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The Effects of Joint Legal Custody on Mothers, Fathers, and Children Controlling for Factors That Predispose a Sole Maternal versus Joint Legal Award

Marjorie Lindner Gunnoe[1,3] **and Sanford L. Braver**[2,4]

Findings from comparisons of joint and sole custody families that do not control for predivorce differences in demographic and family process variables (factors that may predispose families to choose or be awarded joint custody) are of limited generalizability, since obtained group differences may be attributable to predisposing (self-selection) factors, custody, or both. This study compared a random sample of 254 recently separated, not-yet-divorced families on 71 predivorce variables that might plausibly differentiate between families awarded joint legal versus sole maternal custody. Twenty such factors were identified and controlled for in subsequent comparisons of 52 sole maternal and 26 joint legal custody families 2 years postdivorce. Families with joint custody had more frequent father–child visitation, lower maternal satisfaction with custody arrangements, more rapid maternal repartnering, and fewer child adjustment problems (net of predivorce selection factors). Moreover, these effects did not appear to be moderated by level of predecree parental conflict. No association between custody and fathers' compliance with child support orders was obtained.

With over one million children experiencing parental divorce each year (National Center for Health Statistics, 1991), and the projection that over 30% of children born to married parents will experience marital dissolution before their 16th birthday (Bumpass & Sweet, 1989), there is an urgent need for psychologists to provide policy makers as well as parents with quality research on typical outcomes associated with various divorce provisions. In this study, we examine the two most common types of legal child-custody arrangements and their associated outcomes in various

[1]Department of Psychology, Calvin College, Grand Rapids, Michigan.
[2]Department of Psychology, Arizona State University, Tempe, Arizona.
[3]To whom correspondence concerning analyses should be directed at Department of Psychology, Calvin College, 3201 Burton St. SE, Grand Rapids, Michigan 49546; e-mail: mgunnoe@calvin.edu
[4]To whom correspondence concerning SSF measures should be addressed at Program for Prevention Research, Arizona State University, Box 871104, Tempe, Arizona 85287-1104; e-mail: Sanford.Braver@ASU.EDU

domains, including parental adjustment, interparental conflict, parent–child relationships, paternal compliance with child support orders, and children's adjustment.

Divorce decrees for couples with children generally provide for both legal and residential custody arrangements. The legal custody arrangement specifies authority to make educational, religious, and medical decisions for children. Residential arrangements indicate where children will primarily live. Historically, both legal and residential custody have been awarded to one parent (Kelly, 1994), but in the past 15–20 years, joint or shared custody has been permitted and even encouraged in many states (Freed & Walker, 1987). Most awards of joint custody involve only joint *legal* custody. Joint residential decrees, specifying that children should reside about equally with each parent, are awarded to less than 5% of families (Nord & Zill, 1997), except in California, where the estimates are closer to 20% (Maccoby & Mnookin, 1992).

By far, the most commonly awarded type of custody is sole maternal legal and residential custody (henceforth termed "sole maternal"), followed by joint legal custody and mother-residential custody (henceforth termed "joint legal") (Fox & Kelly, 1995; Meyer & Garasky, 1993). Accordingly, the comparisons with the broadest social policy implications involve these two most common types of legal/residential arrangements.

At a theoretical level, there remains substantial debate about whether joint legal custody is better or worse than sole maternal custody. Advocates of joint custody claim that fathers, by dint of the increased legal responsibility and authority bestowed on them, will take a more active and involved role in child rearing, to the benefit of all family members. Proposed benefits to fathers include less emotional loss, depression, anger, and role discontinuity. Proposed benefits to mothers include greater paternal compliance with child support orders, respite from full-time childrearing duties, and more time for professional development. In turn, children are expected to experience higher quality residential parenting, richer relationships with nonresidential parents, more cooperative coparenting, and, ultimately, better adjustment (Bray, 1991; Clingempeel & Reppucci, 1982; Goldstein & Solnit, 1984; Greif, 1979; Hodges, 1986; Kelly, 1983; Luepnitz, 1982; Steinman, 1981). In contrast, critics of joint custody are concerned about sustained family conflict when parents are required to maintain the amount of contact necessary to coordinate child care and resolve issues pertaining to children's welfare, and that children will develop loyalty conflicts when they have strong attachments to feuding parties. These issues are of particular concern when the couple is highly conflictual (for review, see Johnston, 1995). Critics also cite potential mental health difficulties for women deprived of their full-time maternal role, and children's discontinuity in residence, relationship with their "psychological parent," and peer relations. These risk factors are expected to result in poorer child adjustment (Alexander, 1977; Bray, 1991; Clingempeel & Reppucci, 1982; Goldstein, Freud, & Solnit, 1973; Hodges, 1986; Jenkins, 1977; Kelly, 1983; Steinman, 1981, 1983).

Previous studies that have attempted to evaluate these competing claims have been insufficient in many respects. Most have utilized "static-group designs" (Campbell & Stanley, 1963), which compare preexisting samples of sole maternal

custody versus joint custody families on one or more postdivorce outcomes. While such a comparison would have high internal validity in the analysis of randomly assigned groups, 95% of custody decisions are decided out of court by parents who (presumably) base their decision on factors specific to their situation (Braver & O'Connell, 1998; Maccoby & Mnookin, 1992). In all likelihood, families who opt for joint custody differ from those who opt for sole custody on many predisposing self-selection factors (e.g., socioeconomic status, fathers' involvement in child rearing, level of parental conflict versus cooperation) and each of these preexisting differences provides an alternative explanation or confound to the apparent effects of the custody arrangement. Group differences (or the lack of differences) obtained may be due entirely to variables that predisposed the families to select into and/or to be awarded one or the other type of custody, rather than the custody arrangement per se.

Static-group designs can be greatly improved upon in longitudinal, prospective research by collecting data on differences that exist prior to group formation. In analyses, these differences can then be statistically held constant by simultaneously partialing or covarying them out (Campbell & Stanley, 1963). Differences that remain or emerge after such partialing can be interpreted as the differences that would be present if the two groups of families had been equal on the predisposing factors. Partialing also generally reduces variance *within* each group, so that significant differences may emerge upon partialing because of shrunken error terms, even if no group differences were evident on the covariates or the outcome measures prior to partialing.

While partialing preexisting differences is, in principle, a solution to the problem of drawing causal inferences from static-group comparisons, the conclusiveness of such an effort depends on the degree to which the complete set of predisposing factors has been properly controlled for. Failure to partial influential mediators (underpartialing) results in the same inference problems associated with static-group designs. Overpartialing is much less serious (costing only 1 degree of freedom each in the error term) unless the analyst partials not only self-selection factors, but also mediators of the effect. A mediator is a variable *through which* the causal variable works its effect on the outcome variable (Baron & Kenny, 1986; Sheets, MacKinnon, & Braver, 1994; Sobel, 1982). For example, the effect of joint custody on child adjustment may work (in part) through the mediator of giving the child more access to the second parent after the divorce. If postdivorce parental access is incorrectly held constant by partialing, it is as if we had improperly restricted attention to joint custody children who, despite the greater parental access normally facilitated by joint custody, for some reason did not experience the usual increase in contact. For such a subgroup, a legitimate effect of joint custody could well disappear.

Like underpartialing, the overpartialing of mediators represents a serious impediment to the proper detection of causal effects through the partialing approach, but at least four previous investigations of postdivorce family functioning that have employed the partialing approach have included in their analyses variables likely to mediate the effects of custody. These variables included postdivorce financial

factors, postdivorce parental adjustment, postdivorce parental cooperation, and postdivorce father–child visitation. While these studies reported minimal or no association between custody and parenting (Bowman & Ahrons, 1985; Nelson, 1989) or child adjustment (Kline, Tschann, Johnston, & Wallerstein, 1989; Pearson & Thoennes, 1990), it is unclear whether there were, in fact, no associations or whether the overpartialing of mediators masked associations that actually existed.

Many previous studies of custody have also been compromised by sampling difficulties. Problems concerning representativeness are reviewed in Braver and Bay (1992) and are most evident in studies that employed convenience (Luepnitz, 1982) or clinic-based samples (Johnston, Kline, & Tschann, 1989), combined joint residential and joint legal/sole residential custody (Wolchik, Braver, & Sandler, 1985), or focused on *de facto* arrangements rather than the type of custody specified in the legal decree. For example, Buchanan, Maccoby, and Dornbusch (1992) compared adolescents in mother versus father residence, acknowledging that many girls in father residence were *legally* in the custody of their mothers. Since policy regarding custody outcomes is likely to have a more direct impact on award specifications than on children's actual residence, studies that focus on a clearly defined legal award are of greatest utility in the custody debate.

In this investigation, we have attempted to alleviate the aforementioned methodological problems of previous studies. From a random sample of families filing for divorce, we identified families eventually awarded sole maternal or joint legal/mother residential custody and 20 variables that predisposed families to be awarded these two types of custody. These 20 variables were then controlled for in analyses of family members' well-being 2 years postdivorce.

THE STUDY OF SEPARATING FAMILIES

This research uses the Study of Separating Families (SSF) dataset, an NICHD-funded longitudinal investigation of 340 families with minor children undergoing parental divorce (Braver, Wolchik, & Sandler, 1985). Families with at least one child age 14 years or under (chosen so that the target child would be a minor for the duration of the 3-year study) were identified using random selection from court records of couples filing for divorce in the Phoenix metropolitan area throughout the calendar year 1986.

SSF participation rate is among the highest reported in the literature (see reviews by Braver & Bay, 1992; Fox & Kelly, 1995; Kitson et al., 1982). Of the 866 fathers randomly targeted, 635 were located. Of these, 149 were ineligible (primarily because the couple was reconciling and withdrawing their divorce petition). Of the remaining 486 fathers, 340 took part in the Wave 1 interview (representing 70% of the fathers who were both located and eligible). Mothers' participation rates were slightly higher than fathers'. Sometimes mothers participated without fathers, and visa versa.

Results of comprehensive analyses to assess selection bias in the SSF sample are described in Braver and Bay (1992). Briefly, comparison of 57 indicators available

from either the petitions for divorce, divorce decrees, or census tracts showed relatively few differences between participants, persons who refused to participate, and those who could not be located. Although participants were more likely than nonparticipants eventually to be awarded joint legal custody, the sample was not noticeably biased toward highly educated or high-income families (a problem that has plagued many past investigations).

Parents were interviewed at three points in time. The Wave 1 (W1) interview occurred within 2.5 months of the filing of the divorce petition, and *prior* to the granting of the divorce decree. The second and third interviews occurred 1 and 3 years after the first interview. Because we were interested in assessing selection factors that were unambiguously predecree, and the majority of SSF families obtained their decree just prior to Wave 2, only data from W1 and W3 were included in this report.

Mothers and fathers were interviewed separately in their homes by an interviewer of their own sex and were paid $20 per interview. A paper-and-pencil questionnaire assessing parenting practices and family members' adjustment was also administered. When more than one child was age 14 years or under, both parents' reported on the adjustment of the same randomly selected target child. Each interview averaged about 1 3/4 hr. When one parent lived outside the vicinity, a long-distance phone call was substituted for the spoken portion of the interview.

Attrition rates were also satisfactory. Seven percent reconciled with their former spouse between the first and third interviews (and thus became ineligible) and 11% declined further participation or were unlocatable, leaving 82% of the original W1 sample who remained through W3.

ANALYSIS 1: IDENTIFYING FACTORS THAT PREDISPOSE JOINT LEGAL VERSUS SOLE MATERNAL AWARDS

Method

Participants

In order to focus on the two most frequent custody/residential arrangements, all analyses reported here were restricted to SSF families in which the child was residing primarily with the mother at W1 *and* were awarded (between W1 and W3) either sole maternal custody/maternal residence or joint legal custody/maternal residence. Data were available from 135 future sole custody mothers, 46 future joint custody mothers, 62 future joint custody fathers, and 168 future noncustodial fathers, representing 254 families[5] (49% of the 519 families invited to participate; 75% of the 340 families actually participating).

[5]Differences between the results reported here and those summarized in Braver and O'Connell (1998) are attributable to the fact that the 1998 analyses included, at W1, 19 additional families with various residential arrangements. For the present analyses, we required that all children be living primarily with their mother. Different criteria for covariates were also employed. These more stringent selection criteria resulted in a slightly different set of W1 predisposing factors, which, in turn, predicted a slightly different set of outcomes associated with the two types of custody.

Since the adjustment of the target child was assessed using a shortened version of the Child Behavior Checklist appropriate for children aged 4 years and older (Achenbach, 1991), comparisons of child adjustment were limited to the 192 target children (110 boys, 82 girls) who were at least age 4 years at the first interview (56% of participating families). The average age of these children was 8.3 years ($SD = 3.5$). If we assume that *nonparticipant* rates of eligibility related to age (child is at least 4 years old) and custody (family meets criteria in previous paragraph) are comparable to participant rates, the W1 analyses of child adjustment are based on approximately 66% of the children invited and eligible for inclusion in the present analyses.

Measures

Legal custody was defined by examining the decree of divorce on public record. Seventy-one potential predisposing factors of custody were derived from public records and the SSF interviews. These variables included demographic indicators and scales assessing family processes. Scales developed for use as potential selection factors or outcome variables typically underwent a scale development phase in which factor analyses and reliability analyses often led to combined scales or discarded items. Due to the extensive number of scales investigated as potential predictors of custody, our description of these measures must be abbreviated and presented in tabular form. In the Appendix, we provide the final number of items, the scale range, means and standard deviations for mothers and fathers, a reliability coefficient, and a representative item for each nondemographic measure considered. For the many instruments already described in prior literature, reference is made to the article describing it.

In the list that follows, we present all of the potential selection factors considered, organized by conceptual domain. Parallel information was requested of mothers and fathers, unless otherwise indicated. (Hence, "education" represents 2 of the 71 variables examined—maternal education and paternal education.)

Predecree Parental Demographics. Education, employed versus not, hours worked per week, income, race (White versus nonWhite), age at marriage, age at separation, first marriage versus remarriage, boy/girlfriend versus not, cohabiting partner versus not, and religion (Protestant versus not, Catholic versus not, Mormon versus not, none versus affiliation).

Predecree Family Demographics (assessed once per family). Time from marriage to separation, petitioner (mother versus father), gender of target child, age of target child, number of children in family, age of oldest child, age of youngest child, average age of children, range of children's ages, number of sons, proportion of sons.

Predecree Parental Adjustment. Depression, anxiety, anger/desire for revenge, and guilt.

Predecree Spousal Relations. General conflict, mothers' visitation opposition, mothers' visitation interference (fathers' reports only), and mothers' derogation of fathers (fathers' reports only).

Table 1. Summary of Wave 1 Differences between Families Who Later Attained Joint Legal and Sole Maternal Custody Awards

Theoretical domain	Variables	Direction of differences
Demographics	Age of target child	Sole > joint
	Education(F)	Joint > sole
	Income (M, F)	Joint > sole
	Hours worked per week (M)	Sole > joint
	Race (M, F)	Joint: Whites > others
	Religion[a] (F)	Joint: LDS > others > Catholic
Parental adjustment	Fathers' anger/desire for revenge (F)	Sole > joint
Spousal relations	Mothers' visitation opposition (F)	Sole > joint
Fathers' parenting	Visitation during separation (M, F)	Joint > sole
	Involvement in child rearing (M, F)	Joint > sole
Mothers' parenting	Acceptance of target child (M)	Joint > sole
	Rejection of target child (M)	Sole > joint
Child adjustment	Antisocial behavior (M)	Sole > joint
	Impulsivity (M, F)	Sole > joint

Note: M, mothers' report; F, fathers' report; LDS, Latter Day Saints (Mormon).
[a] Represents two variables (Mormon vs. not; Catholic vs. not).

Predecree Paternal Parenting. Involvement in child rearing, visitation during separation, commitment to parenting (fathers' reports only), conflict with child (fathers' reports only), and irresponsibility/incompetence (mothers' reports only).

Predecree Maternal Parenting. Acceptance of child (mothers' reports only), rejection of child (mothers' reports only), and irresponsibility/incompetence (fathers' reports only).

Predecree Child Adjustment. Total behavior problems, antisocial behavior, impulsive behavior, and depressive behavior.

Analyses

Each of the 71 W1 variables was assessed as a predictor of custody type. Dichotomous variables were assessed in chi-square analyses; continuous variables were examined in a series of independent *t* tests.[6]

Results

Significant differences ($p \leq .05$) by custody type were obtained for 16 of the potential predisposing factors, and trends ($p \leq .10$) were suggested on an additional 4 indices (age of target child, mothers' income, mothers' acceptance of target child, and fathers' reports of child impulsivity). These family process differences and trends, summarized in Table 1, suggested better predivorce functioning in families who would eventually be awarded joint legal custody. All 20 of these variables were retained for partialing in Analysis 2. (Variables significant at the trend level were included to reduce the risk of underpartialling.)

[6] Multivariate analyses (employed to protect against Type I errors) yielded the same pattern of significant differences as the independent *t* tests.

ANALYSIS 2: PREDICTING OUTCOMES OF SOLE MATERNAL VERSUS JOINT LEGAL AWARDS, CONTROLLING FOR FACTORS THAT PREDISPOSE THESE AWARDS

Method

Participants

The goal of Analysis 2 was to predict various W3 outcomes in sole maternal versus joint legal custody families, controlling for factors that predisposed these two types of awards. Analysis 2 included a much smaller subset of families than Analysis 1 because partialing necessarily occurs on a listwise basis (i.e., requires nonmissing values on all covariates). Since mother report, father report, and child outcome variables were included among the variables to be partialed, only families in which both parents participated at W1 and the target child was 4 years or older (122 families) were potentially available for analyses.

Between W1 and W3, 5 of these couples reconciled, and in 6 families, children moved in with their father, leaving 111 potentially eligible families. W3 participation from both parents was secured in 87 of these families (78%), although 9 of these families were missing data on one or more of the predisposing factors planned for partialing. Thus, the longitudinal sample consisted of 78 families in which both parents had participated at both waves and had supplied valid values for all of the predivorce indicators planned for partialing. If we assume that nonparticipant rates of eligibility related to custody and child age are comparable to participant rates (56%), these 78 families represent approximately 27% of the families invited and eligible for the present analyses. Fifty-two of these families (27 target boys, 25 target girls) had been granted sole maternal custody (67%) and 26 (16 boys, 10 girls) had been granted joint legal custody (33%).

Examination of the 78 families revealed the following: Sixty-five fathers (83%) and 69 mothers (88%) were White. At W1 (2.5 months postfiling), both mothers' and fathers' modal education was some college/A.A. degree. All but 2 fathers were employed (median income = $21,600), all but 10 mothers were employed (median income = $12,000). Couples had been married an average of 9.1 years ($SD = 4.9$) and had an average of 1.8 children. Mean ages of fathers, mothers, and target children were 32.9, 30.7, and 7.7 years, respectively. Sixty-three percent of the fathers (81%) reported an initial preference for either joint legal or sole paternal custody and 58 of the mothers (74%) leaned toward sole maternal custody. Despite this initial disagreement, 92% of the couples reached a custody agreement out of court. According to our selection criteria, all agreements specified that the target child should continue to live with the mother and all 78 children were living primarily with their mother at W3. At the final assessment, 35 fathers (45%) and 29 mothers (37%) were remarried or cohabiting.

Measures

Predictors. The primary predictor was legal custody, as defined in the formal degree. However, we were also interested in examining whether or not custody interacted with parental conflict because conflict is generally considered the main risk

factor for families with joint custody. To test for this potential interaction, we used whichever of the two parents' report of W1 conflict was greater (henceforth "conflict score") as a second between-subjects factor.

Predisposing Factors. In Analysis 1, we identified 20 predivorce variables that predicted legal custody. All of these variables were retained for inclusion in Analyses 2. Parallel reports from mothers and fathers were not combined, even when both had predicted custody, because prior research with this dataset indicated that mothers and fathers often provide quite discrepant reports on key constructs such as visitation frequency (Braver, Wolchik, Sandler, Fogas, & Zvetina, 1991) and child support payments (Braver, Fitzpatrick, & Bay, 1991). Retaining parents' separate reports serves to preserve perceptual biases of mothers versus fathers as well as knowledge of behavior to which only one parent is privy. Both of these influences on parents' report may have important ramifications for the prediction of family processes at W3.

Outcome Measures. Generally speaking, parallel outcome measures were available for mothers and fathers. The only nonparallel measures concerned parenting. Mothers indicated their acceptance and their rejection of the target child; fathers indicated their commitment to parenting and their amount of conflict with the target child. Additionally, fathers' reports of their ex-wives' opposition to visitation was based on more items than mothers' self-reported visitation opposition.

Analyses

The effects of custody on family processes were examined using MANCOVA.[7] The 20 predisposing factors served as simultaneous covariates, and conceptually similar W3 outcomes served as dependent variables. The independent variables were entered into the equation sequentially. Legal custody was entered first, conflict score was entered second, and the interaction between conflict and custody was entered last.

Results

Mothers' Reports

There was no evidence that the outcomes associated with joint custody were moderated by the amount of parental conflict (i.e., we failed to obtain a single significant conflict by custody interaction term). Thus, only the main effects of legal custody on family process are presented in Table 2. Theoretical constructs appear in bold and the variables used to assess the construct are listed under each bold heading. Predicted means (after accounting for the effects of covariates) are also presented whenever a difference is indicated.

Mothers with joint custody were less satisfied with their custody arrangements than mothers who had been granted sole custody, but custody per se did not appear to affect mothers' perceptions of relationships with their children or their ex-spouses.

[7]MANCOVA was employed rather than hierarchical multiple regression for two reasons. First, insistence on a significant multivariate effect (or at least a $p < .10$ trend toward significance for the multivariate test) prior to interpreting univariate effects reduces the rate of Type I errors. This is a particularly important concern given the number of analyses we conducted. Second, MANCOVA provides group means adjusted for the covariates and we desired to report these means in the results given in the tables.

Table 2. Main Effects for Custody and Predicted Means (Sole/Joint) in Mothers' Reports

Construct	*F*	Means	Effect size[a]
Mothers' adjustment	$\mathbf{F(3, 50) = 7.45^{***}}$		
Depression	ns		
Anxiety	ns		
Satisfaction	$F(1, 52) = 22.09^{***}$	6.66/4.69	.21
Mothers' anger/conflict	**ns**		
Anger	—		
Conflict areas	—		
Visitation opposition	—		
Mothers' parenting	**ns**		
Acceptance	—		
Rejection	—		
Mother repartnered	$\mathbf{F(1, 54) = 13.28^{***}}$	**.21/.65**	**.13**
Child support paid	**ns**		
Fathers' parenting	$\mathbf{F(3, 47) = 3.43^{*}}$		
Visitation	$F(1, 49) = 4.51^{*}$	−.34/2.24	.05
Involvement	ns		
Irresponsibility	ns		
Child adjustment	**F(4, 49) = (2.08)**		
Total score	ns		
Antisocial	ns		
Impulsive	$F(1, 52) = 7.72^{**}$	2.51/1.32	.08
Depressed	ns		

[a]Partial omega squared.
$^{***}p \leq .001$; $^{**}p \leq .01$; $^{*}p \leq .05$; ( ) $p \leq .10$; —, not interpreted due to nonsignificant multivariate effect.

Joint custody was also associated with mothers' repartnering; mothers who shared with fathers the legal responsibility for their children were three times more likely to be living with a new partner than mothers who had sole legal responsibility for their children. In contrast to mothers' relationships with children, fathers' relationships with children *did* appear to be affected by custody. Joint legal custody was associated with greater father–child visitation, but not child support payments. Finally, custody predicted mothers' reports of children's adjustment. Specifically, children in joint custody were reported to exhibit fewer impulsive behaviors than children in sole-maternal custody.

Fathers' Reports

Fathers' reports (not tabulated here) yielded only two differences between joint legal and sole maternal custody families. Fathers with joint custody reported higher (trend) rates of visitation, multivariate $F(3,49) = 3.15$, $p < .05$; univariate $F(1,51) = 3.32$, $p < .10$; predicted means for sole/joint = −.79/.90; effect size = .03. Conversely, noncustodial fathers indicated greater (trend) commitment to the parenting role, multivariate $F(3,49) = 3.15$, $p < .05$; univariate $F(1,51) = 3.29$, $p < .10$; predicted means for sole/joint = 28.1/25.9; effect size = .03. Paralleling the results obtained with mothers, there was no evidence that the effects of custody interacted with predecree conflict.

DISCUSSION

The purpose of this research was to delineate various outcomes in families awarded joint versus sole maternal custody. This was accomplished by statistically controlling for a wide variety of predisposing, predivorce characteristics in comparisons of families awarded these two custody arrangements.

With respect to predisposing factors, this study replicated several differences already reported in the literature and identified a few additional ones. Almost all of these differences indicated that families that were functioning better prior to the awarding of the final decree were more likely to have joint custody than families exhibiting difficulties. These findings support the claim that differences obtained in static-group comparisons of joint legal and sole maternal custody families should be viewed with caution, as attributable, at least in part, to self-selection factors that existed prior to the awarding of the decree.

With respect to the theoretical benefits and risks of joint custody described in the Introduction, the present results provide more evidence for benefit than risk. Most important, in a time when custody decisions are to be made in the best interest of the child, is the impact of joint versus sole legal custody on children. Compared to mothers with sole custody, mothers with joint custody described their children as exhibiting fewer impulsive behaviors 2 years postdivorce. Means on the other three maternal-report Achenbach scales (total problems, antisocial behaviors, and depressive behaviors) and all four paternal-report scales were in the same direction (i.e., sole > joint), but not significantly different. While one significant univariate difference out of eight possible may seem like only weak support for joint custody, it is important to emphasize that critics of joint custody predict *greater* behavior problems for children in joint custody. The present research failed to yield any evidence of adverse effects of joint custody on children's adjustment.

This mildly positive assessment of joint custody outcomes for children may initially appear (1) contradictory to the assessment provided by Johnston (1995), who reviewed six studies and concluded that joint custody was neither beneficial nor detrimental to children, and (2) compatible with results from Bauserman (1997), who conducted a meta-analyses of 21 studies and concluded that children in joint residential custody scored better than those in sole maternal custody on a wide variety of adjustment/interpersonal measures. However, both Johnston's review and Bauserman's meta-analyses focussed on families with joint residential (not legal) custody. Our findings reflect only the legal custody arrangement. To the best of our knowledge, there are no similarly comprehensive studies of child adjustment as a function of joint *legal* custody presented in the literature.

The second benefit of joint custody is to fathers. Joint custody benefits fathers by facilitating continued contact with their children. Our findings of greater visitation for fathers with joint custody replicate findings by Arditti (1992) and Seltzer (1988), who also controlled for the predivorce father–child relationship. In contrast, Maccoby and Mnookin (1992) found little difference in visitation rates between sole and joint legal custody families. Reconciling this seeming contradiction is difficult because the studies differ in many regards, including sampling and measures, but two particular differences between our study and the Maccoby and Mnookin study merit mention.

Most importantly, we engaged in a far more comprehensive partialing of predisposing factors than they did. We suspect this accounts for many of the differences in the results of the two studies. Legal backdrop may also be an important consideration. In California, 20% of fathers (probably those most involved with their children prior to the divorce) are awarded joint *residential* custody. Because these "most-involved" fathers were (presumably) excluded from Maccoby and Mnookin's comparison of joint legal versus noncustodial fathers, it is not surprising that the two examined groups look more similar in California than they do in other states (i.e., most of the fathers in Maccoby and Mnookin's joint residential group would have been included in a joint legal group had they had resided in any other state).

A third possible benefit of joint custody is the more rapid repartnering of joint custody mothers.[8] Greater opportunity for courtship afforded mothers who do not hold sole responsibility for their children is a potentially important consideration because marital status is one of the best predictors of adult mental health (Gove, Hughes, & Styles, 1983). More rapid repartnering may also be beneficial for children. The majority of divorced single mothers do repartner while their children are still living at home (Glick, 1989), and children of mothers who move quickly to a new relationship exhibit higher rates of social competence and direct less negative behaviors to their residential parents than children of mothers who postpone courtship following marital disruption (Montgomery, Anderson, Hetherington, & Clingempeel, 1992). Rapid repartnering also decreases the time children spend in poverty (Hernandez, 1988).

The primary criticism leveled *against* joint custody (Johnston et al., 1989) is the potential for keeping feuding parents embroiled in conflict. Accordingly, our expectation prior to conducting this research was that joint custody would be associated with higher rates of postdivorce conflict, particularly among families already experiencing high rates of conflict at W1. Surprisingly, this was not the case. There were no main effects of custody on either parents' report of conflict or anger at W3. Similarly, there was no evidence that the effects of custody on other aspects of family process (e.g., visitation, child adjustment) were moderated by predecree levels of conflict.

The foremost detriment of joint custody indicated in this present research is that mothers are dissatisfied with the joint custody arrangement. These findings parallel those of Arditti and Madden-Derdich (1997), who found that despite lower levels of parenting stress, joint custody mothers reported less satisfaction than sole custody mothers and similar feelings of burden. Mothers' dissatisfaction may arise if they perceive that their legal role is out of proportion to their caregiving responsibilities. This dissatisfaction is probably exacerbated by the fact that (after accounting for predisposing factors) joint custody fathers appear no more likely than noncustodial fathers to comply with child support orders. This disappointing result has also been reported by Maccoby and Mnookin (1992) and Seltzer (1998).

In contrast, custody type was unrelated to fathers' custody satisfaction. This was surprising since several previous studies indicated that joint custody fathers are

[8]Because the presence of a boyfriend/girlfriend and cohabitation at W1 were both unrelated to eventual custody type, the reverse causal process, in which new partners cause mothers to be more receptive to joint custody, is unlikely.

more satisfied than noncustodial fathers (Arditti, 1992: Greif, 1979; Shrier, Simring, Shapiro, Greif, & Lindenthal, 1991). This discrepancy may be related to the fact that the previous studies appear to have combined joint legal and joint residential custody fathers for analyses. Custody type did predict fathers' stated commitment to the parenting role, but why noncustodial fathers described themselves as more committed is difficult to explain.

Methodological Limitations

While we have made every effort to provide a methodologically sound analysis of the outcomes associated with joint legal versus sole maternal custody, our investigation is not without limitations. Of custody studies in general, causality will never be indisputably demonstrated because custody is not assigned randomly. Moreover, family members are subject to unique life events, so that postdivorce behavior is not always predictable from predivorce behavior (Hetherington, 1993; Hodges, 1986). These general limitations in predictive ability must always be considered.

Specific to this study is the caution merited by the relatively small group of 78 families that we were able to include in final longitudinal analyses. Although the differences associated with the two types of custody were large enough to overcome the statistical power limitations imposed by the small sample size, a larger sample would have preferable for at least three reasons. First, a larger sample would have permitted a more stringent examination of possible interactions between legal custody and theoretically relevant predisposing factors. Our results represent outcomes associated with joint custody in a *general* sample, not the outcomes expected for *atypical* families who merit special consideration in the custody debate (e.g., families characterized by domestic violence and/or diminished paternal parenting concern or capacity). This issue is particularly important if courts or statutes make joint legal custody a presumption, even when these atypical characteristics mitigate against it (Johnston et al., 1989).

Second, a larger sample would have permitted analyses of *typical* families not adequately represented in our sample (e.g., minority families). Third, we would have preferred to include a greater *proportion* of the eligible families targeted for inclusion. Broad representativeness of the total W1 SSF sample has already been established (Braver & Bay, 1992), but the smaller proportion of families included in the primary longitudinal analyses (approximately 27% of families invited and eligible) raises the likely possibility that the longitudinal sample is self-selected. While we have carefully documented the reasons for the successively smaller samples at each stage of the analysis, it is likely that the sample may be biased in a way that might qualify the conclusions.

Another potentially serious limitation of the present study concerns the timing of W1 data collection. Because our sample was drawn from families who had recently filed for legal separation, it is likely that some postseparation behavior patterns such as visitation were already being informally negotiated prior to our first assessment. In this regard, it is important to reiterate that our results concerning visitation and child support compliance parallel those of Seltzer (1998), whose (smaller) set of W1 selection factors were assessed when parents were still residing in the same

household. Age of the data (petitions were filed in 1986) also merits consideration as a limiting factor because many political, legal, economic, and social changes have taken place since we began the study.

Failure to partial out all the relevant covariates is also a likely limitation. Despite our efforts to be as thorough as possible in our assessment of predisposing demographic and family factors, we had limited or no data on several factors that probably influence the custody decision. Additional predictors likely include parents' broad competence (e.g., IQ, occupational status, employment history), parents' psychopathology (e.g., substance abuse, criminal records), factors that involve the legal process (e.g., attorney representation; Fox & Kelly, 1995), perceived likelihood of "winning" in court (Mnookin & Kornhauser, 1979), and, because all our cases were decided in Arizona, variations in legal custody presumption by state (Seltzer, 1998).

It is also possible that our use of composite measures masked some relevant aspects of family process. For example, it may be that topic of conflict matters more than amount, with conflict over child rearing posing a greater threat to children in joint custody than other topics of conflict. Moreover, these measures were constructed solely from family members' reports, which may be less objective than reports from external raters (e.g., teachers).

Finally, we would have preferred to find greater similarity across maternal and paternal reports, particularly with respect to child adjustment. Greater replication across parents would afford greater confidence in the generalizability of our findings.

Implications for Policy

Despite these limitations, this study advances the empirical understanding of outcomes associated with different types of custody by focusing exclusively on the two most commonly awarded types (joint legal versus sole maternal) and employing greater methodological rigor than most previous studies attempting to address the merits and detriments of joint custody. Our results suggest that while mothers clearly prefer sole custody, the awarding of joint legal custody serves to preserve father–child relationships, facilitate mothers' repartnering, and deter some child adjustment problems. While we must always be mindful that there are families with characteristics that demand other types of custody arrangements, the interests of many families would appear to be served, or at least not harmed, by a judicial presumption in favor of joint legal custody.

APPENDIX

Various psychometric indices for the nondemographic measures employed in this study are summarized in Table 3. Most have already been described in the literature; citations for these measures are provided in the table. Additional information on SSF measures not described in the literature is available from the second author. Father–child conflict was the only measure created specifically for this study.

Table 3. Scale Psychometrics

Scale	Number of items	Possible range	W1 means (*SD*) for M/F report	Midpoint alpha	Sample item	References
Depression	9	9–36	18.8 (5.6)/18.5 (6.6)	.88	How much were you bothered by feeling blue?	Derogatis et al., 1974; Derogatis & Spencer, 1982
Anxiety	8	8–32	16.5 (4.9)/14.8 (5.2)	.86	How much were you bothered by worrying too much?	Derogatis et al., 1974; Derogatis & Spencer, 1982
Anger/desire for revenge	8	8–40	19.9 (7.5)/17.7 (7.1)	.91	I wanted revenge for things done to me by (ex)	Ahrons (1983)
Guilt	4	4–20	17.0 (3.3)/17.8 (3.3)	.79	I have blamed myself for the divorce	Ahrons (1983)
General conflict	12	12–60	26.7 (10.0)/23.9 (8.9)	.82	You argued in front of your children	Braver et al. (1993)
M's derogation of F	3	3–15	—/5.15 (2.7)	.75	(Ex) told children bad things about you	Braver et al. (1993)
M's visitation opposition	2	2–14	6.07 (3.0)/4.34 (2.7)	.84[a]	I think (ex) is/(Ex) thinks you are a very bad influence on child	Braver et al. (1993)
M's visitation interference	10	10–50	—/14.6 (6.2)	.86	(Ex) wouldn't let you visit because you owed support	Braver et al. (1993)
F's involvement in child rearing	9	9–45	26.1 (8.6)/36.8 (6.6)	.91	How involved is (ex)/are you in religious and moral training?	Ahrons (1983)
F–C visitation	6	*z* scores[b]	–.28 (4.2)/–.21 (4.5)	.88	(Hours per week of face-to-face contact)	Braver et al. (1993)
F's commitment to parenting	7	7–35	—/27.7 (4.1)	.76	If I come across an article on parenting, I will read it with interest	SSF measure
F's child support compliance	1	0–167%[c]	—/—	—	(Percentage: support paid/ support ordered)	SSF measure
Spouse's irresponsibility/ incompetence	4	4–20	11.5 (1.6)/11.9 (1.8)	.88	My former spouse is an irresponsible parent	Ahrons (1983)

(*Continued*)

Table 3. (*Continued*)

Scale	Number of items	Possible range	W1 means (*SD*) for M/F report	Midpoint alpha	Sample item	References
F's conflict with child	5	5–15	—/1.56 (.530)	.63	You have to yell at or spank (child) during visits	SSF measure
M's acceptance of child	16	16–48	43.5 (4.2)/—	.83	You enjoy doing things with (child)	Schaefer (1965)
M's rejection of child	16	16–48	22.1 (4.6)/—	.79	You act as though (child) is in the way	Schaefer (1965)
C's total behavior problems	27	0–54	13.1 (8.2)/9.5 (7.4)	.92	(All items from the following 3 scales)	Achenbach, 1978; Achenbach & Edelbrock, 1979; Zill, 1985
C's antisocial behavior	6	0–12	2.29 (2.1)/1.68 (1.8)	.78	Cruelty, bullying, or mean to others	
C's impulsivity	5	0–10	2.71 (2.1)/2.06 (1.9)	.71	Impulsive or acts without thinking	
C's depression	6	0–12	1.88 (2.3)/1.22 (1.7)	.81	Unhappy, sad, or depressed	
Custody satisfaction	1	1–7	—	—	How satisfied are you with the current custody arrangements in your decree or any legal changes to the decree?	SSF measure

Note: M, mother; F, father; C, child.
[a] Spearman–Brown correlation for scale with two items.
[b] W1 means of mothers' standardized item scores ranged from −6.24 to 11.87; fathers' W1 means ranged from −7.01 to 15.46.
[c] Actual (rather than possible) range.

All measures assess current/recent behavior (e.g., in the last month), except W1 father–child involvement, which is a retrospective report of fathers' involvement during the marriage (i.e., prior to separation.) All variables were coded such that low scores represent low levels of the behavior and high scores represent high levels of the behavior. Items were then summed to create a score for the scale. The only scale not summed was father–child visitation. Because this index includes items with different response scales, we first standardized each item (separately for mothers and fathers) and then calculated the mean of the *z* scores.

The means and standard deviations reported in Table 3 were computed using only the scores from 254 (W1) families selected for the present study. Cronbach's alphas were computed using both the full SSF cross-sectional samples and the longitudinal samples of parents who had participated at all three waves; the two sets of alphas were almost identical. For most scales, this process yielded a set of 12 alphas (2 samples by 3 waves by 2 parents). For a minority of the scales, we had fewer alphas because only one parent reported on the scale, or the scale was not included at all three waves of data collection. The alphas reported in Table 3 are the midpoint between the smallest and largest alphas obtained for each scale.

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