conflict) kunnen bereiken, doorverwijzen naar een bemiddelaar (Boele-Woelki & Jonker, 2015). Uit de analyses bleek dat wanneer de ouders een bemiddelaar consulteren na advies van een juridische derde partij er een potentieel positief effect is voor het welzijn van het kind. Deze bevinding geldt voor zowel voormalig gehuwde ouders als voormalig samenwonende ouders. Dit suggereert dat kinderen met ouders in situaties met een hoog conflict potentieel zouden kunnen profiteren van verplichte professionele bemiddeling bij (echt)scheiding. Deze bevinding ondersteunt het idee dat bemiddeling, zoals gesteld door Emery, Sbarra en Grover (2005), efficiënter en gezinsvriendelijker is dan andere vormen van geschiloplossing.

Hoewel dit een zeer positieve bevinding is in de zoektocht naar procedures om de nadelige gevolgen van een scheiding te verminderen, mogen we niet vergeten dat de positieve effecten werden gevonden in relatief kleine groepen. De groep die geadviseerd werd om een bemiddelaar te raadplegen, is bijzonder klein, dus we moeten oppassen met het trekken van conclusies. Verder is het contrast tussen voormalig gehuwde ouders en voormalig samenwonende ouders van belang. Aangezien (bijna) alle gehuwde ouders een juridische professional nodig hebben om hun scheiding te voltooien, hebben zij in ieder geval minstens één extra persoon betrokken bij hun echtscheidingsprocedure. Deze professional kan al een aantal problemen oplossen die een bemiddelaar anders zou bespreken, wat ook het effect van een bemiddelaar voor deze groep kan verkleinen. Voormalig samenwonende ouders hoeven in principe geen gerechtelijke procedure te doorlopen, en hebben hierom geen juridische professional nodig om hun relatie te beëindigen. Het feit dat wanneer zij dan toch een juridische professional bij hun scheiding betrekken illustreert waarschijnlijk hun bereidheid het zo zorgvuldig mogelijk te regelen na scheiding. En omdat professionele bemiddeling potentieel positief verbonden is met het welbevinden van kinderen van voormalig samenwonende ouders, maar niet van voormalig gehuwde ouders, kan dit weer ondersteunen dat professionele bemiddeling het meest effectief is wanneer het vrijwillig is (Dullaert, 2002).





## References



- Ackermans-Wijn, J.C.E. & Brands-Bottema, G.W. (2009). De invoering van het ouderschapsplan: Goed bedoeld, maar slecht geregeld. *Trema*, 45-53.
- Afifi, T. D., Huber, F. N., & Ohs, J. (2006). Parents' and adolescents' communication with each other about divorce-related stressors and its impact on their ability to cope positively with the divorce. *Journal of Divorce & Remarriage*, 45(1-2), 1-30.
- Ahrons, C. R. (2007). Family ties after divorce: Long-term implications for children. *Family process*, 46(1), 53-65.
- Amato, P. R. (2000). The consequences of divorce for adults and children. *Journal of Marriage and Family*, 62(4), 1269-1287.
- Amato, P.R. (2010). Research on divorce: Continuing trends and new developments, *Journal of Marriage and Family*, 72 (3), 650-666.
- Amato, P. R., & Afifi, T. D. (2006). Feeling Caught Between Parents: Adult Children's Relations With Parents and Subjective Well-Being. *Journal of Marriage and Family*, 68(1), 222-235.
- Amato, P. R., & Sobolewski, J. M. (2001). The effects of divorce and marital discord on adult children's psychological well-being. *American Sociological Review*, 900-921.
- Antokolskaia, M.V. & Coenraad, L.M. (2006). *Afspraken met betrekking tot kinderen bij scheiding van ongehuwde/ niet-geregistreerde ouders. Een rechtsvergelijkend onderzoek in opdracht van het Ministerie van Justitie*. Den Haag/ Amsterdam: WODC/Vrije Universiteit.
- Antokolskaia, M. V. (2010). Pleidooi voor evaluatie van de flitsscheiding. In M. V. Antokolskaia, & L. M. Coenraad (Eds.), *Het nieuwe scheidingsrecht. Ouderschapsplan, positie van het kind, regierechter en collaborative divorce*. Den Haag: Boom Juridische uitgevers, 51 – 66.
- Baitar, R., Buysse, A., Brondeel, R., De Mol, J., & Rober, P. (2013). Styles and Goals: Clarifying the Professional Identity of Divorce Mediation. *Conflict Resolution Quarterly*, 31(1), 57-78.
- Baracs, M. N., & Vreeburg-van der Laan, E. J. M. (2014). Vechtende ouders, het kind in de knel: adviesrapport over het verbeteren van de positie van kinderen in vechtscheidingen. Den Haag: de Kinderombudsman. 1 – 46.
- Boele-Woelki, K.R.S.D., Curry-Sumner, I., Jansen, M. & Schrama, W.M. (2007). *Huwelijk of geregistreerd partnerschap? Een evaluatie van de Wet openstelling huwelijk en de Wet geregistreerd partnerschap*, Ars Notariatus nr.134. Deventer: Kluwer.
- Boele-Woelki, K.R.S.D., & Jonker, M. (2015). Family Law Contractualisation in the Netherlands—Changes and Trends. In *Contractualisation of Family Law-Global Perspectives* (pp. 311-331). Springer International Publishing.
- Braithwaite, D.O., McBride, M.C. & Schrod, P. (2003). 'Parent teams' and the everyday interactions of co-parenting in stepfamilies. *Communication Reports*, 16: 93 – 111.
- Brenninkmeijer, A.F.M. (2005). Mediation. In: Brenninkmeijer, A.F.M., Bonenkamp, H.J., van Oyen, K., Prein, H. C. M., & Walters, P. (Eds.). *Handboek mediation* (pp. 1 – 22). Den Haag: Sdu Uitgevers.
- Bunthof, A. (2006). Ouderschap en scheiding. *Maatwerk*, 7(4), 179-180.
- Camara, K. A., & Resnick, G. (1989). Styles of conflict resolution and cooperation between divorced parents: Effects on child behavior and adjustment. *American Journal of Orthopsychiatry*, 59(4), 560.
- CBS. Centraal Bureau Voor de Statistiek (2017). Huwelijksontbindingen; door echtscheiding en door overlijden. Available from <<http://statline.cbs.nl/Statweb/publication/?DM=>

- SLNI&PA=37425NED&D1=3-9&D2=11-66&HDR=G1&STB=T&VW=T> [assessed 11-01-2018).
- Chin-A-Fat, B.E.S. (2011). Scheiden anno 2011. Over depolarisering, mediation en overlegscheiding. *Justitiële Verkenningen*, 37(6), 36-49.
- Chin-A-Fat, B.E.S. & Steketee, M. J. (2001). Bemiddeling in uitvoering: Evaluatie experimenten Scheidings- en Omgangsbemiddeling. 1 – 256.
- Chou, E. Y., Halevy, N., & Murnighan, J. K. (2011). The relational costs of complete contracts. In *LACM 24th Annual Conference Paper*.
- Coenraad, L. M., & Antokolskaia, M. V. (2010). Inleiding: nieuw scheidingsrecht en meer nieuws op stapel. In M.V. Antokolskaia, & L. M. Coenraad (Eds.), *Het nieuwe scheidingsrecht. Onderschapsplan, positie van het kind, regierechter en collaborative divorce*. Den Haag: Boom Juridische uitgevers, 9 – 16.
- Combrink, L., Klijn, A., Pel, M. & Verberk, S. (2009). Op maat beslecht. Mediation naast rechtspraak 1999-2009. Den Haag: Sdu uitgevers, 1 – 131.
- Constable, M. (2014). Law as Language. *Critical Analysis of Law*, 1: 63-74.
- Cooksey, E. C., & Craig, P. H. (1998). Parenting from a distance: The effects of paternal characteristics on contact between nonresidential fathers and their children. *Demography*, 35(2), 187-200.
- Criddle Jr, M. N., Allgood, S. M., & Piercy, K. W. (2003). The relationship between mandatory divorce education and level of post-divorce parental conflict. *Journal of Divorce & Remarriage*, 39(3-4), 99-111.
- Dullaert, C.W.M. (2002). Verplichte mediation. *Advocatenblad*, 18, 804.
- Emery, R.E. (1995). Divorce mediation: Negotiating agreements and renegotiating relationships. *Family Relations*, 377-383.
- Emery, K.C. & Emery, R.E. (2014). Who Knows What Is Best for Children? Honoring Agreements and Contracts between Parents Who Live Apart. *Law & Contemporary Problems*, 77, 151 – 176.
- Emery, R. E., Laumann-Billings, L., Waldron, M. C., Sbarra, D. A., & Dillon, P. (2001). Child custody mediation and litigation: Custody, contact, and coparenting 12 years after initial dispute resolution. *Journal of Consulting and Clinical Psychology*, 69(2), 323 – 332.
- Emery, R. E., Sbarra, D., & Grover, T. (2005). Divorce mediation: Research and reflections. *Family Court Review*, 43(1), 22-37.
- Emery, R.E., & Wyer, M.M. (1987). Child custody mediation and litigation: An experimental evaluation of the experience of parents. *Journal of Consulting and Clinical Psychology*, 55(2), 179 – 186.
- European Commission for the Efficiency of Justice (2014). *Report on "European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice"*, 1 – 545.
- Firestone, G., & Weinstein, J. (2004). In the best interests of children. *Family Court Review*, 42(2), 203-215.
- Gerritsen, M., Weda, J., & Poort, J. (2009). *Mediation naast rechtspraak: Kosten en doorlooptijden*. Den Haag: Sdu Uitgevers. 1 – 121.
- Giesen, D. (1999). Juridische arrangementen. In: M. Kalmijn, W. Bernasco & J. Weesie (eds.), *Huwelijks- en samenwoonrelaties in Nederland: De organisatie van afhankelijkheid*, Assen: Van Gorcum, 55-80.
- Goodman, R. (1997). The Strengths and Difficulties Questionnaire: a research note. *Journal of child*

- psychology and psychiatry*, 38(5), 581-586.
- Goodman, A., Lamping, D. L., & Ploubidis, G. B. (2010). When to use broader internalising and externalising subscales instead of the hypothesised five subscales on the Strengths and Difficulties Questionnaire (SDQ): data from British parents, teachers and children. *Journal of abnormal child psychology*, 38(8), 1179-1191.
- Graaf, A., de (2005). Scheiden: Motieven, verhuisgedrag en aard van de contacten. *Bevolkingstrends*, 53: 39-47.
- Graaf, A., de (2011). Gezinnen in cijfers. In: F. Bucx (Ed.) Pp. 35-61, *Gezinsrapport 2011*. Den Haag: SCP.
- Harris-Short, S. (2010). Resisting the march towards 50/50 shared residence: rights, welfare and equality in post-separation families. *Journal of Social Welfare & Family Law*, 32(3), 257-274.
- Heijden, F., van der, Poortman, A., & Lippe, T., van der (2016). Children's postdivorce residence arrangements and parental experienced time pressure. *Journal of Marriage and Family*, 78(2), 468-481.
- Hoefnagels, G.P. (2007). *Handboek scheidingsbemiddeling: een methode van recht en psychologie (Vol. 7)*. Kluwer.
- James, A. L., Haugen, G. M. D., Rantalaaho, M., & Marples, R. (2010). The voice of the child in family mediation: Norway and England. *The International Journal of Children's Rights*, 18(3), 313-333.
- Jeppesen de Boer, C. G. (2014). Gezamenlijk ouderschap na scheiding: over de interactie tussen de doelstellingen van de Deense wet op de ouderlijke verantwoordelijkheid, de bevindingen in de uitgevoerde wetsevaluatie en de daaropvolgende wetswijzigingen. *Familie & Recht*, 1-21.
- Kalmijn, M. (2016). Father–Child Contact, Interparental Conflict, and Depressive Symptoms among Children of Divorced Parents. *European Sociological Review*, 32 (1), 68-80.
- Kalmijn, M., & Monden, C. W. (2006). Are the negative effects of divorce on well-being dependent on marital quality?. *Journal of Marriage and Family*, 68(5), 1197-1213.
- Kamerstukken (2004), nummer 1, Mediation en het rechtsbestel, 19 april 2004, 29 528.
- Kamerstukken (2014), nummer 7, Voorstel van wet van het lid Van der Steur tot wijziging van Boek 3 en Boek 7 van het Burgerlijk Wetboek en van het Wetboek van Burgerlijke Rechtsvordering alsmede enkele andere wetten in verband met de bevordering van het gebruik van mediation (Wet bevordering van mediation in het burgerlijk recht), 16 juli 2014, 33 723.
- Kelly, J. B. (2004). Family mediation research: Is there empirical support for the field?. *Conflict resolution quarterly*, 22(1-2), 3-35.
- Kelly, J. B. (2008). Preparing for the parenting coordination role: Training needs for mental health and legal professionals. *Journal of Child Custody*, 5(1-2), 140-159.
- Kelly, J. B., & Lamb, M. E. (2000). Using child development research to make appropriate custody and access decisions for young children. *Family Court Review*, 38(3), 297-311.
- Kim, H. S. (2011). Consequences of Parental Divorce for Child Development. *American Sociological Review*, 76: 487-511.
- Klein Woolthuis, R.J.A., Hillebrand, B., & Nooteboom, B. (2005). Trust, contract and relationship development. *Organization studies*, 26(6), 813-840.
- Krishnakumar, A., & Buehler, C. (2000). Interparental conflict and parenting behaviors: A meta-

- analytic review. *Family Relations*, 49(1), 25-44.
- Lamb, M. E., Sternberg, K. J., & Thompson, R. A. (1997). The effects of divorce and custody arrangements on children's behavior, development, and adjustment. *Family Court Review*, 35(4), 393-404.
- Lans, M. van der (2011). Het ouderschapsplan in de rechtspraak. *Justitiële Verkenningen*, 37(6), 20-35.
- Lavadera, A. L., Caravelli, L., & Togliatti, M. M. (2013). Child custody in Italian management of divorce. *Journal of Family Issues*, 34(11), 1536-1562.
- Leeuw, E. D. de & Heer, W. de (2001) Trends in household survey nonresponse: A longitudinal and international comparison. In Groves, R. M., Dillman, D. A., Eltinge, J. L. & Little, R. J. A. (Eds) *Survey Nonresponse* (pp. 41-54). New York: Wiley.
- Liefbroer, A.C. & Dourleijn, E. (2006). Unmarried cohabitation and union stability: Testing the role of diffusion using data from 16 European countries. *Demography*, 43: 203-221.
- Linker, J. S., Stolberg, A. L., & Green, R. G. (1999). Family communication as a mediator of child adjustment to divorce. *Journal of Divorce & Remarriage*, 30(1-2), 83-97.
- Loeb, E. (2009). Het ouderschapsplan. In K. Boele-Woelki (Ed.). *Actuele ontwikkelingen in het familierecht* (pp. 17-26). Nijmegen: Ars Aequi Libri.
- Maccoby, E. E., Buchanan, C. M., Mnookin, R. H., & Dornbusch, S. M. (1993). Postdivorce roles of mothers and fathers in the lives of their children. *Journal of Family Psychology*, 7(1), 24-38.
- Manning, W. D., Smock, P. J., & Majumdar, D. (2004). The relative stability of cohabiting and marital unions for children. *Population Research and Policy Review*, 23(2), 135-159.
- Markham, M. S., & Coleman, M. (2012). The good, the bad, and the ugly: Divorced mothers' experiences with coparenting. *Family Relations*, 61(4), 586-600.
- McBroom, L.A. (2011). Understanding postdivorce coparenting families: Integrative literature review. *Journal of the American Academy of Nurse Practitioners*, 23: 382-388.
- McIntosh, J. E., Wells, Y. D., Smyth, B. M., & Long, C. M. (2008). Child-focused and child-inclusive divorce mediation: comparative outcomes from a prospective study of postseparation adjustment. *Family Court Review*, 46(1), 105-124.
- Meyer, B. D. (1995). Natural and quasi-experiments in economics. *Journal of business & economic statistics*, 13(2), 151-161.
- Ministerie van Jeugd en Gezin (2008). *De Kracht van het Gezin: Nota Gezinsbeleid 2008*. Den Haag, retrieved from <http://www.jeugdengezin.nl>
- Ministerie van Veiligheid en Justitie (2012). *Als ouders uit elkaar gaan*. Utrecht, retrieved from <http://www.kinderbescherming.nl>
- Mulder, C.H. & Malmberg, G. (2011). Moving related to separation: who moves and to what distance. *Environment and Planning*, 43: 2589-2607.
- Musick, K., & Meier, A. (2010). Are both parents always better than one? Parental conflict and young adult well-being. *Social Science Research*, 39(5), 814-830.
- Nikolina, N.V. (2015). *Divided Parents, Shared Children: Legal aspects of (residential) co-parenting in England, the Netherlands and Belgium*. European Family Law Series: 1 – 232.
- Pasteels, I, Smit, S, Bastaits, K & Mortelmans, D. (2014). Kennis over en gebruik van professionele echtscheidingsbemiddeling in het licht van de wet van 18 juli 2006. *Relaties en Nieuwe Gezinnen*, 4(4), 1 – 29.
- Perelli-Harris, B., & Gassen, N. S. (2012). How similar are cohabitation and marriage? Legal

- approaches to cohabitation across Western Europe. *Population and Development Review*, 38(3), 435-467.
- Poortman, A., & Gaalen, R., van. (2017). Shared residence after separation: A review and new findings from the Netherlands. *Family Court Review*, 55(4), 531-544.
- Poortman, A., Lippe, T. van der & Boele-Woelki, K. (2014). *Codebook of the survey New Families in the Netherlands (NFN). First wave*. Utrecht, the Netherlands: Utrecht University.
- Poortman, A., & Mills, M. (2012). Investments in marriage and cohabitation: The role of legal and interpersonal commitment. *Journal of Marriage and Family*, 74(2), 357-376
- Poortman, A., Stienstra, K. & Bruijn, S. de. (2018). *Codebook of the survey New Families in the Netherlands (NFN). Second wave*. Utrecht, the Netherlands: Utrecht University.
- Pruett, M. K., Ebling, R., & Cowan, P. A. (2011). Pathways From A US Co-Parenting Intervention To Legal Outcomes. *International Journal of Law, Policy and the Family*, 25(1), 24-45.
- Pruett, M. K., Ebling, R., & Insabella, G. (2004). Critical aspects of parenting plans for young children. *Family Court Review*, 42(1), 39-59.
- Rijksoverheid (2009). Uit elkaar...En de kinderen dan? *Ministerie van Jeugd en Gezin*, 1 – 26.
- Rijksoverheid (2013). *Wanneer moet ik een ouderschapsplan opstellen?*. Retrieved from <http://www.rijksoverheid.nl/onderwerpen/scheiden/vraag-en-antwoord/ouderschapsplan.html>
- Schepard, A. (2001). An introduction to the model standards of practice for family and divorce mediation. *Family Law Quarterly*, 35(1), 1-25.
- Schonewille, F. (2009). De Wet bevordering voortgezet ouderschap en zorgvuldige scheiding is een feit: exit klassieke omgangsregeling. *Weekblad voor Privaatrecht, Notariaat en Registratie*, 6800, 1 – 22.
- Schrodt, P., Baxter, L. A., McBride, M. C., Braithwaite, D. O., & Fine, M. A. (2006). The divorce decree, communication, and the structuration of coparenting relationships in stepfamilies. *Journal of Social and Personal Relationships*, 23(5), 741-759.
- Smits, V.M. (2015). *Participatie van het kind bij het ouderschapsplan (dissertation)*.. Apeldoorn/ Antwerpen: Maklu-Uitgevers. 1 – 378.
- Spruijt, E., & Kormos, H. (2014). Handboek scheiden en de kinderen: voor de beroepskracht die met scheidingskinderen te maken heeft. Houten: Bohn Stafleu van Loghum.
- Staatsblad (2008), 500. *Wetbevordering voortgezet ouderschap en zorgvuldige scheiding*. Den Haag: SDU uitgevers.
- Staatsblad (2009), 56. Den Haag: SDU uitgevers.
- StataCorp (2013) *Stata: Release 13*. Statistical Software. College Station, TX: StataCorp LP. 1– 161
- Ter Voert, M. J., & Geurts, T. (2013). *Evaluatie ouderschapsplan: Een eerste verkenning*. Den Haag: WODC
- Tjersland, O., Gulbrandsen, W., & Haavind, H. (2015). Mandatory Mediation outside the Court: A Process and Effect Study. *Conflict Resolution Quarterly*, 33(1), 19-34.
- Tomassen-van der Lans, M. (2015). *Het verplichte ouderschapsplan: regeling en werking (dissertation)*. Den Haag: Boom Juridische uitgevers, 1 – 359.
- Valk, I., van der, & Spruijt, E. (2013). Het ouderschapsplan en de effecten voor de kinderen. Den Haag: WODC, 1 – 23.
- Wardle, L. D., & Nolan, L. C. (2011). *Family Law in the USA*. Kluwer Law International.

- Warshak, R. A. (2014). Social science and parenting plans for young children: A consensus report. *Psychology, Public Policy, and Law*, 20(1), 46.
- Westphal, S. K. (2015). *Are the kids alright? Essays on postdivorce residence arrangements and children's well-being (dissertation)*. Utrecht, the Netherlands: Utrecht University.
- Williamson, O. E. (1981). The economics of organization: The transaction cost approach. *American Journal of Sociology*, 548-577.



## Curriculum Vitae



Simon de Bruijn was born in Leidschendam, the Netherlands, on April 11, 1985. In 2011, he obtained his bachelor's degree in Sociology at Utrecht University, with a minor in Criminology. He continued with the research master Sociology and Social Research at the same university, from which he graduated in 2013. In September of that year, Simon started working as a Ph.D. candidate at the Interuniversity Centre for Social Science Theory and Methodology (ICS) at the department of Sociology at Utrecht University, under the supervision of Anne-Rigt Poortman and Tanja van der Lippe. During his Ph.D. he taught courses on statistics, supervised Bachelor theses and coordinated the data collection of the second wave of the "New Families in the Netherlands" survey. From April to June 2016, Simon was a visiting scholar at the Research Centre for Longitudinal and Life Course Studies (CELLO) at Antwerp University. During this visit, Simon wrote a paper together with Kim Bastaits and Dimitri Mortelmans.



ICS dissertation series



The ICS series presents dissertations of the Interuniversity Center for Social Science Theory and Methodology. Each of these studies aims at integrating explicit theory formation with state of the art empirical research or at the development of advanced methods for empirical research. The ICS was founded in 1986 as a cooperative effort of the universities of Groningen and Utrecht. Since 1992, the ICS expanded to the University of Nijmegen and since 2017 to the University of Amsterdam (UvA). Most of the projects are financed by the participating universities or by the Netherlands Organization for Scientific Research (NWO). The international composition of the ICS graduate students is mirrored in the increasing international orientation of the projects and thus of the ICS series itself.

1. Cornelis van Lieere (1990). *Lastige leerlingen. Een empirisch onderzoek naar sociale oorzaken van probleemgedrag op basisscholen*. Amsterdam: Thesis Publishers.
2. Marco H.D. van Leeuwen (1990). *Bijstand in Amsterdam, ca. 1800-1850. Armenzorg als beheersings- en overlevingsstrategie*. ICS-dissertation, Utrecht.
3. Ineke Maas (1990). *Deelname aan podiumkunsten via de podia, de media en actieve beoefening. Substitutie of leereffecten?* Amsterdam: Thesis Publishers.
4. Marjolein I. Broese van Groenou (1991). *Gescheiden netwerken. De relaties met vrienden en verwanten na echtscheiding*. Amsterdam: Thesis Publishers.
5. Jan M.M. van den Bos (1991). *Dutch EC policy making. A model guided approach to coordination and negotiation*. Amsterdam: Thesis Publishers.
6. Karin Sanders (1991). *Vrouwelijke pioniers. Vrouwen en mannen met een 'mannelijke' hogere beroepsopleiding aan het begin van hun loopbaan*. Amsterdam: Thesis Publishers.
7. Sierp de Vries (1991). *Egoism, altruism, and social justice. Theory and experiments on cooperation in social dilemmas*. Amsterdam: Thesis Publishers.
8. Ronald S. Batenburg (1991). *Automatisering in bedrijf*. Amsterdam: Thesis Publishers.
9. Rudi Wielers (1991). *Selectie en allocatie op de arbeidsmarkt. Een uitwerking voor de informele en geïnstitutionaliseerde kinderopvang*. Amsterdam: Thesis Publishers.
10. Gert P. Westert (1991). *Verschillen in ziekenhuisgebruik*. ICS-dissertation, Groningen.
11. Hanneke Hermesen (1992). *Votes and policy preferences. Equilibria in party systems*. Amsterdam: Thesis Publishers.
12. Cora J.M. Maas (1992). *Probleemleerlingen in het basisonderwijs*. Amsterdam: Thesis Publishers.
13. Ed A.W. Boxman (1992). *Contacten en carrière. Een empirisch theoretisch onderzoek naar de relatie tussen sociale netwerken en arbeidsmarktposities*. Amsterdam: Thesis Publishers.
14. Conny G.J. Taes (1992). *Kijken naar banen. Een onderzoek naar de inschatting van arbeidsmarktkansen bij schoolverlaters uit het middelbaar beroepsonderwijs*. Amsterdam: Thesis Publishers.
15. Peter van Roozendaal (1992). *Cabinets in multi party democracies. The effect of dominant and central parties on cabinet composition and durability*. Amsterdam: Thesis Publishers.
16. Marcel van Dam (1992). *Regio zonder regie. Verschillen in en effectiviteit van gemeentelijk arbeidsmarktbeleid*. Amsterdam: Thesis Publishers.
17. Tanja van der Lippe (1993). *Arbeidsverdeling tussen mannen en vrouwen*. Amsterdam: Thesis Publishers.
18. Marc A. Jacobs (1993). *Software: Kopen of kopiëren? Een sociaal wetenschappelijk onderzoek onder PC gebruikers*. Amsterdam: Thesis Publishers.
19. Peter van der Meer (1993). *Verdringing op de Nederlandse arbeidsmarkt. Sector- en sekseverschillen*. Amsterdam: Thesis Publishers.
20. Gerbert Kraaykamp (1993). *Over lezen gesproken. Een studie naar sociale differentiatie in leesgedrag*. Amsterdam: Thesis Publishers.
21. Evelien Zeggelink (1993). *Strangers into friends. The evolution of friendship networks using an individual oriented modeling approach*. Amsterdam: Thesis Publishers.

22. Jaco Berveling (1994). *Het stempel op de besluitvorming. Macht, invloed en besluitvorming op twee Amsterdamse beleidsterreinen*. Amsterdam: Thesis Publishers.
23. Wim Bernasco (1994). *Coupled careers. The effects of spouse's resources on success at work*. Amsterdam: Thesis Publishers.
24. Liset van Dijk (1994). *Choices in child care. The distribution of child care among mothers, fathers and non parental care providers*. Amsterdam: Thesis Publishers.
25. Jos de Haan (1994). *Research groups in Dutch sociology*. Amsterdam: Thesis Publishers.
26. Kwasi Boahene (1995). *Innovation adoption as a socio economic process. The case of the Ghanaian cocoa industry*. Amsterdam: Thesis Publishers.
27. Paul E.M. Ligthart (1995). *Solidarity in economic transactions. An experimental study of framing effects in bargaining and contracting*. Amsterdam: Thesis Publishers.
28. Roger Th. A.J. Leenders (1995). *Structure and influence. Statistical models for the dynamics of actor attributes, network structure, and their interdependence*. Amsterdam: Thesis Publishers.
29. Beate Völker (1995). *Should auld acquaintance be forgot...? Institutions of communism, the transition to capitalism and personal networks: the case of East Germany*. Amsterdam: Thesis Publishers.
30. Anna M. Cancrinus Matthijsse (1995). *Tussen hulpverlening en ondernemerschap. Beroepsuitoefening en taakopvattingen van openbare apothekers in een aantal West Europese landen*. Amsterdam: Thesis Publishers.
31. Nardi Steverink (1996). *Zo lang mogelijk zelfstandig. Naar een verklaring van verschillen in oriëntatie ten aanzien van opname in een verzorgingsstehuis onder fysiek kwetsbare ouderen*. Amsterdam: Thesis Publishers.
32. Ellen Lindeman (1996). *Participatie in vrijwilligerswerk*. Amsterdam: Thesis Publishers.
33. Chris Snijders (1996). *Trust and commitments*. Amsterdam: Thesis Publishers.
34. Koos Postma (1996). *Changing prejudice in Hungary. A study on the collapse of state socialism and its impact on prejudice against gypsies and Jews*. Amsterdam: Thesis Publishers.
35. Jooske T. van Busschbach (1996). *Uit het oog, uit het hart? Stabiliteit en verandering in persoonlijke relaties*. Amsterdam: Thesis Publishers.
36. René Torenvlied (1996). *Besluiten in uitvoering. Theorieën over beleidsuitvoering modelmatig getoetst op sociale vernieuwing in drie gemeenten*. Amsterdam: Thesis Publishers.
37. Andreas Flache (1996). *The double edge of networks. An analysis of the effect of informal networks on cooperation in social dilemmas*. Amsterdam: Thesis Publishers.
38. Kees van Veen (1997). *Inside an internal labor market: Formal rules, flexibility and career lines in a Dutch manufacturing company*. Amsterdam: Thesis Publishers.
39. Lucienne van Eijk (1997). *Activity and well being in the elderly*. Amsterdam: Thesis Publishers.
40. Róbert Gál (1997). *Unreliability. Contract discipline and contract governance under economic transition*. Amsterdam: Thesis Publishers.
41. Anne Geerte van de Goor (1997). *Effects of regulation on disability duration*. ICS-dissertation, Utrecht.
42. Boris Blumberg (1997). *Das Management von Technologiekooperationen. Partnersuche und Verhandlungen mit dem Partner aus empirisch theoretischer Perspektive*. ICS-dissertation, Utrecht.
43. Marijke von Bergh (1997). *Loopbanen van oudere werknemers*. Amsterdam: Thesis Publishers.
44. Anna Petra Nieboer (1997). *Life events and well being: A prospective study on changes in well being of elderly people due to a serious illness event or death of the spouse*. Amsterdam: Thesis Publishers.
45. Jacques Niehof (1997). *Resources and social reproduction: The effects of cultural and material resources on educational and occupational careers in industrial nations at the end of the twentieth century*. ICS-dissertation, Nijmegen.
46. Ariana Need (1997). *The kindred vote. Individual and family effects of social class and religion on electoral change in the Netherlands, 1956-1994*. ICS-dissertation, Nijmegen.
47. Jim Allen (1997). *Sector composition and the effect of education on wages: an international Comparison*. Amsterdam: Thesis Publishers.



48. Jack B.F. Hutten (1998). *Workload and provision of care in general practice. An empirical study of the relation between workload of Dutch general practitioners and the content and quality of their Care*. ICS-dissertation, Utrecht.
49. Per B. Kropp (1998). *Berufserfolg im Transformationsprozeß. Eine theoretisch empirische Studie über die Gewinner und Verlierer der Wende in Ostdeutschland*. ICS-dissertation, Utrecht.
50. Maarten H.J. Wolbers (1998). *Diploma inflatie en verdringing op de arbeidsmarkt. Een studie naar ontwikkelingen in de opbrengsten van diploma's in Nederland*. ICS-dissertation, Nijmegen.
51. Wilma Smeenk (1998). *Opportunity and marriage. The impact of individual resources and marriage market structure on first marriage timing and partner choice in the Netherlands*. ICS-dissertation, Nijmegen.
52. Marinus Spreen (1999). *Sampling personal network structures: Statistical inference in ego-graphs*. ICS-dissertation, Groningen.
53. Vincent Buskens (1999). *Social networks and trust*. ICS-dissertation, Utrecht.
54. Susanne Rijken (1999). *Educational expansion and status attainment. A cross-national and over-time comparison*. ICS-dissertation, Utrecht.
55. Mérove Gijsberts (1999). *The legitimization of inequality in state-socialist and market societies, 1987-1996*. ICS-dissertation, Utrecht.
56. Gerhard G. Van de Bunt (1999). *Friends by choice. An actor-oriented statistical network model for friendship networks through time*. ICS-dissertation, Groningen.
57. Robert Thomson (1999). *The party mandate: Election pledges and government actions in the Netherlands, 1986-1998*. Amsterdam: Thela Thesis.
58. Corine Baarda (1999). *Politieke besluiten en boeren beslissingen. Het draagvlak van het mestbeleid tot 2000*. ICS-dissertation, Groningen.
59. Rafael Wittek (1999). *Interdependence and informal control in organizations*. ICS-dissertation, Groningen.
60. Diane Payne (1999). *Policy making in the European Union: An analysis of the impact of the reform of the structural funds in Ireland*. ICS-dissertation, Groningen.
61. René Veenstra (1999). *Leerlingen-klassen-scholen. Prestaties en vorderingen van leerlingen in het voortgezet onderwijs*. Amsterdam, Thela Thesis.
62. Marjolein Achterkamp (1999). *Influence strategies in collective decision making. A comparison of two models*. ICS-dissertation, Groningen.
63. Peter Mühlau (2000). *The governance of the employment relation. A relational signaling perspective*. ICS-dissertation, Groningen.
64. Agnes Akkerman (2000). *Verdeelde vakbeweging en stakingen. Concurrentie om leden*. ICS-dissertation, Groningen.
65. Sandra van Thiel (2000). *Quangocratization: Trends, causes and consequences*. ICS-dissertation, Utrecht.
66. Rudi Turksema (2000). *Supply of day care*. ICS-dissertation, Utrecht.
67. Sylvia E. Korupp (2000). *Mothers and the process of social stratification*. ICS-dissertation, Utrecht.
68. Bernard A. Nijstad (2000). *How the group affects the mind: Effects of communication in idea generating groups*. ICS-dissertation, Utrecht.
69. Inge F. de Wolf (2000). *Opleidingspecialisatie en arbeidsmarktsucces van sociale wetenschappers*. ICS-dissertation, Utrecht.
70. Jan Kratzer (2001). *Communication and performance: An empirical study in innovation teams*. ICS-dissertation, Groningen.
71. Madelon Kroneman (2001). *Healthcare systems and hospital bed use*. ICS/NIVEL-dissertation, Utrecht.
72. Herman van de Werfhorst (2001). *Field of study and social inequality. Four types of educational resources in the process of stratification in the Netherlands*. ICS-dissertation, Nijmegen.
73. Tamás Bartus (2001). *Social capital and earnings inequalities. The role of informal job search in Hungary*. ICS-dissertation Groningen.

74. Hester Moerbeek (2001). *Friends and foes in the occupational career. The influence of sweet and sour social capital on the labour market.* ICS-dissertation, Nijmegen.
75. Marcel van Assen (2001). *Essays on actor perspectives in exchange networks and social dilemmas.* ICS-dissertation, Groningen.
76. Inge Sieben (2001). *Sibling similarities and social stratification. The impact of family background across countries and cohorts.* ICS-dissertation, Nijmegen.
77. Alinda van Bruggen (2001). *Individual production of social well being. An exploratory study.* ICS-dissertation, Groningen.
78. Marcel Coenders (2001). *Nationalistic attitudes and ethnic exclusionism in a comparative perspective: An empirical study of attitudes toward the country and ethnic immigrants in 22 countries.* ICS-dissertation, Nijmegen.
79. Marcel Lubbers (2001). *Exclusionistic electorates. Extreme right wing voting in Western Europe.* ICS-dissertation, Nijmegen.
80. Uwe Matzat (2001). *Social networks and cooperation in electronic communities. A theoretical-empirical analysis of academic communication and internet discussion groups.* ICS-dissertation, Groningen.
81. Jacques P.G. Janssen (2002). *Do opposites attract divorce? Dimensions of mixed marriage and the risk of divorce in the Netherlands.* ICS-dissertation, Nijmegen.
82. Miranda Jansen (2002). *Waardenoriëntaties en partnerrelaties. Een panelstudie naar wederzijdse invloeden.* ICS-dissertation, Utrecht.
83. Anne Rigt Poortman (2002). *Socioeconomic causes and consequences of divorce.* ICS-dissertation, Utrecht.
84. Alexander Gattig (2002). *Intertemporal decision making.* ICS-dissertation, Groningen.
85. Gerrit Rooks (2002). *Contract en conflict: Strategisch Management van Inkooptransacties.* ICS-dissertation, Utrecht.
86. Károly Takács (2002). *Social networks and intergroup conflict.* ICS-dissertation, Groningen.
87. Thomas Gautschi (2002). *Trust and exchange, effects of temporal embeddedness and network embeddedness on providing and dividing a surplus.* ICS-dissertation, Utrecht.
88. Hilde Bras (2002). *Zeeuwse meiden. Dienen in de levensloop van vrouwen, ca. 1850-1950.* Aksant Academic Publishers, Amsterdam.
89. Merijn Rengers (2002). *Economic lives of artists. Studies into careers and the labour market in the cultural sector.* ICS-dissertation, Utrecht.
90. Annelies Kassenberg (2002). *Wat scholieren bindt. Sociale gemeenschap in scholen.* ICS-dissertation, Groningen.
91. Marc Verboord (2003). *Moet de meester dalen of de leerling klimmen? De invloed van literatuuronderwijs en ouders op het lezen van boeken tussen 1975 en 2000.* ICS-dissertation, Utrecht.
92. Marcel van Egmond (2003). *Rain falls on all of us (but some manage to get more wet than others): Political context and electoral participation.* ICS-dissertation, Nijmegen.
93. Justine Horgan (2003). *High performance human resource management in Ireland and the Netherlands: Adoption and effectiveness.* ICS-dissertation, Groningen.
94. Corine Hoeben (2003). *LETs' be a community. Community in Local Exchange Trading Systems.* ICS-dissertation, Groningen.
95. Christian Steglich (2003). *The framing of decision situations. Automatic goal selection and rational goal pursuit.* ICS-dissertation, Groningen.
96. Johan van Wilsem (2003). *Crime and context. The impact of individual, neighborhood, city and country characteristics on victimization.* ICS-dissertation, Nijmegen.
97. Christiaan Monden (2003). *Education, inequality and health. The impact of partners and life course.* ICS-dissertation, Nijmegen.
98. Evelyn Hello (2003). *Educational attainment and ethnic attitudes. How to explain their relationship.* ICS-dissertation, Nijmegen.

99. Marnix Croes en Peter Tammes (2004). *Gif laten wij niet voortbestaan. Een onderzoek naar de overlevingskansen van joden in de Nederlandse gemeenten, 1940-1945*. Aksant Academic Publishers, Amsterdam.
100. Ineke Nagel (2004). *Cultuurdeelname in de levensloop*. ICS-dissertation, Utrecht.
101. Marieke van der Wal (2004). *Competencies to participate in life. Measurement and the impact of school*. ICS-dissertation, Groningen.
102. Vivian Meertens (2004). *Depressive symptoms in the general population: a multifactorial social approach*. ICS-dissertation, Nijmegen.
103. Hanneke Schuurmans (2004). *Promoting well-being in frail elderly people. Theory and intervention*. ICS-dissertation, Groningen.
104. Javier Arregui (2004). *Negotiation in legislative decision-making in the European Union*. ICS-dissertation, Groningen.
105. Tamar Fischer (2004). *Parental divorce, conflict and resources. The effects on children's behaviour problems, socioeconomic attainment, and transitions in the demographic career*. ICS-dissertation, Nijmegen.
106. René Bekkers (2004). *Giving and volunteering in the Netherlands: Sociological and psychological perspectives*. ICS-dissertation, Utrecht.
107. Renée van der Hulst (2004). *Gender differences in workplace authority: An empirical study on social networks*. ICS-dissertation, Groningen.
108. Rita Smaniotto (2004). *'You scratch my back and I scratch yours' versus 'Love Thy neighbour'. Two proximate mechanisms of reciprocal altruism*. ICS-dissertation, Groningen.
109. Maurice Gesthuizen (2004). *The life-course of the low-educated in the Netherlands: Social and economic risks*. ICS-dissertation, Nijmegen.
110. Carlijne Philips (2005). *Vakantiegemeenschappen. Kwalitatief en kwantitatief onderzoek naar gelegenheid en refresbergemeenschap tijdens de vakantie*. ICS-dissertation, Groningen.
111. Esther de Ruijter (2005). *Household outsourcing*. ICS-dissertation, Utrecht.
112. Frank van Tubergen (2005). *The integration of immigrants in cross-national perspective: Origin, destination, and community effects*. ICS-dissertation, Utrecht.
113. Ferry Koster (2005). *For the time being. Accounting for inconclusive findings concerning the effects of temporary employment relationships on solidary behavior of employees*. ICS-dissertation, Groningen.
114. Carolien Klein Haarhuis (2005). *Promoting anti-corruption reforms. Evaluating the implementation of a World Bank anti-corruption program in seven African countries (1999-2001)*. ICS-dissertation, Utrecht.
115. Martin van der Gaag (2005). *Measurement of individual social capital*. ICS-dissertation, Groningen.
116. Johan Hansen (2005). *Shaping careers of men and women in organizational contexts*. ICS-dissertation, Utrecht.
117. Davide Barrera (2005). *Trust in embedded settings*. ICS-dissertation, Utrecht.
118. Mattijs Lambooy (2005). *Promoting cooperation. Studies into the effects of long-term and short-term rewards on cooperation of employees*. ICS-dissertation, Utrecht.
119. Lotte Vermeij (2006). *What's cooking? Cultural boundaries among Dutch teenagers of different ethnic origins in the context of school*. ICS-dissertation, Utrecht.
120. Mathilde Strating (2006). *Facing the challenge of rheumatoid arthritis. A 13-year prospective study among patients and a cross-sectional study among their partners*. ICS-dissertation, Groningen.
121. Jannes de Vries (2006). *Measurement error in family background variables: The bias in the intergenerational transmission of status, cultural consumption, party preference, and religiosity*. ICS-dissertation, Nijmegen.
122. Stefan Thau (2006). *Workplace deviance: Four studies on employee motives and self-regulation*. ICS-dissertation, Groningen.

123. Mirjam Plantinga (2006). *Employee motivation and employee performance in child care. The effects of the introduction of market forces on employees in the Dutch child-care sector.* ICS-dissertation, Groningen.
124. Helga de Valk (2006). *Pathways into adulthood. A comparative study on family life transitions among migrant and Dutch Youth.* ICS-dissertation, Utrecht.
125. Henrike Elzen (2006). *Self-management for chronically ill older people.* ICS-Dissertation, Groningen.
126. Ayse Güveli (2007). *New social classes within the service class in the Netherlands and Britain. Adjusting the EGP class schema for the technocrats and the social and cultural specialists.* ICS-dissertation, Nijmegen.
127. Willem-Jan Verhoeven (2007). *Income attainment in post-communist societies.* ICS-dissertation, Utrecht.
128. Marieke Voorpostel (2007). *Sibling support: The exchange of help among brothers and sisters in the Netherlands.* ICS-dissertation, Utrecht.
129. Jacob Dijkstra (2007). *The effects of externalities on partner choice and payoffs in exchange networks.* ICS-dissertation, Groningen.
130. Patricia van Echtelt (2007). *Time-greedy employment relationships: Four studies on the time claims of post-Fordist work.* ICS-dissertation, Groningen.
131. Sonja Vogt (2007). *Heterogeneity in social dilemmas: The case of social support.* ICS-dissertation, Utrecht.
132. Michael Schweinberger (2007). *Statistical methods for studying the evolution of networks and behavior.* ICS-dissertation, Groningen.
133. István Back (2007). *Commitment and evolution: Connecting emotion and reason in long-term relationships.* ICS-dissertation, Groningen.
134. Ruben van Gaalen (2007). *Solidarity and ambivalence in parent-child relationships.* ICS-dissertation, Utrecht.
135. Jan Reitsma (2007). *Religiosity and solidarity – Dimensions and relationships disentangled and tested.* ICS-dissertation, Nijmegen.
136. Jan Kornelis Dijkstra (2007). *Status and affection among (pre)adolescents and their relation with antisocial and prosocial behavior.* ICS-dissertation, Groningen.
137. Wouter van Gils (2007). *Full-time working couples in the Netherlands. Causes and consequences.* ICS-dissertation, Nijmegen.
138. Djamila Schans (2007). *Ethnic diversity in intergenerational solidarity.* ICS-dissertation, Utrecht.
139. Ruud van der Meulen (2007). *Brug over woelig water: Lidmaatschap van sportverenigingen, vriendschappen, kennissenkringen en veralgemeend vertrouwen.* ICS-dissertation, Nijmegen.
140. Andrea Knecht (2008). *Friendship selection and friends' influence. Dynamics of networks and actor attributes in early adolescence.* ICS-dissertation, Utrecht.
141. Ingrid Doorten (2008). *The division of unpaid work in the household: A stubborn pattern?* ICS-dissertation, Utrecht.
142. Stijn Ruiter (2008). *Association in context and association as context: Causes and consequences of voluntary association involvement.* ICS-dissertation, Nijmegen.
143. Janneke Joly (2008). *People on our minds: When humanized contexts activate social norms.* ICS-dissertation, Groningen.
144. Margreet Frieling (2008). *'Joint production' als motor voor actief burgerschap in de buurt.* ICS-dissertation, Groningen.
145. Ellen Verbakel (2008). *The partner as resource or restriction? Labour market careers of husbands and wives and the consequences for inequality between couples.* ICS-dissertation, Nijmegen.
146. Gijs van Houten (2008). *Beleidsuitvoering in gelaagde stelsels. De doorwerking van aanbevelingen van de Stichting van de Arbeid in het CAO-overleg.* ICS-dissertation, Utrecht.
147. Eva Jaspers (2008). *Intolerance over time. Macro and micro level questions on attitudes towards euthanasia, homosexuality and ethnic minorities.* ICS-dissertation, Nijmegen.

148. Gijs Weijters (2008). *Youth delinquency in Dutch cities and schools: A multilevel approach*. ICS-dissertation, Nijmegen.
149. Jessica Pass (2009). *The self in social rejection*. ICS-dissertation, Groningen.
150. Gerald Mollenhorst (2009). *Networks in contexts. How meeting opportunities affect personal relationships*. ICS-dissertation, Utrecht.
151. Tom van der Meer (2009). *States of freely associating citizens: Comparative studies into the impact of state institutions on social, civic and political participation*. ICS-dissertation, Nijmegen.
152. Manuela Vieth (2009). *Commitments and reciprocity in trust situations. Experimental studies on obligation, indignation, and self-consistency*. ICS-dissertation, Utrecht.
153. Rense Corten (2009). *Co-evolution of social networks and behavior in social dilemmas: Theoretical and empirical perspectives*. ICS-dissertation, Utrecht.
154. Arieke J. Rijken (2009). *Happy families, high fertility? Childbearing choices in the context of family and partner relationships*. ICS-dissertation, Utrecht.
155. Jochem Tolsma (2009). *Ethnic hostility among ethnic majority and minority groups in the Netherlands. An investigation into the impact of social mobility experiences, the local living environment and educational attainment on ethnic hostility*. ICS-dissertation, Nijmegen.
156. Freek Bux (2009). *Linked lives: Young adults' life course and relations with parents*. ICS-dissertation, Utrecht.
157. Philip Wotschack (2009). *Household governance and time allocation. Four studies on the combination of work and care*. ICS-dissertation, Groningen.
158. Nienke Moor (2009). *Explaining worldwide religious diversity. The relationship between subsistence technologies and ideas about the unknown in pre-industrial and (post-) industrial societies*. ICS-dissertation, Nijmegen.
159. Lieke ten Brummelhuis (2009). *Family matters at work. Depleting and enriching effects of employees' family lives on work outcomes*. ICS-dissertation, Utrecht.
160. Renske Keizer (2010). *Remaining childless. Causes and consequences from a life Course Perspective*. ICS-dissertation, Utrecht.
161. Miranda Sentse (2010). *Bridging contexts: The interplay between family, child, and peers in explaining problem behavior in early adolescence*. ICS-dissertation, Groningen.
162. Nicole Tieben (2010). *Transitions, tracks and transformations. Social inequality in transitions into, through and out of secondary education in the Netherlands for cohorts born between 1914 and 1985*. ICS-dissertation, Nijmegen.
163. Birgit Pauksztat (2010). *Speaking up in organizations: Four studies on employee voice*. ICS-dissertation, Groningen.
164. Richard Zijdemann (2010). *Status attainment in the Netherlands, 1811-1941. Spatial and temporal variation before and during industrialization*. ICS-dissertation, Utrecht.
165. Rianne Kloosterman (2010). *Social background and children's educational careers. The primary and secondary effects of social background over transitions and over time in the Netherlands*. ICS-dissertation, Nijmegen.
166. Olav Aarts (2010). *Religious diversity and religious involvement. A study of religious markets in Western societies at the end of the twentieth century*. ICS-dissertation, Nijmegen.
167. Stephanie Wiesmann (2010). *24/7 Negotiation in couples transition to parenthood*. ICS-dissertation, Utrecht.
168. Borja Martinovic (2010). *Interethnic contacts: A dynamic analysis of interaction between immigrants and natives in Western countries*. ICS-dissertation, Utrecht.
169. Anne Roeters (2010). *Family life under pressure? Parents' paid work and the quantity and quality of parent-child and family time*. ICS-dissertation, Utrecht.
170. Jelle Sijtsema (2010). *Adolescent aggressive behavior: Status and stimulation goals in relation to the peer context*. ICS-dissertation, Groningen.
171. Kees Keizer (2010). *The spreading of disorder*. ICS-dissertation, Groningen.



172. Michael Mäs (2010). *The diversity puzzle. Explaining clustering and polarization of opinions*. ICS-dissertation, Groningen.
173. Marie-Louise Damen (2010). *Cultuurdeelname en CKV. Studies naar effecten van kunsteducatie op de cultuurdeelname van leerlingen tijdens en na het voortgezet onderwijs*. ICS-dissertation, Utrecht.
174. Marieke van de Rakt (2011). *Two generations of crime: The intergenerational transmission of convictions over the life course*. ICS-dissertation, Nijmegen.
175. Willem Huijnk (2011). *Family life and ethnic attitudes. The role of the family for attitudes towards intermarriage and acculturation among minority and majority groups*. ICS-dissertation, Utrecht.
176. Tim Huijts (2011). *Social ties and health in Europe. Individual associations, cross-national variations, and contextual explanations*. ICS-dissertation, Nijmegen.
177. Wouter Steenbeek (2011). *Social and physical Disorder. How community, business presence and entrepreneurs influence disorder in Dutch neighborhoods*. ICS-dissertation, Utrecht.
178. Miranda Vervoort (2011). *Living together apart? Ethnic concentration in the neighborhood and ethnic minorities' social contacts and language practices*. ICS-dissertation, Utrecht.
179. Agnieszka Kanas (2011). *The economic performance of immigrants. The role of human and social capital*. ICS-dissertation, Utrecht.
180. Lea Ellwardt (2011). *Gossip in organizations. A social network study*. ICS-dissertation, Groningen.
181. Annemarije Oosterwaal (2011). *The gap between decision and implementation. Decision making, delegation and compliance in governmental and organizational settings*. ICS-dissertation, Utrecht.
182. Natascha Notten (2011). *Parents and the media. Causes and consequences of parental media socialization*. ICS-dissertation, Nijmegen.
183. Tobias Stark (2011). *Integration in schools. A process perspective on students' interethnic attitudes and interpersonal relationships*. ICS-dissertation, Groningen.
184. Giedo Jansen (2011). *Social cleavages and political choices. Large-scale comparisons of social class, religion and voting behavior in Western democracies*. ICS-dissertation, Nijmegen.
185. Ruud van der Horst (2011). *Network effects on treatment results in a closed forensic psychiatric setting*. ICS-dissertation, Groningen.
186. Mark Levels (2011). *Abortion laws in European countries between 1960 and 2010. Legislative developments and their consequences for women's reproductive decision-making*. ICS-dissertation, Nijmegen.
187. Marieke van Londen (2012). *Exclusion of ethnic minorities in the Netherlands. The effects of individual and situational characteristics on opposition to ethnic policy and ethnically mixed neighbourhoods*. ICS-dissertation, Nijmegen.
188. Sigrid M. Mohnen (2012). *Neighborhood context and health: How neighborhood social capital affects individual health*. ICS-dissertation, Utrecht.
189. Asya Zhelyazkova (2012). *Compliance under controversy: analysis of the transposition of European directives and their provisions*. ICS-dissertation, Utrecht.
190. Valeska Korff (2012). *Between cause and control: Management in a humanitarian organization*. ICS-dissertation, Groningen.
191. Maike Gieling (2012). *Dealing with diversity: Adolescents' support for civil liberties and immigrant rights*. ICS-dissertation, Utrecht.
192. Katya Ivanova (2012). *From parents to partners: The impact of family on romantic relationships in adolescence and emerging adulthood*. ICS-dissertation, Groningen.
193. Jelmer Schalk (2012). *The performance of public corporate actors: Essays on effects of institutional and network embeddedness in supranational, national, and local collaborative contexts*. ICS-dissertation, Utrecht.
194. Alona Labun (2012). *Social networks and informal power in organizations*. ICS-dissertation, Groningen.
195. Michal Bojanowski (2012). *Essays on social network formation in heterogeneous populations: Models, methods, and empirical analyses*. ICS-dissertation, Utrecht.

196. Anca Minescu (2012). *Relative group position and intergroup attitudes in Russia*. ICS-dissertation, Utrecht.
197. Marieke van Schellen (2012). *Marriage and crime over the life course. The criminal careers of convicts and their spouses*. ICS-dissertation, Utrecht.
198. Mieke Maliepaard (2012). *Religious trends and social integration: Muslim minorities in the Netherlands*. ICS-dissertation, Utrecht.
199. Fransje Smits (2012). *Turks and Moroccans in the Low Countries around the year 2000: Determinants of religiosity, trend in religiosity and determinants of the trend*. ICS-dissertation, Nijmegen.
200. Roderick Sluiter (2012). *The diffusion of morality policies among Western European countries between 1960 and 2010. A comparison of temporal and spatial diffusion patterns of six morality and eleven non-morality policies*. ICS-dissertation, Nijmegen.
201. Nicoletta Balbo (2012). *Family, friends and fertility*. ICS-dissertation, Groningen.
202. Anke Munniksma (2013). *Crossing ethnic boundaries: Parental resistance to and consequences of adolescents' cross-ethnic peer relations*. ICS-dissertation, Groningen.
203. Anja Abendroth (2013). *Working women in Europe. How the country, workplace, and family context matter*. ICS-dissertation, Utrecht.
204. Katia Begall (2013). *Occupational hazard? The relationship between working conditions and fertility*. ICS-dissertation, Groningen.
205. Hidde Bekhuis (2013). *The popularity of domestic cultural products: Cross-national differences and the relation to globalization*. ICS-dissertation, Utrecht.
206. Lieselotte Blommaert (2013). *Are Joris and Renske more employable than Rashid and Samira? A study on the prevalence and sources of ethnic discrimination in recruitment in the Netherlands using experimental and survey data*. ICS-dissertation, Utrecht.
207. Wiebke Schulz (2013). *Careers of men and women in the 19th and 20th centuries*. ICS-dissertation, Utrecht.
208. Ozan Aksoy (2013). *Essays on social preferences and beliefs in non-embedded social dilemmas*. ICS-dissertation, Utrecht.
209. Dominik Morbitzer (2013). *Limited farsightedness in network formation*. ICS-dissertation, Utrecht.
210. Thomas de Vroome (2013). *Earning your place: The relation between immigrants' economic and psychological integration in the Netherlands*. ICS-dissertation, Utrecht.
211. Marloes de Lange (2013). *Causes and consequences of employment flexibility among young people. Recent developments in the Netherlands and Europe*. ICS-dissertation, Nijmegen.
212. Roza Meuleman (2014). *Consuming the nation. Domestic cultural consumption: its stratification and relation with nationalist attitudes*. ICS-dissertation, Utrecht.
213. Esther Havekes (2014). *Putting interethnic attitudes in context. The relationship between neighbourhood characteristics, interethnic attitudes and residential behaviour*. ICS-dissertation, Utrecht.
214. Zoltán Lippényi (2014). *Transitions toward an open society? Intergenerational occupational mobility in Hungary in the 19th and 20th centuries*. ICS-dissertation, Utrecht.
215. Anouk Smeekes (2014). *The presence of the past: Historical rooting of national identity and current group dynamics*. ICS-dissertation, Utrecht.
216. Michael Savelkoul (2014). *Ethnic diversity and social capital. Testing underlying explanations derived from conflict and contact theories in Europe and the United States*. ICS-dissertation, Nijmegen.
217. Martijn Hogerbrugge (2014). *Misfortune and family: How negative events, family ties, and lives are linked*. ICS-dissertation, Utrecht.
218. Gina Potarca (2014). *Modern love. Comparative insights in online dating preferences and assortative mating*. ICS-dissertation, Groningen.
219. Mariska van der Horst (2014). *Gender, aspirations, and achievements: Relating work and family aspirations to occupational outcomes*. ICS-dissertation, Utrecht.
220. Gijs Huitsing (2014). *A social network perspective on bullying*. ICS dissertation, Groningen.

221. Thomas Kowalewski (2015). *Personal growth in organizational contexts*. ICS-dissertation, Groningen.
222. Manu Muñoz-Herrera (2015). *The impact of individual differences on network relations: Social exclusion and inequality in productive exchange and coordination games*. ICS-dissertation, Groningen.
223. Tim Immerzeel (2015). *Voting for a change. The democratic lure of populist radical right parties in voting behavior*. ICS-dissertation, Utrecht.
224. Fernando Nieto Morales (2015). *The control imperative: Studies on reorganization in the public and private sectors*. ICS-dissertation, Groningen.
225. Jellie Sierksma (2015). *Bounded helping: How morality and intergroup relations shape children's reasoning about helping*. ICS-dissertation, Utrecht.
226. Tinka Veldhuis (2015). *Captivated by fear. An evaluation of terrorism detention policy*. ICS-dissertation, Groningen.
227. Miranda Visser (2015). *Loyalty in humanity. Turnover among expatriate humanitarian aid workers*. ICS-dissertation, Groningen.
228. Sarah Westphal (2015). *Are the kids alright? Essays on postdivorce residence arrangements and children's well-being*. ICS-dissertation, Utrecht.
229. Britta Rüschhoff (2015). *Peers in careers: Peer relationships in the transition from school to work*. ICS-dissertation, Groningen.
230. Nynke van Miltenburg. (2015). *Cooperation under peer sanctioning institutions: Collective decisions, noise, and endogenous implementation*. ICS-dissertation, Utrecht.
231. Antonie Knigge (2015). *Sources of sibling similarity. Status attainment in the Netherlands during modernization*. ICS-dissertation, Utrecht.
232. Sanne Smith (2015). *Ethnic segregation in friendship networks. Studies of its determinants in English, German, Dutch, and Swedish school classes*. ICS-dissertation, Utrecht.
233. Patrick Präg (2015). *Social stratification and health. Four essays on social determinants of health and wellbeing*. ICS-dissertation, Groningen.
234. Wike Been (2015). *European top managers' support for work-life arrangements*. ICS- dissertation, Utrecht.
235. André Grow (2016). *Status differentiation: New insights from agent-based modeling and social network analysis*. ICS-dissertation, Groningen.
236. Jesper Rözer (2016). *Family and personal networks. How a partner and children affect social relationships*. ICS-dissertation, Utrecht.
237. Kim Pattiselanno (2016). *At your own risk: The importance of group dynamics and peer processes in adolescent peer groups for adolescents' involvement in risk behaviors*. ICS- dissertation, Groningen.
238. Vincenz Frey (2016). *Network formation and trust*. ICS-dissertation, Utrecht.
239. Rozemarijn van der Ploeg (2016). *Be a buddy, not a bully? Four studies on social and emotional processes related to bullying, defending, and victimization*. ICS-dissertation, Groningen.
240. Tali Spiegel (2016). *Identity, career trajectories and wellbeing: A closer look at individuals with degenerative eye conditions*. ICS-dissertation, Groningen.
241. Felix Tropf (2016). *Social Science Genetics and Fertility*. ICS-dissertation, Groningen.
242. Sara Geven (2016). *Adolescent problem behavior in school: the role of peer networks*. ICS-dissertation, Utrecht.
243. Josja Rokven (2016). *The victimization-offending relationship from a longitudinal perspective*. ICS-dissertation, Nijmegen.
244. Maja Djundeva (2016). *Healthy ageing in context: Family welfare state and the life course*. ICS-dissertation, Groningen.



245. Mark Visser (2017). *Inequality between older workers and older couples in the Netherlands. A dynamic life course perspective on educational and social class differences in the late career*. ICS-dissertation, Nijmegen.
246. Beau Oldenburg (2017). *Bullying in schools: The role of teachers and classmates*. ICS-dissertation, Groningen.
247. Tatang Muttaqin (2017). *The education divide in Indonesia: Four essays on determinants of unequal access to and quality of education*. ICS-dissertation, Groningen.
248. Margriet van Hek (2017). *Gender inequality in educational attainment and reading performance. A contextual approach*. ICS-dissertation, Nijmegen.
249. Melissa Verhoef (2017). *Work schedules, childcare and well-being. Essays on the associations between modern-day job characteristics, childcare arrangements and the well-being of parents and children*. ICS-dissertation, Utrecht.
250. Timo Septer (2017). *Goal priorities, cognition and conflict: Analyses of cognitive maps concerning organizational change*. ICS-dissertation, Groningen.
251. Bas Hofstra (2017). *Online Social Networks: Essays on Membership, Privacy, and Structure*. ICS-dissertation, Utrecht.
252. Yassine Khoudja (2018). *Women's labor market participation across ethnic groups: The role of household conditions, gender role attitudes, and religiosity in different national contexts*. ICS-dissertation, Utrecht.
253. Joran Laméris (2018). *Living together in diversity. Whether, why and where ethnic diversity affects social cohesion*. ICS-dissertation, Nijmegen.
254. Maaïke van der Vleuten (2018). *Gendered Choices. Fields of study of adolescents in the Netherlands*. ICS-dissertation, Utrecht.
255. Mala Sondang Silitonga (2018). *Corruption in Indonesia: The impact of institutional change, norms, and networks*. ICS-dissertation, Groningen.
256. Manja Coopmans (2018). *Rituals of the past in the context of the present. The role of Remembrance Day and Liberation Day in Dutch society*. ICS-dissertation, Utrecht.
257. Paul Hindriks (2018). *The Struggle for Power: Attitudes towards the Political Participation of Ethnic Minorities*. ICS-dissertation, Utrecht.
258. Nynke Niezink (2018). *Modeling the dynamics of networks and continuous behavior*. ICS-dissertation, Groningen.
259. Simon de Bruijn (2018). *Reaching agreement after divorce and separation. Essays on the effectiveness of parenting plans and divorce mediation*. ICS-dissertation, Utrecht.

