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'Everybody likes it more when it's even': Joint physical custody from the children's perspective

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Abstract

In April 2022, the Polish Children's Ombudsman publicly addressed the Minister of Justice, demanding changes in family law regarding child custody post-parental separation. The Ombudsman pointed out the lack of a legal definition of joint physical custody (JPC) and suggested there should be a clear definition and associated regulation. The Ombudsman's address is one part of the debate on JPC that has recently emerged in Poland. Politicians, mothers, and fathers are actively engaged in the debate, with each of their voices well represented. Both supporters and opponents of joint physical custody claim that their main concern is the best interest of the child. However, no attempts have been made to listen to children's opinions about custodial arrangements.

This article is based on interviews with 23 children living in JPC. I asked the children about their everyday experience of home and belonging and their relationships with their parents, siblings, and parents' new partners. I also asked their opinions on how custodial arrangements should be made to suit them. The interviewees complained about the inconvenience of frequent moves but also stated that living with their mother and father interchangeably allowed them to be as close to each of the parents as they desired. For this reason, the interviewees considered JPC a preferable solution after divorce.

Keywords: joint physical custody; childhood studies; child custody; children's rights

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1 Introduction: The child's best interest and the right to participation

In recent years, protecting the child's best interests has become the primary and accepted ground rule of Polish family law (Czech, 2011; Domański, 2015). It has overarching primacy over other regulations in the Family and Guardianship Code and should be the primary

concern of family courts. At the same time, the Convention on the Rights of the Child (in article 12), EU Regulation 2019/2011 (in article 39), and the Constitution of the Polish Republic (in article 72) grant children the right to express their views on matters that affect them and oblige the state to consider those views. These two principles are not always easy to reconcile (Thomas & O'Kane, 1998; Archard & Skivenes, 2009) because adult(s) and children may disagree on what is in the child's best interest. As Monk (2008) points out, what is considered 'in the best interest of the child' is very contextual and often used by adults to reproduce power relations.

Parental divorce is a challenging experience for the majority of children. Research shows that children of divorced parents have a lower level of satisfaction with life and assess their physical and mental condition as poorer than their peers (Armato 2001; Amato & Booth, 1997; Bjarnason et al., 2021; Carlsund et al., 2013). The reason for such outcomes is typically attributed to the deterioration of the children's economic situation and less involvement of fathers in childcare (Lansford, 2009). The notion of whom the children should live with in the case of parental separation has undergone dramatic changes over the past few centuries. In the Western world in the nineteenth century, children were required to live with their fathers as they 'belonged' to his family (Monk, 2004). Since the second half of the twentieth century, due to the changing ideals of childhood and care, it was preferred that children stayed with the mother, who was expected to be a better carer (Kheily, 2004). In the twenty-first century, the ideal has changed again. The quest for gender equality and the rise of so-called 'new fathers' (men who are perfectly able to undertake childcare) has given birth to the idea that parents are equally well equipped to take care of children and that being taken care of by both of them is in the child's best interest (Grunow & Evertson, 2016; Sikorska, 2009). This hypothesis is confirmed by a growing body of research on children who live in two homes (Nielsen, 2011; 2013). Children in JPC experience less stress and fewer psychosomatic problems than children who stay with only one of their parents (Bergstrom et al., 2015; Spruijt & Duindam, 2010). They are also less likely to engage in risky behavior (Carlsund et al., 2013). In a study that analyzed JPC in 36 countries, Bjarnason and Amarsson (2011) claimed that children in JPC custody are less likely to have impaired relationships with their fathers than children living with only one parent or children living with both parents. Qualitative studies conducted with children whose parents had divorced but decided to share childcare equally show that children are able to cope well under these circumstances; they can feel loved and cared for, and they can believe their families to be as good as other families (Neale et al., 1995; Wentzel-Winther et al., 2015).

In Poland, joint shared custody is still a relatively new phenomenon and remains undefined in the Family and Guardianship Code. The Polish courts and government do not share exact data on the number of children living in joint shared custody. Nevertheless, we can assume that the number is growing if we look at the number of cases of divorce that conclude by assigning equal legal rights to both parents because this is a prerequisite for JPC. Equal legal rights and joint shared custody are not the same: in the first case, both parents maintain the right to make decisions about the child's upbringing (for example, the choice of school or medical interventions); in the second case, the child actually lives for an equal (or near equal) time with each of the parents. However, for JPC custody to be possible, the parents need to be granted equal legal rights. In 2003, of a total of 30,197 divorces, parental authority was granted to only one of the parents in 20,135 cases

(19,053 times – i.e., in 63.1 per cent of cases – to the mother, and 1,082 times – i.e., in 3.6 per cent of cases – to the father), and 9,487 times (31.4 per cent) to both parents (in 575 cases, another decision was made). In 2018, for a total of 36,214 divorces, parental authority was granted in 20,135 cases to one of the parents (13,333 times – i.e., 36.8 per cent – to the mother, 1,194 times – i.e., 3.5 per cent – to the father), and 20,955 times (i.e., 57.9 per cent of cases) to both parents (another decision was made in 650 cases) (Kamińska, 2020). In 2022, both the People's Ombudsman and the Children's Ombudsman addressed the Ministry of Justice, indicating the need for revisions of the Family and Guardianship Code. It is difficult to assess to what extent the Ombudsmen represent the voice of the public. On the one hand, an increasing number of parents decide to share custody after separation equally. On the other hand, those who argue that living in two homes may harm a child's emotional life are many and vocal. Polish courts are very paternalistic in their approach – while they explicitly articulate concern for the child's best interests, they rarely interview children concerning matters that affect them (Cieśliński, 2015). In the debate on what is best for children after parental separation, children seem to have no voice at all – as often happens in Poland (Radkowska-Walkowicz & Maciejewska-Mroczek, 2017).

This article is an analysis of ethnographic research with children who live in joint physical custody. Children do not refer to the framework of rights (i.e., the right to be taken care of by both parents and the right to express one's opinion). Instead, they are quite clear on what works for them and how they think their family lives should be organized.

In the following sections of this article, I first reflect on the methodological and ethical choices I made when conducting the research and then focus on the children's experience of living in JPC. Finally, I present the rules according to which – according to my interviewees – JPC should be determined to be beneficial for children. The article's conclusion is a proposition for considering the recommended rules to be codified as rights that children should be granted.

2 Methodology

The article is based on ethnographic research I have conducted since the spring of 2021, mainly in Warsaw, Poland. I interviewed 23 children (thirteen boys and ten girls) who have been living in joint physical custody for at least one year. Three girls and two boys were only children, while all the rest of the interviewees had siblings (some of the siblings declined to participate in the research). Except for two interviews where the brothers wanted to be interviewed together, all the children preferred to speak to me individually. Depending on the interviewee's age and mood, I was prepared to use different, age-tailored qualitative research methods (participatory methods like drawing and storytelling with smaller children and in-depth interviews with teenagers). To my surprise, most of the children said they preferred not to draw or do other art projects during the interview but that they just wanted to talk to me – so this is what we did. Even in the cases when I used participatory methods, my aim was not to analyze children's drawings as such but rather to use them as a starting point for a conversation with the child.

All the interviewees lived in the province of Mazowieckie, most of them in Warsaw and two in a small city.

The interviews lasted between 30 and 60 minutes. I asked the interviewees about their everyday lives: where they lived and with whom, how often they moved from one home to the other, which of the parents picked them up, and what things they took from one home to the other. I asked if and how the two homes differed and if the child felt at home in both in a similar way. At the end of the interview, I asked their opinion on how parents should share childcare after parental separation and why.

The interviews were taped (with the children's consent) and then transcribed. I also made detailed fieldnotes in which I described the meetings with the children, focusing on the nonverbal elements of the interviews (the general atmosphere, how I felt during the interview, and how the child seemed to feel). I analyzed both the transcriptions and the field journal using thematic analysis (Hammersley & Atkinson 2010). I searched for recurring motives and themes and tried to tease out the meanings that my interlocutors attached to their experience. Although not inherently representative, ethnographic research is imbued with significant value due to its ability to capture a diverse range of narratives and stories.

All the knowledge about the family history and current arrangements came from the children. I decided not to interview the parents in order not to diminish the children's knowledge by seeking a second opinion. Parents can have different perspectives or understandings of facts, and as adults, we are more likely to award them priority or believe they are more rational and valid. The purpose of my research and this article is to understand and perhaps begin to empower children's voices. As such, it is necessary to temporally silence the omnipotent voices of adults.

I contacted the children through an email to their parents, to whom I sent a flier addressed to the former (the flier had two versions: one for children and one for teenagers). The majority of the parents saw the invitation to take part in my research on the Facebook page of *Fundacja Dajemy Dzieciom Siłę*, Poland's largest NGO that deals with violence towards and the sexual abuse of children. The remaining parents were people I contacted via personal networks and snowball sampling. I only interviewed children after both parents consented to the child's participation in the research. This was an ethically driven choice – I believed that it would prevent putting the child in an uncomfortable situation where they might feel disloyal towards the parent who did not consent. By deciding to only speak to children whose parents both consented to the child's participation, I narrowed my research to families where there was no open conflict between the parents, thus, we can anticipate the children are less troubled with their family lives. Those limitations do not make their narratives less worthy of examination. On the contrary, while keeping in mind that we are looking at families in which JPC works well, we can still ask *how* it is done and what is necessary for JPC to be beneficial for children.

3 'Home is where the heart is'

In Poland, the idea of having two homes is counterintuitive and problematic. 'Home' is, by definition, a single physical location for JPC opponents and some parents whose children live in a JPC arrangement. One interviewee's mother wrote to me in an email, 'By the way, it troubles me that the kids don't say they "go home" about either of the homes. They say

they “go to mom’s or go to dad’s.” During the interview, when I asked her nine-year-old daughter to draw her home, the girl asked, ‘But which one?’. After the interview, the girl showed the picture to her mother, who said, ‘Very nice, but which home is *real*?’ To which the girl rolled her eyes and said, ‘They are both real.’

Most children I interviewed said they felt equally at home at both parents’ places. If one of the places felt more like home than the other, it had to do with the fact that one of the parents frequently or recently moved, and their new place had not become as familiar as that of the other parent’s. At the same time, a few children spoke about it ‘being difficult to explain when people ask’ [10-year-old boy] or did not like to talk about it because the adults acted surprised or became judgmental.

Boy, 14 years old: My grandma (my mother’s mother) and my aunt, they are sometimes unbearable.

Boy, 10-year-old [brother]: Exactly.

Older boy: [They say] ‘Oh, your situation is so terrible; that’s why you got this bad grade at school!’

Younger boy: Yes.

Older boy: When I go there, I always argue with them.

Interviewer: I see.

Older boy: It’s so annoying.

The boys did not consider their situation ‘terrible.’ They alternated between their father’s home, where they live with their father, stepmother, and their half-brother, and their mother’s house, where they live with the mother, stepfather, and – sometimes – the stepfather’s son. It is the stepbrother’s situation that the boys consider difficult. They said it was challenging for their family because their stepfather and his ex-partner did not have a clearly defined custody arrangement, so their stepbrother’s schedule was erratic.

When I imagine that I could only go to my dad’s, or mum’s, whatever, every second weekend, it makes me feel sad. I don’t know. Like, it’s too little. (Shiny Cockroach, 14 years old)

While the research participants were often very enthusiastic when speaking about their homes and families, they all complained about the inconvenience of frequent moving. The children said that they did not like to pack and carry their bags, and they often spoke about forgetting something and either not having it or needing to go back. ‘Those are disadvantages one can live with,’ summed up a 17-year-old girl, which reflects how the other children/teenagers spoke about it. ‘[Joint physical custody allows me to] still have a relationship with my dad. That’s it,’ said the same girl when she spoke about why she thinks JPC is a preferable solution after parental divorce. All the research participants expressed the same opinion: the fact that they can be as close to both parents as possible overrides the inconvenience of moving from one home to another. A similar observation was made by Bren Neale and her colleagues, who interviewed children living in post-divorced families in the UK. Neale writes: ‘where children enjoy good quality relationships

with their family members they can, on these criteria, regard their families as perfectly normal and positive because the organizational features of their family lives are of secondary importance to them' (Neale et al., 1995, p. 18).

The logistics of post-divorce family life can only be considered of secondary importance when the organization itself does not cause suffering. In the previously quoted account of the two boys' stepfather, the organizational features became part of the problem. The children and teenagers I spoke to regard their families as typical and positive. At the end of each interview, I asked what advice they would give to separating parents about how to share custody. What follows is a compilation of their recommendations.

4 Children's recommendations

4.1 Parents should not involve children in their conflicts

All the children I interviewed expressed the opinion that parents should not involve children in their conflicts. 'They should not fight when they meet,' said a nine-year-old girl. 'They should not fight, not even on the phone; the children can hear that,' said another eight-year-old girl. The research participants are aware that their parents are not necessarily fond of each other, but, as a 14-year-old girl put it, 'they should get along, and if they don't, they have to do something about it.'

One of the research participants, a 14-year-old boy (in JPC for six years) whose parents are now in an open conflict about a matter not related to children, put it like this:

If one of my parents came to me and started complaining about the other, I would be like: 'Why should I care? I have my own opinion about her, she's my mom, and I love her; if you have a problem with her, it's your problem.' (Boy, 14 years old)

I interpret the demand that the parents do not fight in the children's presence or involve children in their conflicts in other ways as a request for protection. While children know that their parents sometimes fight, they believe they should be protected. A few participants spoke about their peers who had lost contact with one of their parents due to parental conflict. Protecting children from parental conflict is also protecting them from taking sides. Children also try to protect their parents from things they believe might hurt them. As one of the interviewees explained it:

It's certainly difficult for me to talk [to the other parent] about how life is at mum's or dad's place. because it seems to me... for example, with mum, we go on holiday a lot. My dad cannot offer us that, because there are so many of us here [dad has children with his new partner], and also because he is a tour guide and works most of the summer [...] I think that sometimes he might feel sad that he cannot offer us that. I am sure he is happy we have fun with Mum, no doubt about that. But I think when my brother goes, like, after coming back from a great holiday with my mum, 'Hey dad, when are we going to go someplace together,' I think it's not cool. (Girl, 14 years old)

In a similar manner, some of the children are concerned with the division of care being, as a 13-year-old girl put it, 'fair for the parents.' Fair in this context means the children spending an even number of days at each place. Children show their care for their parents by keeping track of the days.

It seems that, according to the children, everybody should be cautious not to hurt others in a non-normative situation such as family life after divorce. This means restricting oneself from freely expressing all possible emotions and avoiding certain subjects.

4.2 Parents should divide custody equally

All the children and teenagers that took part in the research said that joint shared custody is the best way to divide custody after separation. For some children, this choice was implicit and not worth mentioning. When asked their opinion about how parents should share custody, the children analyzed whether it should be a week at one place and a week at the other or two weeks at each house at a time, as if they regarded different ways of dividing childcare after separation as not worth considering. When I asked why they believed JPC was the right choice, they all said they would not like to see one of the parents less than the other.

One of the girls I spoke to was no longer alternating between two homes. She decided to live at her mother's place and only go to her father's every second weekend because her relationship with the stepmother was very tense and unfulfilling. Nevertheless, this girl also thought parents should divide custody equally first and then see 'what the child wants.'

The children not only said they wanted to have an equally close relationship with both parents because they loved them both but also thought it was the right way of doing things. There were children among the research participants whose stepfathers had children from previous relationships with whom they did not have good relationships. The children I spoke to blamed this on the fact that custody was not equally shared; therefore, the contact between the fathers and their kids had become less and less frequent. As a 17-year-old girl put it:

I still have a good relationship with my father; that's it. I think [JPC] is a good solution because I feel that my father is not some addition to my life... And... For example, my friends [whose parents are not together] have no contact with their fathers. My father is not someone I only meet on weekends; he is not an addition to my life. I know a girl whose father also had a new family [like my father], children, and so on, and at some point, they just stopped meeting on the weekends. They just didn't feel like doing it. [...] And I still live with my father, and he is just part of the [family] system. (Girl, 17 years old)

Another of the older interviewees, an 18-year-old boy, explicitly expressed his concern about the impact that not having a close relationship with the father could have on a person's future. Younger children considered a non-equal division 'strange,' 'not proportional,' or 'chaotic' (which is interesting, considering that one of the arguments of the adult opponents of JPC is that frequent moves make children's lives chaotic).

4.3 Parents should inform children in advance

The third recommendation presented by the research participants is not to surprise children with the fact that parents are separating. '[The parents] should not treat children like idiots who have no brains,' said a 12-year-old girl, 'and not play [at being] a happy family.'

Another girl, a 10-year-old, said that parents should give children time to get used to the thought that they are going to split up.

[Parents should not] suddenly tell the child they are going to split up, but rather, I don't know, let [the child] get used to it. Not suddenly – bang – and it's done. [...] My parents... it's difficult to say if that's what they did. On the one hand, they did tell us something, [the separation] wasn't sudden. But on the other hand... I don't want to say they lied to us, and I am not sure; I was younger then [four years old], but I remember they said they would split up in two years, and they did it earlier. But we couldn't do anything about it. And maybe they just couldn't stand each other anymore [the girl laughs]. (Girl, ten years old)

According to some of the research participants, parents should ask children how they would like custody to be shared. There were also children who thought that was a bad idea because children could feel overwhelmed and afraid to hurt their parents. Similarly, the research participants were rather reluctant when asked about children being interviewed by the courts.

Girl, 17-year-old: We were too small; he [the brother] was nine years old, I was – what? – eleven...

Boy, 15-year-old (her brother): Now it would be okay, but then? You say one stupid thing, one word too much, and they [the court] can twist it against the whole family.

Interviewer: You think it's too much responsibility?

Boy: [...] It's too much. It's not so bad when the parents separate calmly, but I just see the world around me. One parent could use one word from the child to take all the custody from the other. I think it's pointless because a seven, or nine-year-old child doesn't know what he's talking about. [...] I'm not saying children are dishonest because they are not, but they can be misunderstood.

I find the above quote interesting for two reasons. First, it shows distrust towards parents and courts, who could use a child's words against each other or 'against the whole family.' Second, it shows how teenagers also deny a voice to children – a 15-year-old believes a nine-year-old 'doesn't know what he's talking about.' The notion that younger children should not be consulted surfaced in a few interviews with children and teenagers. It is a powerful reminder that 'children' are not homogenous but a very diverse group, with age only one differentiating trait.

4.4 Parents should have a (flexible) plan

Frequently moving from one home to the other is difficult. All the research participants, in one way or another, expressed their discontent with the fact that they had to pack their bags and move their belongings. Younger research participants spoke about missing one of the parents or feeling sad (especially on the day on which they were about to go from one place to the other).

Usually, on 'passing day' [*dzień przechodzący*], I am all stressed out and cannot focus on anything. Usually, for the whole day, I am unstable, as you could put it. (Girl, 11 years old)

Some children said they did not like the packing, and some complained about carrying heavy bags. One of the boys (14 years old) said he never took all his books out of his suitcase:

Boy (14-year-old): (...) I keep all the books in the suitcase; it's only for a week anyway.

Interviewer: Really?

Boy: Yes, I just don't take them out. Especially now, with the online classes. I think... I would advise [someone whose parents are divorcing and who will live in two homes]... it's not about not getting attached to your father... but not getting attached to the room so much. Because soon you'll have to pack it all up again.

Another interviewee, a 10-year-old girl, said that if she forgot her teddy bear, her father would have to go to the mother's place to pick it up or 'accept the fact that I won't fall asleep.' For teenage participants, having two homes sometimes meant additional difficulties organizing their social lives:

Girl, 17 years old: Well, for me, the problem is that... it's so trivial... For example, I want to go out, a spontaneous plan, or a spontaneous trip, and then – bang – I don't have something with me. I look for it and look for it, and it turns out it's at the other place.

Interviewer: Which is quite far away.

Girl: Exactly. I will not get it easily. Or I have to ask someone to go and pick it up. It's a lot of organizing. And usually, it's not worth the bother, so I just say 'whatever' and live without it for the next two weeks.

The research participants have different strategies for coping with the inconvenience of frequent moving. Some of them have two sets of clothes and two phone chargers; others carry heavy bags full of their favorite clothes and cosmetics. Those are conscious decisions, which upon closer examination, seem to reveal more than simply an attitude toward things. Not only material items but also stories and emotions travel between homes, and one has to decide to what extent they will allow this flow. As a 16-year-old girl said:

I'm a very private person; I don't like to speak at Mum's place about what's going on at Dad's place and vice versa. I feel that... maybe not that I betray the parent but that... I'm afraid that if I say something, they will go like, 'Well, if that's what the other parent thinks...'. I don't like that. But my brother [14 years old] is not like that at all. He will talk about everything all the time, which also annoys me because I'd like to keep it to myself. But I try not to worry about it too much. (Girl, 16 years old).

Children and teenagers who carry the burden of moving and developing strategies about this expect support from their parents. That means, on the one hand, creating a schedule and, on the other, being flexible about it. Those demands seem contradictory, but they make perfect sense considering the unpredictability of life. Children expect they will know how things are generally organized, such as how long one will stay at each of the parent's places or which day they will move from one home to the other. But if something unexpected happens, such as a sleepover party at a friend's place, they expect the parents will adjust and not complain about it.

The following excerpt is a good illustration of yet another dimension of what kind of flexibility children expect of their parents:

Girl, 11 years old: (...) It's not so sharply divided because I come to my mom's for lunch every day, even on 'father's weeks.'

Interviewer: Why? Are you on a special diet?

Girl: No, I just prefer to eat at my mum's. At my dad's place, they usually eat... because there are so many small children there, they eat foods that small children like.

While the girl's older brother doesn't go to their mother's place to eat, he also spoke about the 'relaxed atmosphere' between his parents.

For example, when mum says [to dad] that we'd like to stay longer at her place because we want to go somewhere together, he says, '*OK. No problem. But then I would like them to be with me the next weekend.*' And Mum says, '*OK, no problem.*' The more flexibility, the better. I mean good communication between the parents. It shouldn't be written in stone. That there are no changes possible. (Boy, 14 years old)

All the children and teenagers I interviewed said they thought JPC is a preferable arrangement after parental separation because it allows being in equally close contact with both parents. At the same time, however, they all said frequent moving from place to place was annoying, tiring, or even caused sadness. It was a price they agreed to pay. Moving from one house to another every week or two could be seen as both scheduled and extraordinarily flexible. Seen from this perspective, the children's demand that the parents also show some flexibility seems rather modest.

4.5 Parents should live close to one another

The children and teenagers I interviewed often said that the parents who decide to raise children in JPC should live close to one another. Unlike the demand for flexibility, this is not always an easy request to grant. Out of the 23 interviewed children and teenagers, eleven said that their parents lived 'close' or 'quite close' to one another, 'close' meaning walking distance, and 'quite close' meaning a short bus ride.

The fact that the parents lived in proximity was understood by the children as making an effort to make their lives easier:

I don't know; the best [arrangement] would be if the parents lived in proximity. It is also a question about what exactly the parents want and if they want to live on the same street. My parents, even though they are divorced, live close to one another, and that really helps. It's good. I cannot imagine what it would be if one of them lived in one part of the city and the other – in another part. I think it would complicate many things. (Boy, 16 years old)

The fact that parents live not far from each other seems particularly important when the children are small:

At first, my parents lived really close to each other. They also told us they wanted us to be close to them because we were small and needed our mum and dad close to us. They lived on parallel streets, a few minutes by foot, but I can't tell you exactly how many. (Girl, 16 years old)

I think that living close by has not only pragmatic but also symbolic meaning. Mum and Dad, who are 'close to us,' are also close to each other. 'Do [divorced] parents want to live on the same street?' wonders the 16-year-old boy quoted above. It might be that physical proximity, except for making it possible to pick up something from the other place or come to Mum's place for lunch, makes it easier to think about the family as one unit. Many interviewees seemed to think about their post-divorce families not as 'broken' or incomplete but rather as one family (their family) living in two homes. One of the interviewees, a nine-year-old girl, made a very detailed drawing of things she associates with home. Even though the girl lives in two homes, in the drawing, the things that belong to each of them are mixed, and the parents stand next to one another, each with a dog of their own. Another 12-year-old girl told me that she thinks that parents, regardless of whether they are separated, should continue family rituals in both homes.

I feel very good [living in two homes]. I think a lot depends on the parents. And that there should be an atmosphere as if nothing has happened. That everything is like it used to be. For example, that we still eat fish every Friday. (Girl, 12 years old)

The girl is 12 years old and has lived in two homes for almost two years. She obviously knew that something had happened. But her two homes are a few hundred meters from one another, and the parents have agreed to maintain the old family rituals in both homes. She alternates between her homes every two weeks with her brother and a dog. If she needs something from the other home or feels like seeing the other parent, it takes her five minutes on foot to get there. This, I believe, allows her to feel a part of a family which is not 'broken' but simply a family living in two homes.

Living in two homes means commuting between two places not only physically but also emotionally. It can be difficult if parents live far away from each other, are not flexible, or often fight and force children to take sides. Or it can be made easier – when parents live close to each other, and the flow of people, things, and emotions between places is smooth and undisturbed.

5 Conclusions

The children and teenagers I interviewed believed JPC to be the best arrangement after parental divorce. They considered the fact that they were equally close to both parents worth the inconvenience of frequent moving. In contrast to the deeply rooted notion of 'one home,' the vast majority of research participants said that they felt as much 'at home' at both parents' places.

Children and teenagers have access not only to their stories but also to the stories of their stepsiblings, friends, and peers. Based on experience and knowledge, they formulated advice that divorcing couples should follow to arrive at a family arrangement that will be best for their children.

I propose looking at the recommendations children formulated as guidance that should be reflected in policies regarding child custody. In their advice to divorcing parents, the interviewees focus on what children need from parents during and after separation. In other words, how separation should occur, and life after this should be organized.

The children I interviewed most frequently suggested that parents must not involve children in their conflicts and that they should share childcare equally. Those recommendations translate to the right to an emotionally safe environment and the right to be taken care of by both parents. At least theoretically, those two demands are typically granted to them by law. The next two recommendations formulated by the children are more problematic in this respect, probably because they have to do with children's participation. Many of the children I spoke to said that children should be informed in advance about their parents' decision to separate so they have time to get used to the idea of family transformation. This is, of course, rather difficult to turn into a right, but it points to the importance of informing and speaking to children. The same principle seems to be reflected in the following suggestion that parents should come up with a clear and flexible plan of family life organization – children want to understand what is going on, and they want to be able to influence how family life will be organized.

Finally, I would like to highlight a right that was never explicitly stated by the research participants, but I believe it to be in the spirit of the interviews and the guidance formulated by my interlocutors: children have the right to their own definitions of home and family. This is reflected in articles 12 and 13 of the Convention on the Rights of the Child, which grant children the right to form and express their opinions. In Polish paternalistic public discourse and Polish family courts, these definitions and opinions are often dismissed and remain unheard.

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