

July 2008

Residential Time Summary Reports Filed in Washington from July 2007 – March 2008

Thomas George

INTRODUCTION

In 2007 the Washington State Legislature directed the Administrative Office of the Courts (AOC), in consultation with the Department of Social and Health Services Division of Child Support, to develop a Residential Time Summary Report (RTSR) form to summarize information for every dissolution case in which residential time with children is established or modified. The statute further asked the AOC to report on the information obtained from those forms on at least an annual basis. This is the first of these reports.

According to RCW 26.09.231, parties involved in dissolution matters are to complete an RTSR form and file it along with the court order. RTSR forms summarize information from original or modified Parenting Plans. They contain information on the amount of time children spend with each parent, the representation status of the parties, whether risk factors (e.g., abuse or neglect) have been found for the mother and/or the father, the type of dispute resolution used by the parties, and whether the Parenting Plan was agreed to by the parties, entered by default, or decided by the court after a contested hearing. RTSR forms do not collect information on qualitative aspects of residential time (e.g., school days vs. weekend days).

RTSR forms are not signed by a judicial officer, and the information contained in the report is not verified against the final Parenting Plan by any court staff. Therefore, the degree to which RTSR filings represent complete and accurate information is unknown.

The original version of the RTSR form was used from July 2007 through March 2008. The information contained in this report comes from all RTSR forms filed with the courts during this period. Future annual reports will present data from the revised RTSR form which includes more refined categories pertaining to residential time.

THE RTSR DATASET

From July 2007 – March 2008, 8,360 final Parenting Plans in dissolution cases were filed in Washington's superior courts. During the same period, 4,986 Residential Time Summary Report forms (60%) were filed. Four hundred

SUMMARY

This report analyzed 4,354 Residential Time Summary Reports filed in Washington courts from July 2007 through March 2008. Overall, 93% of all Parenting Plans were by agreement of the parties and 86% involved no risk factors on the part of the parents that limited residential time of children. The most common residential schedule for children was for the mother to have 66-99% of the residential time and the father to have 1-34% of residential time. This schedule occurred for approximately half of all cases and was more than three times more likely than any other arrangement.

Residential time, however, was impacted by a number of factors. First, when it was established that one parent had a risk factor that could limit his or her residential time (e.g., abused or neglected a child, had chemical dependency, committed domestic violence), the other parent received all, or almost all, of the residential time (provided he or she had no risk factors).

Second, the combination of representation statuses had a significant impact on residential time. When both parties had the same type of representation (either self or attorney), the outcomes were similar. However, when one party had an attorney and the other party was self-represented, the attorney-represented party received more residential time in comparison to cases which had the same type of representation for both parties.

Finally, although the vast majority of cases were agreed, when a case was contested, fathers tended to receive more residential time in comparison to other types of decisions (provided the father had an attorney).

sixty-one (461) forms were excluded from the analyses due to either missing data about the residential time of children or because multiple forms were submitted for the same case. For cases with multiple RTSR forms, either one form was selected at random if all forms pertained to the same Parenting Plan, or the RTSR form associated with the most recent modification of the Parenting Plan was selected.

For the remaining 4,525 unique cases, approximately half (51%) of the RTSR forms pertained to only one child, and half (49%) pertained to two or more children. Of those cases with two or more children, the vast majority (92%) involved the same residential time schedules for all the children. The 171 cases in which the residential time division was different among the children were not included in subsequent analyses. Thus, the final dataset for this report included 4,354 unique cases in which the residential time division was the same for all children within a family. Of the 4,354 RTSR forms analyzed, 18% were prepared by the mother, 7% by the father, 42% by a third party, and 33% were unspecified.

RESIDENTIAL TIME OF CHILDREN

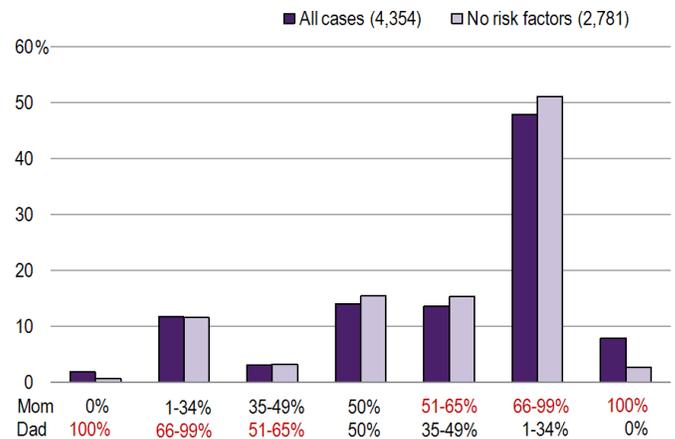
On the RTSR forms, respondents indicated which of seven categories best represented the amount of time children spend with each parent (see Exhibit 1). Exhibit 1 displays the percentage of cases falling into each of the seven categories of residential time for all families in the dataset. Because residential time may be limited or prohibited by the courts if certain risk factors¹ are established, and because risk factors were more likely for fathers than for mothers (see below), Exhibit 1 (and subsequent analyses) compares fathers' and mothers' residential time when neither parent had any risk factors.

When no risk factors were established for either parent, children in 68% of the families spend more time with the mother than the father. For 15% of the families, children spend more time with their father than their mother, and for 16% of the families, children spend equal time with each parent. The most common residential time arrangement (for 51% of families) was for children to spend 66-99% of the time with their mother and 1-34% of their time with their father, which was more than three times more likely than any other arrangement. Full custody was relatively rare (3% of families) when there were no risk factors on the part of the mother or the father.²

¹ The RTSR form asks the respondent if the mother or father has been found under paragraphs 2.1 or 2.2 of the Parenting Plan to have committed domestic violence, abused or neglected a child, has chemical dependency issues, has mental health issues, or if other factors were found which may limit or prohibit a parent's contact with the children and the right to make decisions for the children. For the purposes of this report, all such factors are considered "risk factors."

² Of the cases with no risk factors for either the mother or the father, 93% of the Parenting Plans were by agreement of the parties, 5% were by default, and 2% were after a contested hearing or trial.

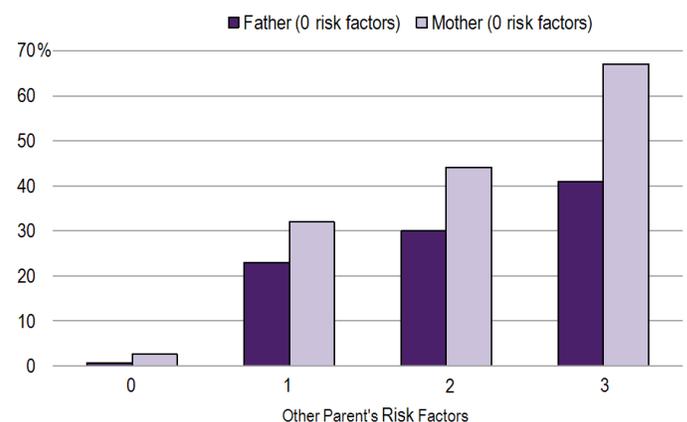
Exhibit 1
Residential Time of Children



RESIDENTIAL TIME AND PARENTAL RISK FACTORS

When one parent was found to have risk factors that could limit his or her residential time, children spend most or all of their residential time with the other parent in nearly every case (provided the other parent had no risk factors). As can be seen in Exhibit 2, when the mother had no risk factors and the father had one risk factor, 32% of mothers were awarded full custody (in comparison to 3% when neither parent had any risk factors). The percentage of mothers awarded full custody increased to 44% when the father had two risk factors and 67% when the father had three or more risk factors.³

Exhibit 2
Percentage of Fathers and Mothers with No Risk Factors Awarded Full Custody



When the father had no risk factors and the mother had one risk factor, 23% of fathers were awarded full custody

³ Of the cases in which the mother had no risk factors and the father had one or more risk factors (10.1% of all cases), 54% of the Parenting Plans were by agreement of the parties, 38% were by default, and 8% were after a contested hearing or trial.

(in comparison to 1% when neither parent had any risk factors; see Exhibit 2). The percentage of fathers awarded full custody increased to 30% when the mother had two risk factors and 41% when the mother had three or more risk factors.⁴

The specific type of risk factor also played a role in whether a parent had any residential time with a child (see Exhibit 3). Parents who willfully abandoned the child or abused or neglected the child were least likely to be awarded any residential time (53% and 51% no residential time, respectively). Twenty-two percent (22%) of parents with chemical dependency issues alone were not allowed any residential time, followed by 16% of those who committed domestic violence, and 8% of those with mental health issues. Across all types of risk factors, if a parent with a risk factor was awarded any residential time, it was almost always limited to 1-34% of the time (provided the other parent had no risk factors).

Exhibit 3
Percentage of Parents with One Risk Factor Who Received No Residential Time

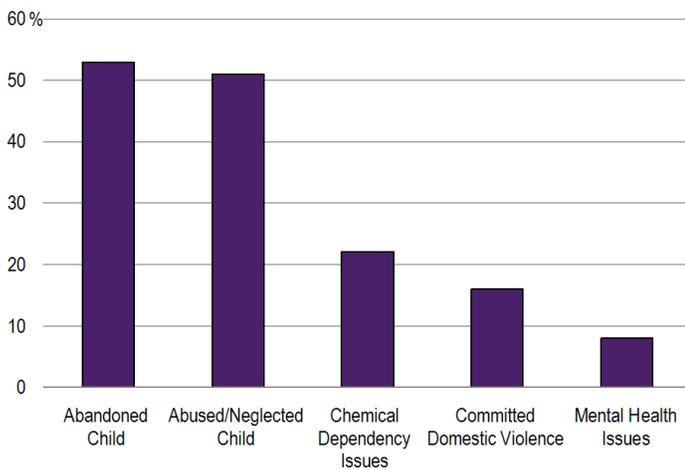


Exhibit 4 lists the percentage of cases involving each specific type of risk factor established for the father and the mother.

Exhibit 4
Percentage of Cases Involving Types of Risk Factors

Established Risk Factor	Father	Mother
Abused or neglected a child	3.5%	1.6%
Chemical dependency issues	4.2%	2.0%
Committed domestic violence	4.4%	0.7%
Mental health issues	1.0%	0.5%
Other	3.0%	1.1%

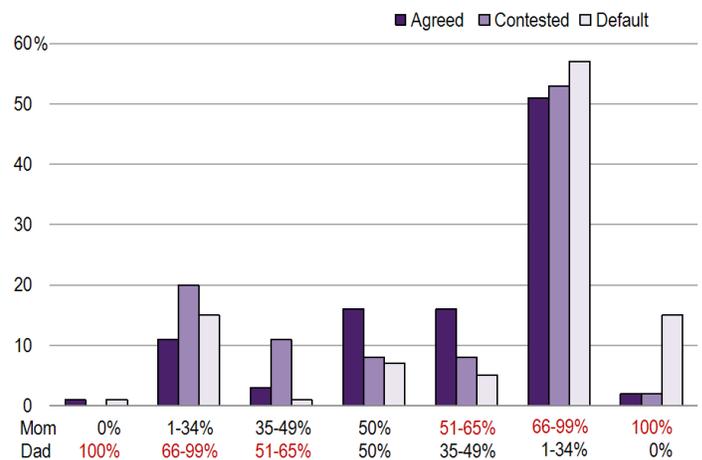
⁴ Of the cases in which the father had no risk factors and the mother had one or more risk factors (3% of all cases), 48% of the Parenting Plans were by agreement of the parties, 30% were by default, and 22% were after a contested hearing or trial.

RESIDENTIAL TIME OF CHILDREN AND TYPE OF PARENTING PLAN DECISION

To examine whether the residential time of children was related to Parenting Plans decided by agreement, contest, or default, cases in which there were no risk factors for either parent were compared (see Exhibit 5). Of the 2,714 cases, 93% were decided by agreement, 2% were contested, and 5% were by default. Overall, mothers received 66-99% of residential time, and fathers 1-34% of residential time, in the majority of cases (53%) regardless of the type of decision.

The residential time of children did differ, however, for agreed, contested, and default cases when examining the entire range of residential time schedules. Cases decided by default were much more likely to result in the mother receiving full custody or most of the residential time. When comparing agreed versus contested cases, contested cases resulted in (a) a smaller percentage of residential schedules that evenly split time between the parents, (b) a smaller percentage of residential schedules that slightly favored the mother, and (c) a larger percentage of schedules in which the father received the majority of residential time.

Exhibit 5
Residential Time by Type of Parenting Plan Decision (No Risk Factors for Either Parent)



RESIDENTIAL TIME AND TYPE OF REPRESENTATION

On the Residential Time Summary Reports, respondents indicated whether the father and mother were self-represented or represented by an attorney. For 44% of the cases, both parties self-represented; for 29%, one party was self-represented and the other party was represented by an attorney; and for 27% of the cases, both parties were represented by an attorney.

Exhibit 6 presents the residential time distributions for each combination of party representation for cases with no risk

factors for either parent. For the most part, there was little difference between the residential time distributions for cases in which both parties were self-represented versus cases in which both parties were represented by an attorney. For approximately half of the cases in each representation group, the mother was granted 66-99% of the children’s residential time and the father was granted 1-34% of the time. However, when one party was represented by an attorney and the other party was self-represented, the party with the attorney was more likely to receive more residential time. For example, when the father had an attorney and the mother was self-represented, the percentage of fathers who received 66-99% of the residential time increased from 11% (when both parties had the same type of representation) to 25%.

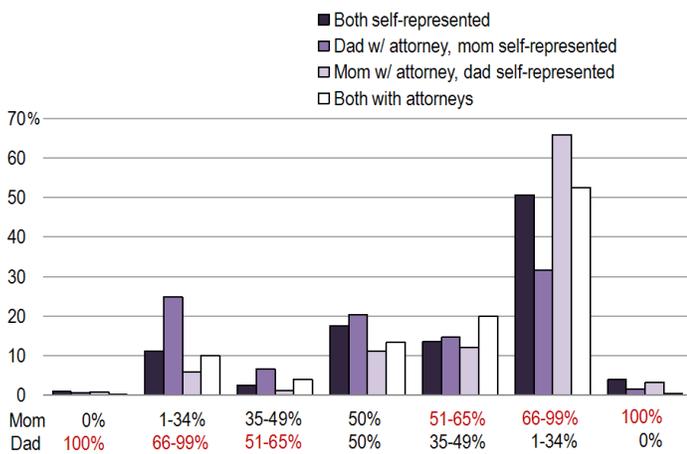
Similarly, when the mother was represented by an attorney and the father was self-represented, the percentage of mothers who received 66-99% of the residential time increased from 51% (when both parties had the same type of representation) to 66% (see Exhibit 6).

DISPUTE RESOLUTION

On the RTSR, respondents were asked to indicate which type of dispute resolution process they would use to resolve any future disagreement about the Parenting Plan: counseling, mediation, arbitration, or no dispute resolution process except court action.

Of the 4,354 RTSRs, fewer than half (43%) of the respondents completed the information pertaining to the Dispute Resolution process. Of those who did, 84% indicated that disputes would be resolved by court action only, 12% indicated counseling, and 4% indicated a combination of arbitration and mediation.

Exhibit 6
Residential Time by Representation
(No Risk Factors for Either Parent)



RESIDENTIAL TIME BY COUNTY AND QUARTER

The distribution of residential time schedules when no risk factors were found for either parent is presented by county in the Appendix. In addition, the distribution is presented for each of the three calendar quarters of the study period. Because percentages fluctuate considerably when small numbers of cases are involved, and because the validity of the information is currently unknown, statistics are presented only for counties with 20 or more cases available for analysis. Further breakdown of information by county was not possible for the current study period.

If you have any questions about this report, please contact Thomas George at thomas.george@courts.wa.gov.

Appendix

Distribution of Residential Time Schedules (No Risk Factors for Either Parent) by County and Quarter

COUNTY	N	Mother Father	0% 100%	1-34% 66-99%	35-49% 51-65%	50% 50%	51-65% 35-49%	66-99% 1-34%	100% 0%
ADAMS	21		0%	5%	0%	14%	19%	57%	5%
BENTON	82		0	9	5	17	15	54	1
CLARK	264		1	12	3	17	16	47	5
COWLITZ	38		0	16	3	0	24	58	0
GRANT	41		0	20	2	15	7	49	7
ISLAND	52		0	10	4	19	10	58	0
KING	558		0	10	2	18	20	48	2
KITSAP	145		1	16	1	14	11	54	3
LEWIS	25		0	4	4	20	16	56	0
LINCOLN	356		2	10	2	21	16	44	5
PIERCE	341		0	15	4	13	17	49	1
SKAGIT	49		0	8	10	12	29	37	4
SNOHOMISH	172		0	13	2	15	12	58	0
SPOKANE	153		0	14	5	12	15	53	1
THURSTON	142		1	7	6	9	14	59	4
WALLA WALLA	23		4	0	4	13	13	65	0
WHATCOM	58		0	16	3	26	21	31	3
YAKIMA	121		1	12	2	7	6	72	0
STATE	2,781		1%	12%	3%	16%	15%	51%	3%
QUARTER									
Jul 07 - Sep 07			1%	14%	4%	13%	14%	52%	2%
Oct 07 - Dec 07			1	11	3	15	15	52	3
Jan 08 - Mar 08			1	10	3	18	17	49	3

Courts with fewer than 20 RTSR reports filed during the study period are not included in this table.

Only cases with no established risk factors for either parent (i.e., committed DV, abused or neglected child, chemical dependency, mental health issues, or other) are included in this analysis.

Of the cases in this analysis, 93% of the Parenting Plans were by agreement of the parties, 2% were after a contested hearing or trial, and 5% were by default.