

Research questions

1. What are the typical visitation arrangements granted to non-resident fathers after divorce?
2. What factors influence the number of visitation days granted?
3. Is there evidence of gender bias in court decisions on visitation rights?

Why Investigate Visitation Rights?

In recent years, there has been a **general trend toward an increase in the rate of single-parent households**. More than one-third of children in the United States, Russia, France, and the Baltic countries experience a change in their family setting during childhood.[1]

- **Highest rates of single parenthood** among OECD countries in 2018 found in Latvia (28%), Lithuania (27%), followed by the United States (27%).
- **Shared residency agreements**, where the child gets to live in each parent's household for a certain amount of time, are **the most common practice** among separated parents.[2]
- However, **symmetric joint physical custody**, where the child spends half the time in either parent's home, is **rare**.
- A survey of children from separated families in 37 European and North American countries revealed that in most countries, **only 5% or fewer children spend time relatively equally at both parents' houses**.[3]
- Higher levels of **gender equality** in society are positively related to **symmetric joint physical custody**.[4]

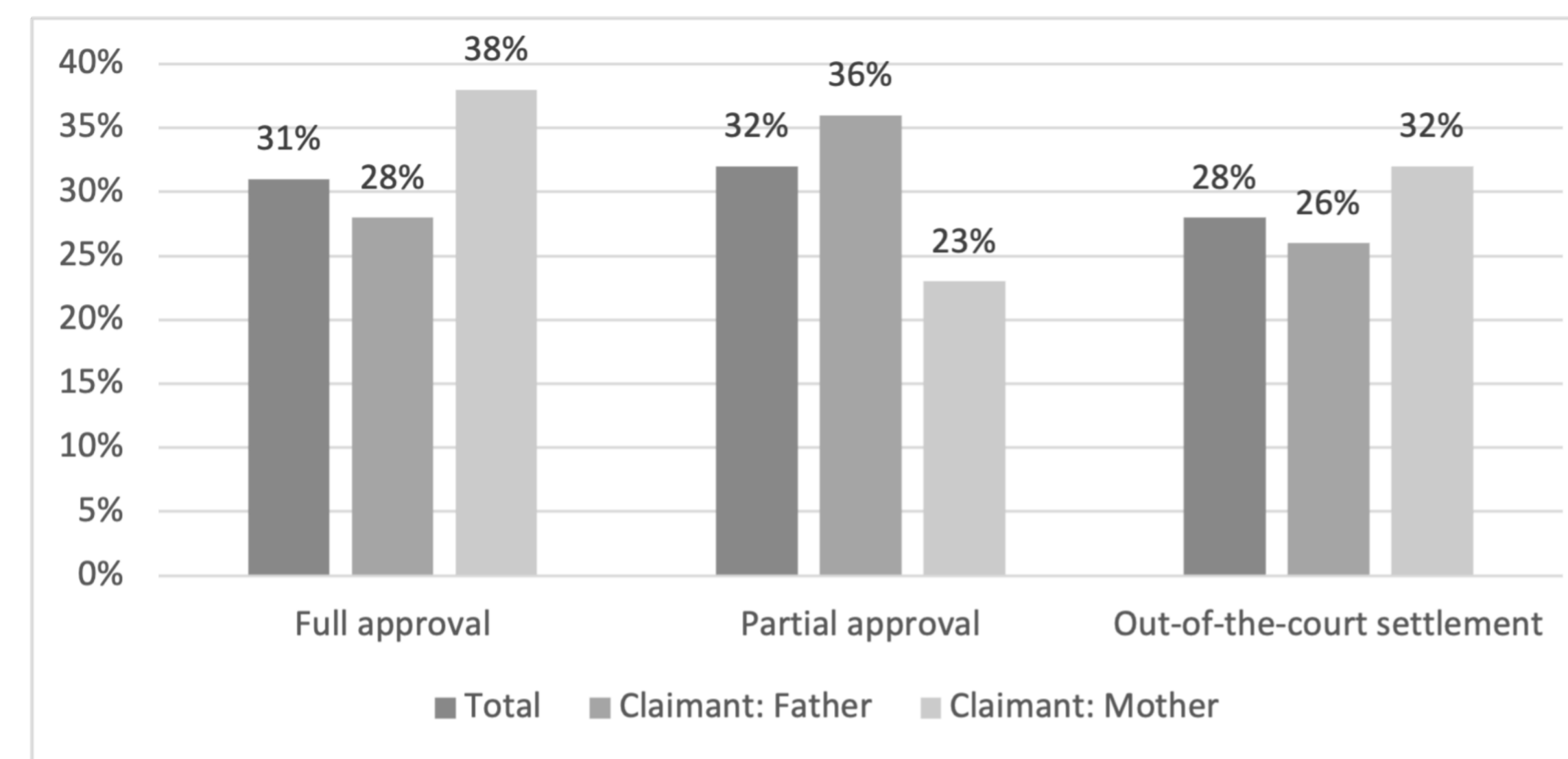
Study background: Latvian context

- Around one in four (24%) Latvian households consist of a single parent with one or more minor children
- Nine out of ten children in single-parent households cohabit with mothers in Latvia.
- When parents cannot agree on visitation rights, either of them can file a petition with the civil court.
- Either party has the right to appeal the judge's decision. If the appeal is granted, the case is reheard by a three-judge panel. This decision can be further appealed up to the Supreme Court.
- Either party has the right to appeal the judge decision. If the appeal is granted, the case is decided by a three-judge panel. This decision can be further appealed up to the Supreme Court.
- Judges are **randomly assigned** to the cases.
- However, there is a high female representation in the Latvian court system. As of 2018, women made up 81% of the judiciary in Latvia – the highest share among the OECD-EU countries, among which the average female share is 61%.
- In civil cases, where visitation rights are decided, and lower-level courts, female representation is even higher.
- Another critical aspect of deliberation is the mediation institution introduced during the court process in 2017. The judge must recommend the parties to the mediation process as an alternative form of conflict resolution.

Data: Descriptive statistics

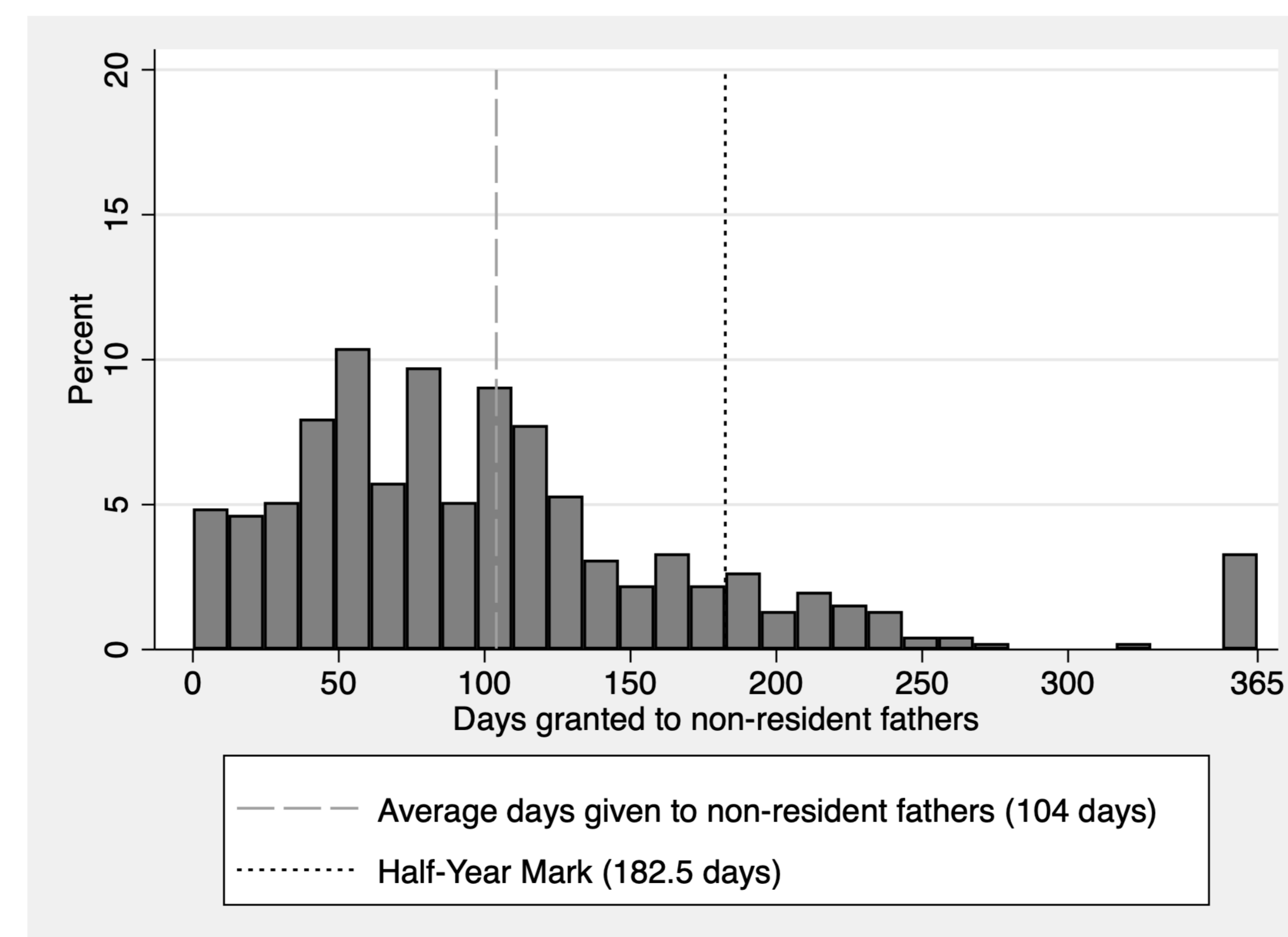
- Analysis of 468 Latvian court decisions retrieved from the the Court Administration of Latvia on visitation rights, 2012- 2019 (34% of all the decisions taken during the analysis period).
- 82% of the cases were decided by a female judge. Also, most experts invited by the court are female. And when any of the parties have hired lawyers, in most cases, they are females.
- The number of cases where the decision is based on the mediator's suggested settlement since 2017 has risen sharply from 5% to 45%.

Case outcomes on visitation rights for non-resident fathers



Non-resident fathers request more days to be spent with their children than the courts most likely will grant them. Only in 28% of cases non-resident fathers' initial requests on the specific visitation regime are fully approved. At the same time, **mothers are often granted full approval** of their initiated visitation regime for the non-resident father. When parties reach **out-of-the-court settlement**, the number of days granted are higher than in any other case outcome ($p < 0.05$)

Days granted



Are there gender-biased judgments?

	(1)	(2)	(3)
<i>Gender composition of the court (Baseline: Female)</i>			
Male	-33.51*** (10.76)	-27.95** (11.88)	-9.875 (13.36)
2 females & 1 male	-0.0540 (12.91)	2.727 (13.54)	-0.304 (12.18)
Three females	-19.37** (9.424)	-9.860 (9.816)	-1.423 (10.39)
<i>Outcome of the case (Baseline: Full approval)</i>			
Partial approval		-8.454 (7.893)	
Rejection		-17.46 (31.67)	
Out-of-the-court settlement		24.10** (10.70)	
Not known		8.761 (16.47)	
<i>Children's gender (Baseline: Daughter)</i>			
Son		0.462 (8.276)	2.094 (8.364)
More than one children		7.175 (12.47)	27.60** (13.15)
Not known		5.028 (10.39)	6.329 (11.31)
Constant	109.4*** (4.349)	108.1*** (14.34)	91.51*** (14.39)
Controls	No	Yes	Yes
Sample	Full	Full	No OTC settlements
Observations	450	450	323
R-squared	0.021	0.122	0.076

Robust standard errors in parentheses
 *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

Findings

Courts grant the majority of non-resident fathers less than 25% of days, i.e., 90 days, in a year to spend with their children.

The number of days significantly increases if non-resident fathers are given overnight care. However, **only around one in three non-resident fathers have been allowed to host the child overnight**. We also found an enormous disproportion in the type of days given. Most often, **non-resident fathers spend weekend days with their children**.

We do not find evidence that there would be gender-biased visitation rights decisions.

However, courts more often **give preference to the opinion of mothers** on how the post-divorce family life should be organized and what role should the non-resident fathers have in child-rearing.

References

- [1] Gunnar Andersson, Elizabeth Thomson, and Aija Duntava. Life-table representations of family dynamics in the 21st century. 37:1081–1230. ISSN 1435-9871. doi: 10.4054/DemRes.2017.37.35. URL <https://www.demographic-research.org/volumes/vol137/35/>.
- [2] Laura Bernardi and Dimitri Mortelmans. Introduction: Advances in research on shared physical custody by interdisciplinary approaches. In Laura Bernardi and Dimitri Mortelmans, editors, *Shared Physical Custody*, volume 25, pages 1–18. Springer International Publishing. ISBN 978-3-030-68478-5 978-3-030-68479-2. doi: 10.1007/978-3-030-68479-2_1. URL https://link.springer.com/10.1007/978-3-030-68479-2_1. Series Title: European Studies of Population.
- [3] Anja Steinbach, Lara Augustijn, and Gerrit Corkadi. Joint physical custody and adolescents' life satisfaction in 37 north american and european countries. 60(1):145–158. ISSN 0014-7370, 1545-5300. doi: 10.1111/famp.12536. URL <https://onlinelibrary.wiley.com/doi/10.1111/famp.12536>.
- [4] Luis Flaquer. Shared parenting after separation and divorce in europe in the context of the second demographic transition. In Anna-Maija Castrén, Vida Česnuitytė, Isabella Crespi, Jacques-Antoine Gauthier, Rita Gouveia, Claude Martin, Almudena Moreno Mínguez, and Katarzyna Suwada, editors, *The Palgrave Handbook of Family Sociology in Europe*, pages 377–398. Springer International Publishing. ISBN 978-3-030-73305-6 978-3-030-73306-3. doi: 10.1007/978-3-030-73306-3_19. URL https://link.springer.com/10.1007/978-3-030-73306-3_19.