

Residential Time Summary Reports Filed in Washington from July 2008 – June 2009

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 report on information obtained from Residential Time Summary Reports (RTSRs). This publication presents information obtained from RTSRs from July 1, 2008, through June 30, 2009.¹

According to RCW 26.09.231, parties involved in dissolution matters are to complete an RTSR and file it along with the court order. RTSRs summarize information from original or modified Parenting Plans. They contain information on the amount of time children are to 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 to be 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. If the same residential schedule does not apply to all children in a family, separate RTSRs are completed for each schedule.

RTSRs 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.

From July 2008 through June 2009, 5,061 Residential Time Summary Reports were filed in Washington's superior courts.² Seventy-nine families (1.6%) had more than one residential schedule pertaining to the children. The average number of children per residential schedule was 1.5. Seventy-two percent (72%) of the RTSRs summarized Parenting Plans that were part of the original orders, while 28% were related to modifications of prior orders.

SUMMARY

This report analyzed 5,061 Residential Time Summary Reports filed in Washington from July 2008 through June 2009. In nearly two-thirds of families, children were scheduled to spend more time with their mother than their father. The most common residential schedules (each occurring in approximately 20% of the cases) were for children to spend either 70% of their time with their mother and 30% with their father, 80% with their mother and 20% with their father, or 50% with each parent.

Parents received less residential time with their children if they were found to have a risk factor such as having abused or neglected a child, having committed domestic violence, or having chemical dependency or mental health issues. Eleven percent (11%) of fathers and 4% of mothers had at least one risk factor. The most common risk factor for fathers was domestic violence (5.0%), followed closely by chemical dependency (4.9%), while for mothers it was chemical dependency (2.0%). Both the number and type of risk factors were related to the residential time of children.

Based on the RTSRs, self-representation is increasing in dissolution cases. In the July 2008 report, 44% of cases involved both parties appearing pro se. This year, the percentage increased to 58%. Fewer than one-in-five cases now involve attorneys for both parties. When one party had an attorney and the other was self-represented (23% of cases), the party with the attorney was more likely to receive more residential time.

Citation: George, T. (2009), *Residential Time Summary Reports Filed in Washington from July 2008 – June 2009*. Olympia: Washington State Center for Court Research

¹ In April 2008, the RTSR form was modified to allow for finer distinctions in reporting the percentage of time children were scheduled to spend with each parent. The new version of the RTSR, however, was not used consistently until July 2008. Therefore, data from April 2008 through June 2008 were not analyzed.

² Two-hundred twenty (220) duplicate RTSRs were excluded from the analyses.

RESIDENTIAL TIME OF CHILDREN

On the RTSR forms, responders indicated which of 11 categories best represented the amount of time children were scheduled to reside with each of their parents. Category options were in increments of 10% (e.g., 0% with mother/ 100% with father; 10% with mother/ 90% with father). Exhibit 1 displays the percentage of cases falling into each of the 11 categories.

Across the entire sample, results indicated that the majority of children were scheduled to spend more time with their mother than their father. The most common residential schedules were for children to spend either 70% of the time with their mother and 30% with their father (18%), 80% of the time with their mother and 20% with their father (17%), or an equal amount of time spent with their mother and father (17%). Mothers had sole custody in 9% of cases, while fathers had sole custody in 4% of cases.

Because residential time may be limited or prohibited by the courts if certain risk factors are established, and because risk factors were more likely for fathers than for mothers (see below), Exhibit 1 also displays

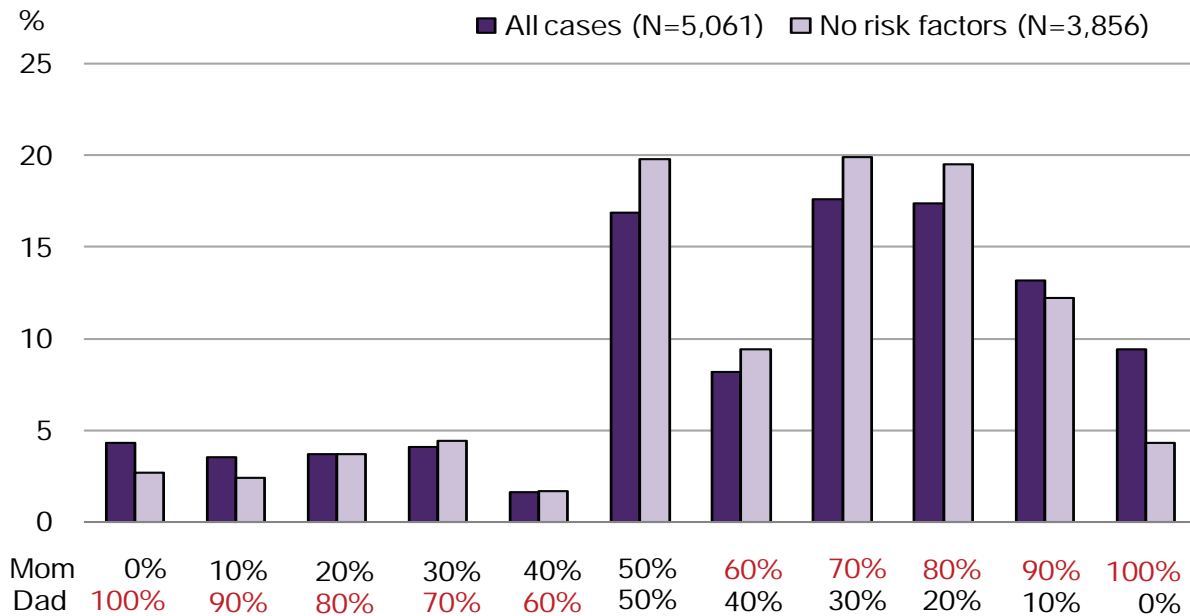
fathers' and mothers' residential time for those cases in which neither parent had any risk factors.

Of the 4,421 cases with complete information regarding risk factors, 3,856 (87%) did not involve any risk factors for either parent. Results indicated a similar pattern of residential schedules when compared to all 5,061 cases. In 65% of cases, children were scheduled to spend more time with their mother. The most common schedule, occurring 20% of the time, was for children to spend 70% of their time with their mother and 30% with their father. Not surprisingly, sole custody was less common when no risk factors were present. Approximately equal residential time occurred for one in five (20%) families.

RESIDENTIAL TIME AND TYPE OF PARENTAL RISK FACTORS

On the RTSR form, responders indicated if the mother or the father had been found by the court to have committed domestic violence, abused or neglected a child, have chemical dependency issues, have mental health issues, or if "other" factors were found which could limit or prohibit a parent's contact with the children and the right to make decisions for the children.³

**Exhibit 1.
Residential Time of Children**



³ For the purposes of this report, all such factors are considered *risk factors*.

Overall, 4% of mothers and 11% of fathers were found to have at least one risk factor. The most common risk factor for mothers was chemical dependency issues (2%), while for fathers it was having committed domestic violence (5%; see Exhibit 2).

This percentage increased to 87% and 97% when the father had two or three or more risk factors, respectively. Full custody was awarded to the mother with no risk factors 45%, 56%, and 71% of the time when the father had one, two, or three or more risk factors, respectively (see Exhibit 3).

When the father had no risk factors and the mother had one risk factor, 76% of residential schedules indicated that the children were to spend at least 80% of their time with the father. This percentage increased to 91% and 93% when the mother had two or three or more risk factors, respectively. Full custody was awarded to the father with no risk factors 30%, 46%, and 60% of the time when the mother had one, two, or three or more risk factors, respectively (see Exhibit 3).

The specific type of risk factor also played a role in whether a parent received any residential time with a child (see Exhibit 4). The majority of parents who abused or neglected a child (62%) did not receive any residential time, followed by those who committed domestic violence (42%), had chemical dependency issues (25%), or had mental health issues (15%). With respect to abuse and neglect, fathers (74%) were more likely to receive no residential time than mothers (33%; $p < .05$).⁵ None of the other differences between mothers and fathers was statistically significant.

Exhibit 2.
Percentage of Cases Involving Types of Risk Factors

<i>Established Risk Factor</i>	<i>Mother</i>	<i>Father</i>
Abused or neglected a child	1.3%	3.2%
Chemical dependency issues	2.0	4.9
Committed domestic violence	0.5	5.0
Mental health issues	0.7	1.3
Other risk factor	1.2	3.5

For both mothers and fathers, the presence of each risk factor, as well as the total number of risk factors, was significantly related to the residential time they received ($ps < .001$).⁴ When one parent had risk factors and the other did not, the vast majority of residential schedules involved having children spend most or all of their residential time with the parent with no risk factors. When the mother had no risk factors and the father had one risk factor, 81% of residential schedules indicated that the children were to spend at least 80% of their time with the mother.

Exhibit 3.
Percentage of Fathers and Mothers with No Risk Factors Awarded Full Custody

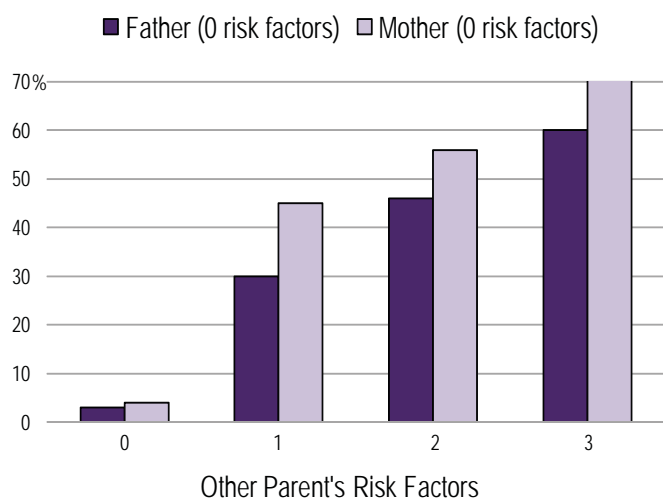
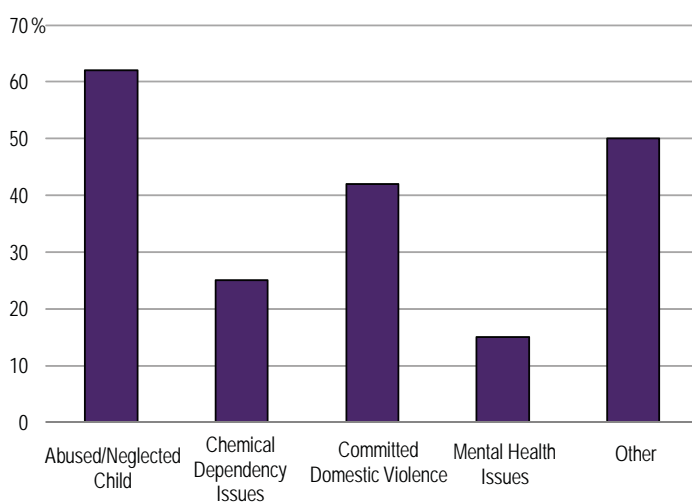


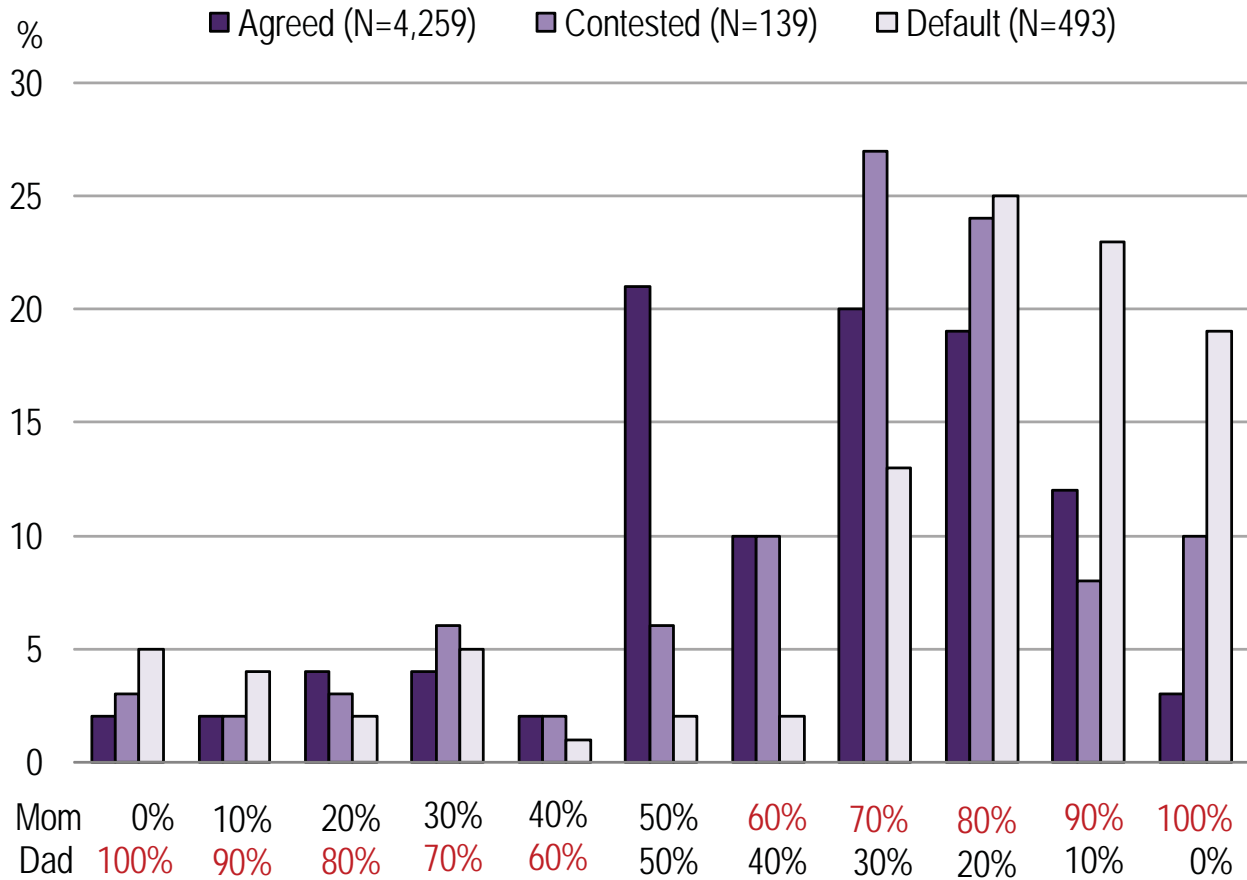
Exhibit 4.
Percentage of Parents with One Risk Factor Who Received No Residential Time



⁴ P-values indicate the probability that a result as large or larger than the observed result would be obtained if, in fact, no relationship or difference actually existed. P-values less than .05 are generally considered as acceptable evidence of a relationship or difference in social science research.

⁵ RTSRs do not include any information as to the type or severity of abuse and/or neglect—factors which may be related to the amount of residential time a parent receives.

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



RESIDENTIAL TIME OF CHILDREN AND TYPE OF PARENTING PLAN DECISION

Of the 4,891 RTSRs with information about the type of parenting plan decisions, 87% indicated that the Parenting Plans were by agreement of the parties, 3% were decided after a contested hearing or trial, and 10% were by default. To examine whether the residential time of children was related to the type of decision, cases in which there were no risk factors for either parent were compared. In comparison to the Parenting Plans decided by agreement of the parties, those that were contested or decided by default most often resulted in more residential time for the mother (see Exhibit 5). For agreed cases, 64% of the mothers received the majority of time, while the percentage for contested (79%) and default (82%) cases was significantly higher ($p < .05$). Residential schedules that evenly split time between the mother and the father were 3.5 times more likely in agreed cases than contested cases.

DISPUTE RESOLUTION

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

Overall, 52% indicated that disputes would be resolved through mediation, 40% indicated no dispute resolution process except court action, 6% indicated counseling, and 2% indicated arbitration. Mediation was the preferred method of dispute resolution when the case involved no parental risk factors (54% vs. 29% with risk factors, $p < .001$) and when at least one party was represented by an attorney (41% with both parties self-represented, 68% with an attorney involved, $p < .001$).

RESIDENTIAL TIME AND TYPE OF REPRESENTATION

On the Residential Time Summary Reports, responders indicated whether the father and mother were self-represented or represented by an attorney. For 58% of the cases, both parties were self-represented. For 23%, one party was self-represented and the other party was represented by an attorney. In 19% of the cases, both parties were represented by an attorney.

Exhibit 6 presents the residential time distributions for each combination of representation for cases with no risk factors for either parent. In comparison to cases in which both parties were self-represented, cases with two attorneys were less likely to result in 90% or 100% residential time for the mother and more likely to result in 60% or 70% time for the mother.

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 the majority of residential time increased from 14% (when both parties had the same type of representation) to 34%. Similarly, when the mother was represented by an attorney and the father was self-represented, the percentage

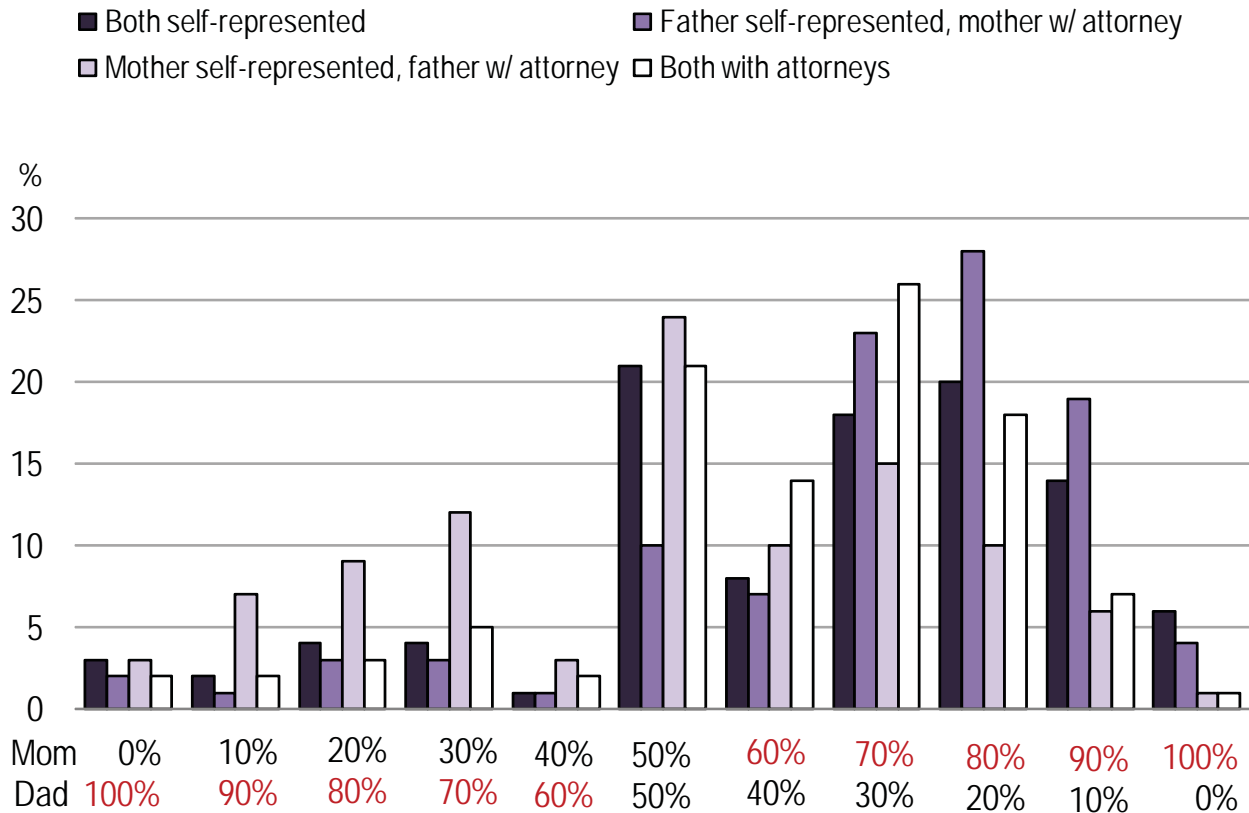
of mothers who received the majority of residential time increased from 66% (when both parties had the same type of representation) to 81% (see Exhibit 6).

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 four calendar quarters of the study period. Counties in which fewer than 20 RTSRs were filed involving no risk factors for either parent were not included in the Appendix.

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

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



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

	Mother	0%	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
COUNTY	Father	100%	90%	80%	70%	60%	50%	40%	30%	20%	10%	0%
	(N)											
Adams	32	3%	3%	0%	6%	0%	22%	9%	19%	28%	6%	3%
Benton	111	1	0	2	5	3	31	4	16	23	11	5
Clark	256	4	2	4	3	2	22	11	19	19	13	3
Franklin	35	0	0	6	3	0	6	17	11	29	14	14
Grant	52	2	6	0	2	4	12	12	25	17	15	6
Grays Harbor	20	0	10	0	5	0	45	5	10	0	10	15
Island	77	3	7	4	5	3	13	17	20	17	12	1
King	729	2	2	3	5	2	24	11	20	19	11	3
Kitsap	181	2	3	3	3	2	17	14	19	19	13	5
Lewis	51	6	2	2	2	0	26	14	18	14	16	2
Lincoln	665	2	2	3	4	2	23	10	14	24	12	3
Mason	48	2	2	2	8	2	15	8	19	21	17	4
Pierce	378	7	3	6	4	2	16	6	20	18	12	6
Skagit	86	2	0	2	1	4	12	22	22	19	12	5
Snohomish	159	1	1	6	4	3	13	7	15	25	18	8
Spokane	265	3	5	3	5	2	19	6	20	23	11	3
Thurston	245	2	3	7	4	1	21	7	17	16	17	4
Walla Walla	52	0	0	4	10	2	10	8	29	21	12	6
Whatcom	128	2	5	4	4	0	12	9	24	18	14	8
Yakima	170	2	1	2	7	1	15	5	52	7	6	4
STATE	3,856	3%	2%	4%	4%	2%	20%	9%	20%	20%	12%	4%

QUARTER

July 08 - Sep 08	2%	2%	4%	5%	2%	19%	9%	20%	20%	14%	4%
Oct 08 - Dec 08	3	3	4	5	2	19	10	19	20	11	5
Jan 09 - Mar 09	4	3	3	5	2	21	9	20	18	12	4
Apr 09 - Jun 09	3	2	4	4	1	20	9	21	21	12	5

Counties in which fewer than 20 RTSRs were filed involving no risk factors for either parent were not included in the Appendix.