

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 January 1, 2013, through December 31, 2013.

According to RCW 26.09.231, parties involved in dissolution matters are required 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 both 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 child's schedule.

Because 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, the degree to which RTSR filings represent complete and accurate information is unknown.

From January 2013 through December 2013, 2,911 RTSRs were filed in Washington's superior courts. Of the 2,911 reports filed, 2,695 involved opposite sex couples and fifteen involved same sex couples¹. One hundred and nine families submitted more than one RTSR. The average residential schedule covers 1.5 children. Of the RTSRs with information regarding the type of order, almost ninety-five percent (94.4%) summarized Parenting Plans that were part of the original orders, 5.6% were related to modifications of prior orders².

SUMMARY

This report analyzed 2,911 Residential Time Summary Reports filed in Washington State from January 1, 2013 through December 31, 2013. In nearly two-thirds of families (65.6%), children were scheduled to spend more time with their mother than their father. The most common residential schedules (occurring 18.9% of the time) were for children to spend equal time with their mother and father.

Parents with risk factors received less residential time with their children. Eleven percent of fathers and 3.8% of mothers had at least one risk factor. The most common risk factor, for both mothers and fathers, was chemical dependency (2.0% and 5.0%, respectively). Both the number and type of risk factors were related to the residential time of children.

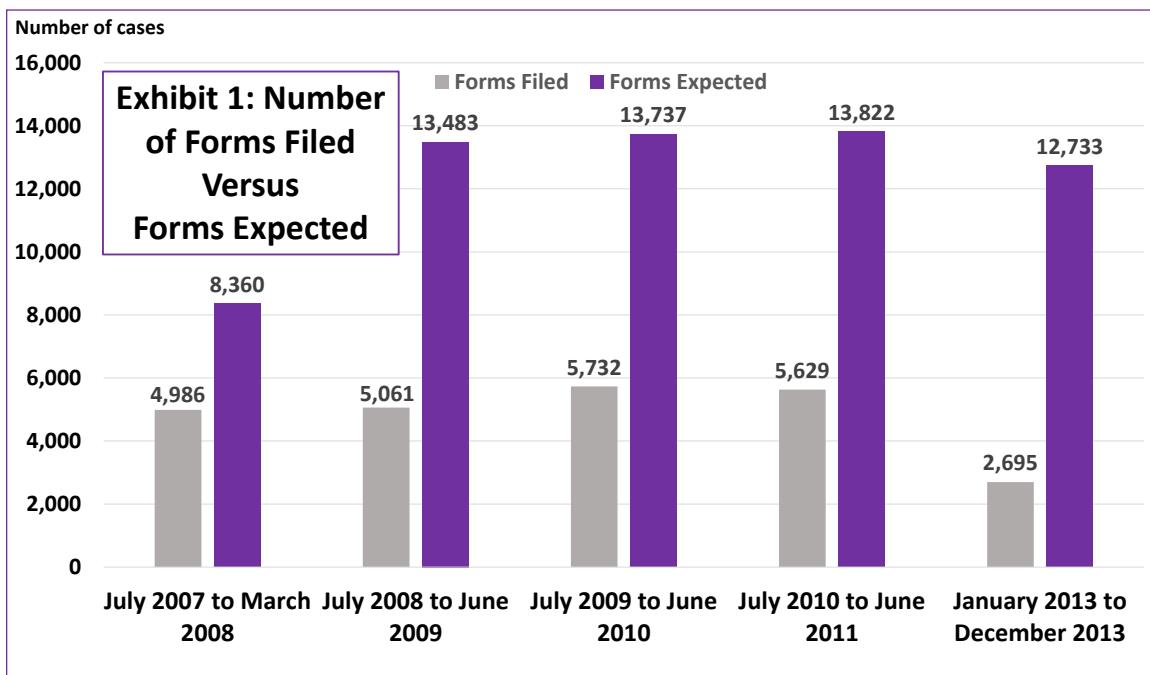
Self-representation for both parties was the most common experience for most dissolutions (78.3%). Fewer than one in ten cases (8.4%) involved attorneys for both parties. When one parent had an attorney and the other was self-represented (13.4% of cases), the party with the attorney received more residential time.

¹ 201 of the 2,911 RTSRs filed were missing information about the gender of one or both parents.

² 554 of the 2,911 RTSRs filed were missing information about whether this was an original order or the modification of a previous order.

LIMITATIONS OF THE DATA

It is known that the amount of RTSR filings is below the number of cases of dissolutions with children filed in Washington Superior Courts and that some information contained with the individual filings may be inconsistent³. There were 12,733 dissolutions with children filed in Washington State during the 2013 calendar year⁴, and every dissolution filed should be accompanied by a completed RTSR form, but no more than 22.8% of the expected number were processed. Analysis of the RTSR data at the court level shows that compliance with the request to complete and submit the RTSR form varied from court to court, with rates of RTSR forms per case ranging from a high of .684 per case filed in Adams County to a low of .000 per case in Garfield, Pend Oreille, and Kittitas Counties during 2013. There is some possible bias in the data presented here, based upon which individuals actually submitted the RTSR. Perhaps, a more accurate assessment of residential time in Washington State would emerge from record review based on a sample of cases, which would likely result in a lower total cost in addition to a more accurate view of what happens in dissolution cases with children.



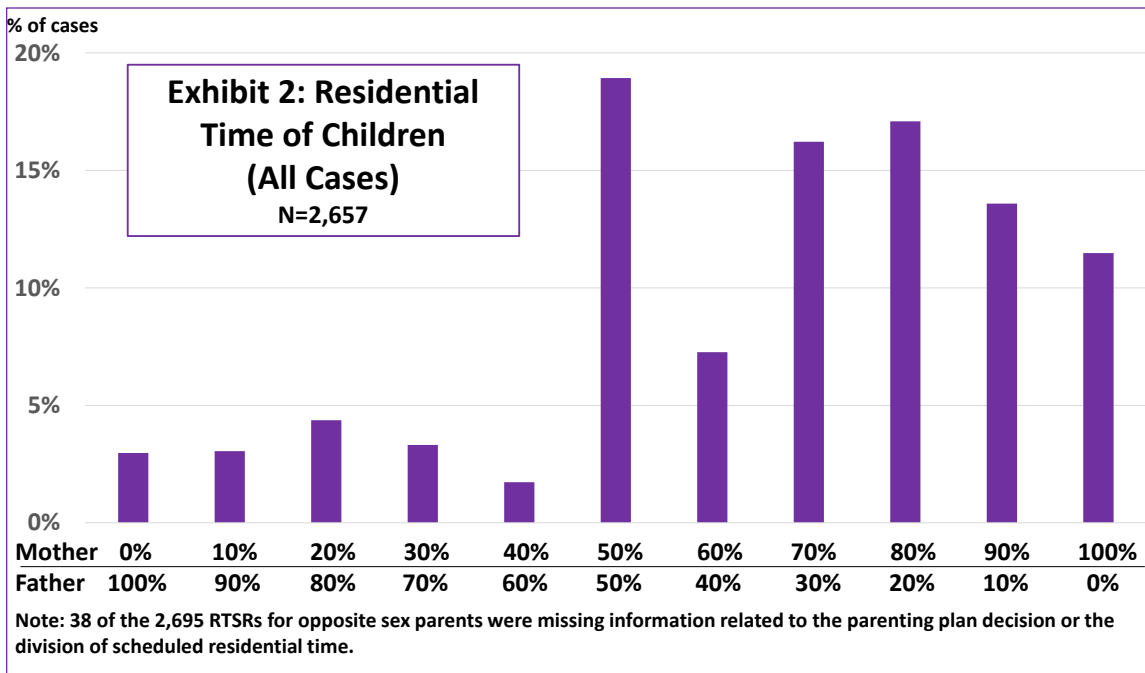
RESIDENTIAL TIME OF CHILDREN

On the RTSR forms, respondents 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, and so forth). Exhibit 2 displays the percentage of cases falling into each of the 11 categories for the 2013 year. Results indicated that in nearly two-thirds of dissolutions, children (65.6%) were scheduled to spend more time with their mother than their father⁵

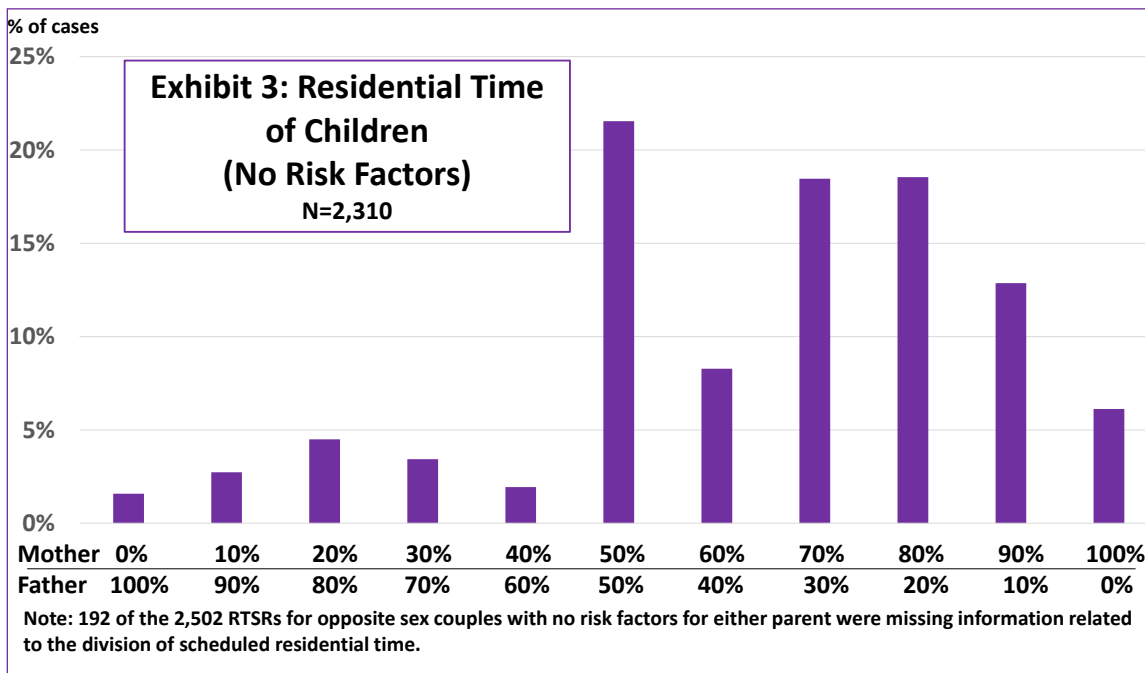
³ For example, 295 of the 2,911 RTSRs filed indicated there were no children covered by the filing, but 87.5% of the RTSRs that indicated they covered no children also included information related to the division of residential time.

⁴ "Caseloads of the Courts of Washington: Superior Court". www.courts.wa.gov/caseload.

⁵ The percentages for residential time are calculated only for opposite sex couples. Of the fifteen RTSRs involving same sex couples, eleven of them resulted in a 50%/50% time split. Also, 38 of the 2,695 cases with opposite sex relationships and complete information related to the gender of the parents were missing information related to the residential schedule.



The RTSR data show that, in 15.4% of cases, children were scheduled to spend more time with their fathers. In 18.9% of cases children were scheduled to spend equal amounts of time with both parents. In the remaining nearly two-thirds (65.7%) of cases, children were scheduled to spend more time with their mothers. Of the subset of cases with sole custody granted to one parent, mothers had sole custody in 11.5% of cases, while fathers had sole custody in 3.0% of cases.



Residential time may be limited by the courts if certain risk factors are established. On the RTSR form, respondents indicated if the mother or the father had been found by the court to have any risk factors: history of domestic violence, abuse or neglect of a child, chemical dependency issues, mental health issues, or “other” factors that could limit or prohibit a parent’s contact with the children and the right to make decisions for the children. Risk factors were more likely for fathers than for mothers (Exhibit 4); for ease of comparison, Exhibit 3 displays fathers’ and mothers’ residential time for those cases in which neither parent had any risk factors.

Of the 2,911 cases, 2,502 (86.0%) did not involve any risk factors for either parent. Analysis of cases with no risk factors indicated a pattern of residential schedules similar to the residential schedules for all cases. In 64.3% of cases with no risk factors, children were scheduled to spend more time with their mother.

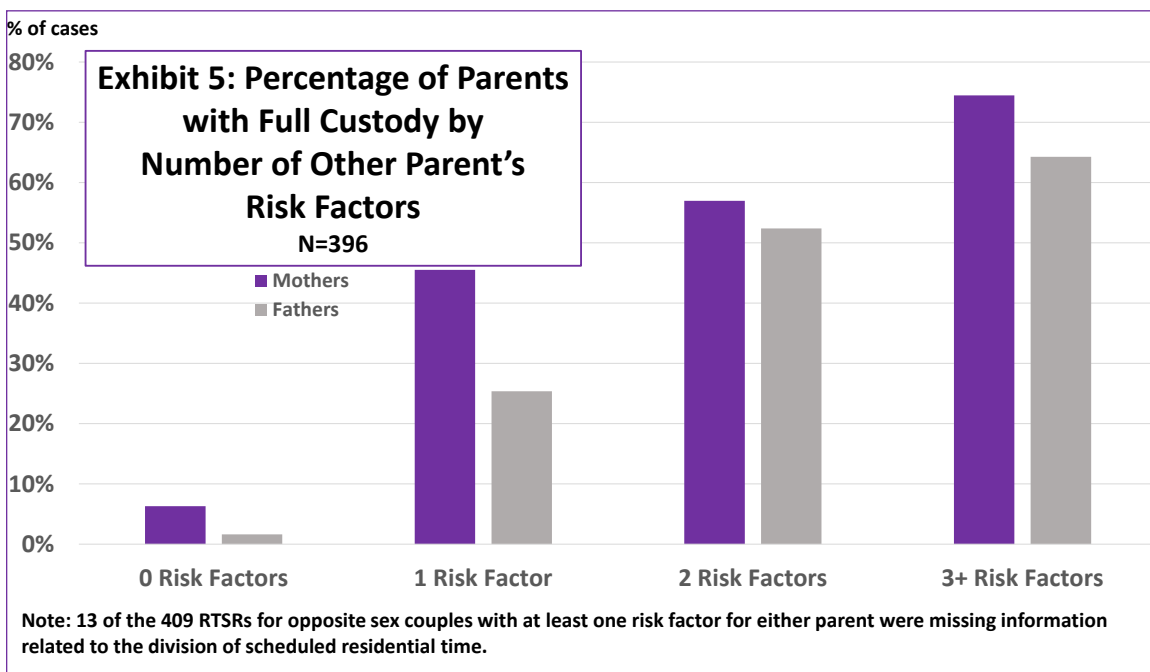
In 21.5% of cases without reported risk factors, the RTSR indicated that the children were to spend equal time with their mother and father. Sole custody occurred for just 7.7% of families (1.6% designated full custody to the father and 6.1% designated full custody to the mother).

Exhibit 4: Percentage of Opposite Sex Cases Involving Various Risk Factors (N=409)		
<u>Established Risk Factor</u>	<u>Mother</u>	<u>Father</u>
Abused or neglected a child	1.2%	3.0%
Chemical dependency issues	2.0%	5.0%
Committed domestic violence	.6%	4.6%
Mental health issues	.9%	1.7%
Other risk factor	1.1%	3.5%

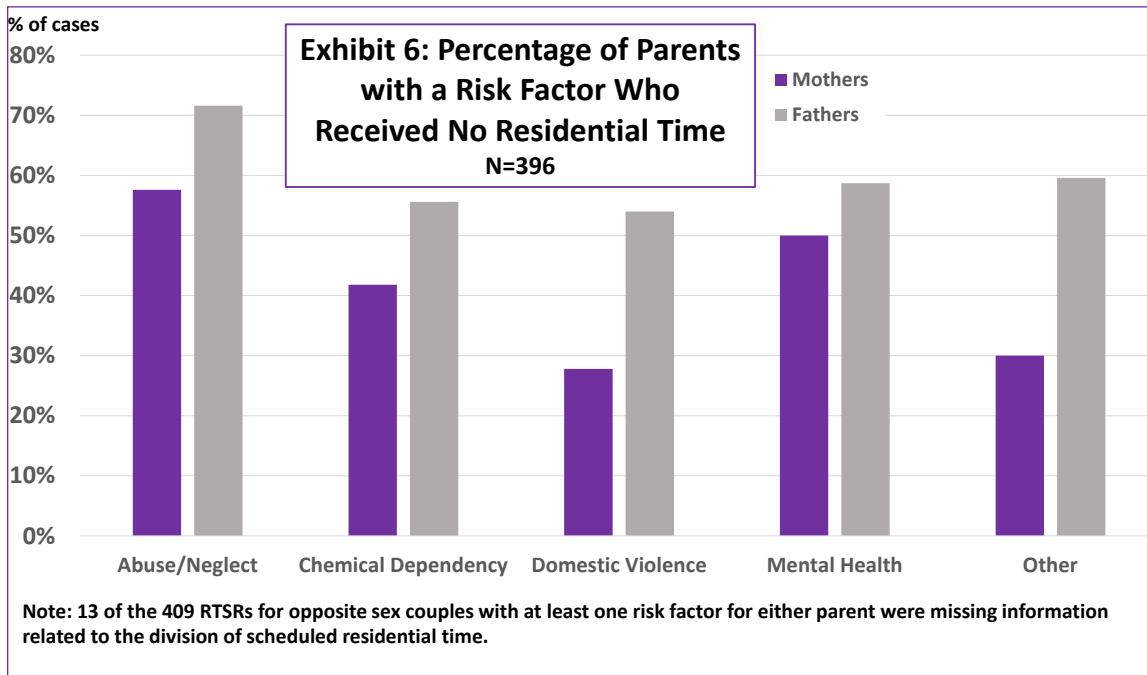
RESIDENTIAL TIME AND TYPE OF PARENTAL RISK FACTORS

Overall, 3.8% of mothers and 11.0% of fathers were found to have at least one risk factor. For both mothers and fathers, the most common risk factor was chemical dependency (2.0% and 5.0%, respectively; see Exhibit 4).

As in past years, when one parent had risk factors and the other did not, the vast majority of residential schedules involved children spending most or all of their residential time with the parent with no risk factors. For example, mothers with no risk factors obtained full custody 46.9% of the time when the father had one risk factor, 56.4% of the time when the father had two risk factors, and 73.3% of the time when the father had three risk factors; fathers with no risk factors obtained full custody 27.4%, 57.9%, and 69.2% of the time when the mother had one, two, or three risk factors, respectively (see Exhibit 5).



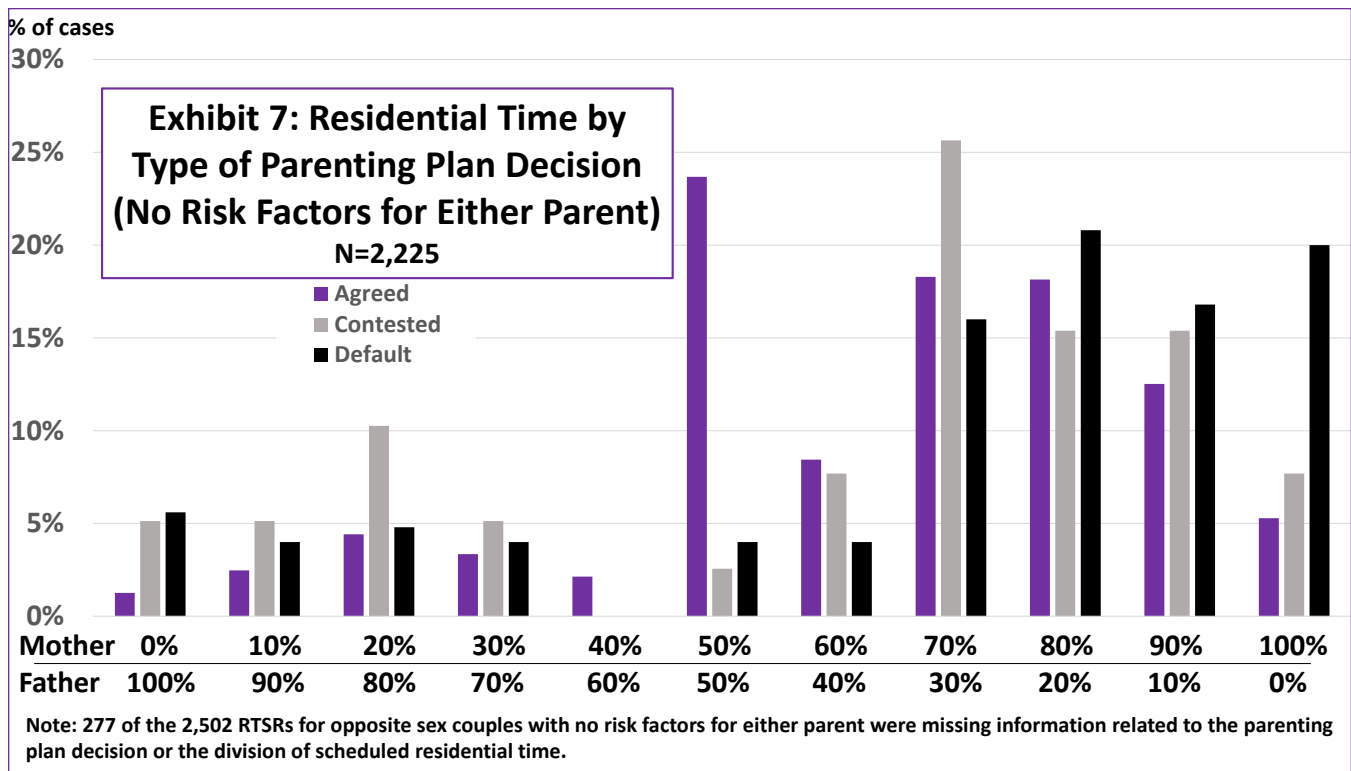
The type of risk factor had differing impacts on whether a parent received any residential time with a child and that impact also varied by the gender of the parent (see Exhibit 6). For example, abuse or neglect of a child was associated with a ruling of zero residential time for 72.5% of fathers and 57.6% of mothers with that risk factor. Gender-related differences in the likelihood of receiving zero residential time also occurred with mental health, chemical dependency, and “other” risk factors.



RESIDENTIAL TIME OF CHILDREN AND TYPE OF PARENTING PLAN DECISION

Overall, 87.0% of Parenting Plans were by agreement of both parties, 3.0% were decided after a contested hearing or trial, and 10.0% were by default⁶. The residential time of children varied by the type of case resolution, even for cases where neither parent had a risk factor. For cases with mutually agreed resolution, 63.9% of mothers received the majority of time, and 21.7% of mothers and fathers received equal time (see Exhibit 7). This is consistent with the rates for all cases with no parental risk factors. For the few contested resolutions, 71.1% of mothers received the majority of time, but only 1.3% of mothers and fathers received equal time. Cases ending in default resulted in 77.1% of mothers receiving the majority of time, and only 2.3% of cases had a plan with equal time between the parents.

⁶ 128 of the 2,911 cases were missing information related to the method of parenting plan resolution.



RESIDENTIAL TIME AND TYPE OF REPRESENTATION

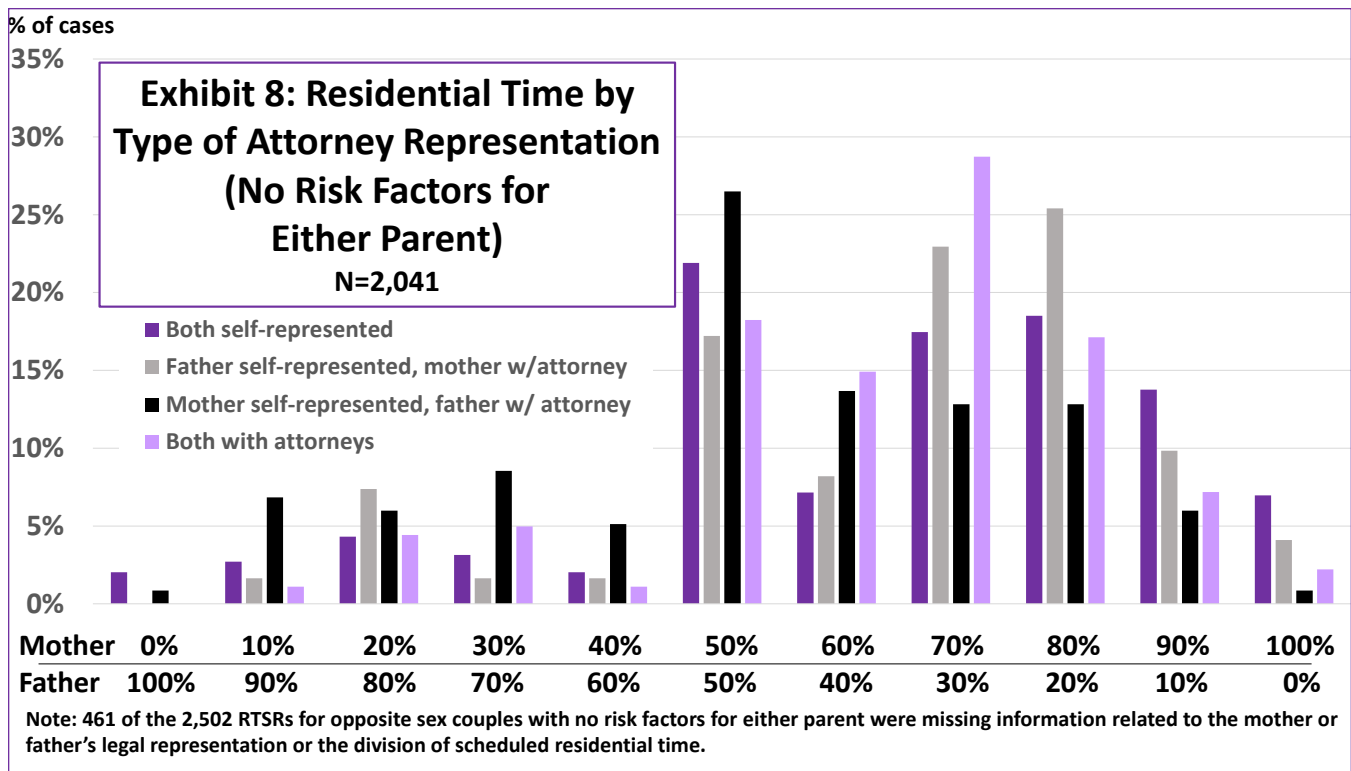
On the Residential Time Summary Reports, respondents indicated whether the father and mother were self-represented or represented by an attorney. For 78.3% of cases, both parties were self-represented. For 13.4%, one party was self-represented and the other party was represented by an attorney; for 8.4% of cases, both parties were represented by an attorney⁷.

Exhibit 7 presents the residential time distributions for each combination of attorney representation in cases with no risk factor for either parent. Results indicate that when either side had a lawyer, they were likely to get more residential time than when both parties were self-represented⁸. When fathers had an attorney and mothers were self-represented, fathers had the majority of residential time in 27.4% of cases and there was an even distribution of time in 26.5% of cases. When mothers had an attorney and fathers were self-represented, mothers received the majority of residential time in 70.5% of cases and there was an even distribution of time in 17.2% of cases. This is similar to outcomes when both parties had an attorney, with mothers receiving a majority of residential time in 70.2% of cases, and an even distribution of time in 18.2% of cases.

When both sides had an attorney, there was a noticeable change in residential time compared to cases where neither side had an attorney. The first change was a decrease in arrangements with little or no custody for either side (i.e., 0% or 10% of residential time). When neither side had an attorney 4.8% of mothers and 20.7% of fathers received little or no residential time. When both sides had attorneys only 1.1% of mothers and 9.4% of fathers received little or no residential time. The result of this shift is seen in the percent of cases where mothers received a relatively small majority of residential time (i.e., 60% or 70%). For example, when neither side had an attorney 24.6% of mothers received a small majority of residential time. When both sides had attorneys 43.7% of mothers received a small majority of residential time. In summary, when both sides have an attorney there are fewer extreme splits in residential time (e.g., one parent with 90% or 100% of the residential time). This shift indicates that the presence of an attorney for both parties may result in a more even division of residential time than when neither party is represented.

⁷ 334 of the 2,911 cases were missing information related to the legal representation of one or both parties.

⁸ The analyses of residential time by type of legal representation assumes there are no risk factors present for either party.



DISPUTE RESOLUTION

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

Overall, 46.5% of RTSRs indicated that disputes would be resolved through mediation; 45.6% indicated no dispute resolution process except, possibly, court action; 5.7% indicated counseling; 1.3% indicated arbitration; and 0.9% would use more than one method of dispute resolution⁹. Mediation would be the preferred method of dispute resolution when the case involved no parental risk factors (50.0%), while no dispute resolution process except, possibly, court action would be preferred when risk factors were involved (69.7%).

RESIDENTIAL TIME BY COUNTY AND QUARTER

The distribution of residential time schedules is presented by county in Reference Table 1. 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 were not included.

⁹ 197 of the 2,911 cases were missing information related to the type of dispute resolution.

Reference Table 1: Distribution of Residential Time Schedules by County and Quarter

		Mother 0%	Mother 10%	Mother 20%	Mother 30%	Mother 40%	Mother 50%	Mother 60%	Mother 70%	Mother 80%	Mother 90%	Mother 100%
		Father 100%	Father 90%	Father 80%	Father 70%	Father 60%	Father 50%	Father 40%	Father 30%	Father 20%	Father 10%	Father 0%
County	N											
Benton	90	4.4%	1.1%	2.2%	2.2%	0.0%	16.7%	4.4%	10.0%	15.6%	26.7%	16.7%
Chelan	34	8.8%	2.9%	2.9%	2.9%	0.0%	17.7%	8.8%	17.7%	23.5%	2.9%	11.8%
Clark	287	1.7%	2.8%	4.5%	2.1%	2.4%	22.7%	8.0%	16.0%	14.6%	12.9%	12.2%
Cowlitz	24	4.2%	12.5%	4.2%	0.0%	0.0%	16.7%	4.2%	20.8%	4.2%	12.5%	20.8%
Grant	74	5.4%	4.1%	8.1%	4.1%	0.0%	8.1%	2.7%	16.2%	25.7%	12.2%	13.5%
Island	52	1.9%	5.8%	0.0%	5.8%	1.9%	15.4%	9.6%	11.5%	19.2%	17.3%	11.5%
King	132	0.0%	2.3%	6.1%	3.0%	3.0%	18.2%	12.1%	17.4%	15.9%	12.1%	9.9%
Kitsap	63	3.2%	1.6%	7.9%	1.6%	0.0%	20.6%	9.5%	14.3%	20.6%	12.7%	7.9%
Lincoln	572	1.2%	1.9%	6.3%	3.7%	2.5%	26.9%	7.7%	14.7%	15.7%	12.8%	6.6%
Mason	52	11.5%	1.9%	5.8%	3.9%	3.9%	13.5%	0.0%	3.9%	23.1%	21.2%	11.5%
Okanogan	23	0.0%	0.0%	0.0%	8.7%	0.0%	26.1%	4.4%	8.7%	13.0%	8.7%	30.4%
Pierce	376	5.1%	4.0%	2.9%	3.5%	1.6%	16.8%	8.0%	12.0%	19.7%	12.5%	14.1%
Skagit	77	2.6%	2.6%	9.1%	2.6%	0.0%	11.7%	9.1%	20.8%	22.1%	9.1%	10.4%
Snohomish	137	4.4%	2.9%	4.4%	0.7%	0.0%	13.9%	2.9%	8.0%	29.9%	19.0%	13.9%
Spokane	250	3.2%	3.2%	2.8%	4.4%	2.0%	18.4%	6.8%	16.8%	12.8%	16.4%	13.2%
Thurston	156	0.0%	3.2%	1.3%	4.5%	1.3%	25.6%	10.9%	14.7%	15.4%	14.1%	9.0%
Walla Walla	30	10.0%	3.3%	3.3%	0.0%	3.3%	6.7%	3.3%	33.3%	20.0%	10.0%	6.7%
Whatcom	80	3.8%	3.8%	3.8%	2.5%	0.0%	15.0%	7.5%	18.8%	13.8%	13.8%	17.5%
Yakima	119	.8%	2.5%	0.0%	6.7%	.8%	12.6%	4.2%	45.4%	8.4%	5.0%	13.5%
State total	2,706	81	81	116	89	46	522	193	434	460	368	316

Quarter	N											
Jan 1 – Mar 30	316	3.8%	3.2%	5.4%	3.2%	1.6%	17.7%	7.9%	15.8%	16.1%	12.7%	12.7%
Apr 1 – Jun 30	507	3.6%	3.2%	4.7%	4.3%	1.0%	18.9%	6.7%	18.0%	16.2%	12.0%	11.4%
Jul 1 – Sept 30	898	3.5%	2.6%	4.1%	3.6%	1.7%	20.8%	6.8%	13.4%	18.3%	14.3%	11.1%
Oct 1- Dec 31	985	2.0%	3.3%	3.9%	2.5%	2.1%	18.6%	7.4%	17.6%	16.6%	14.1%	12.0%

Note: 205 of the 2,911 RTSRs were missing information related to the division of scheduled residential time.

Recommended Citation:

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