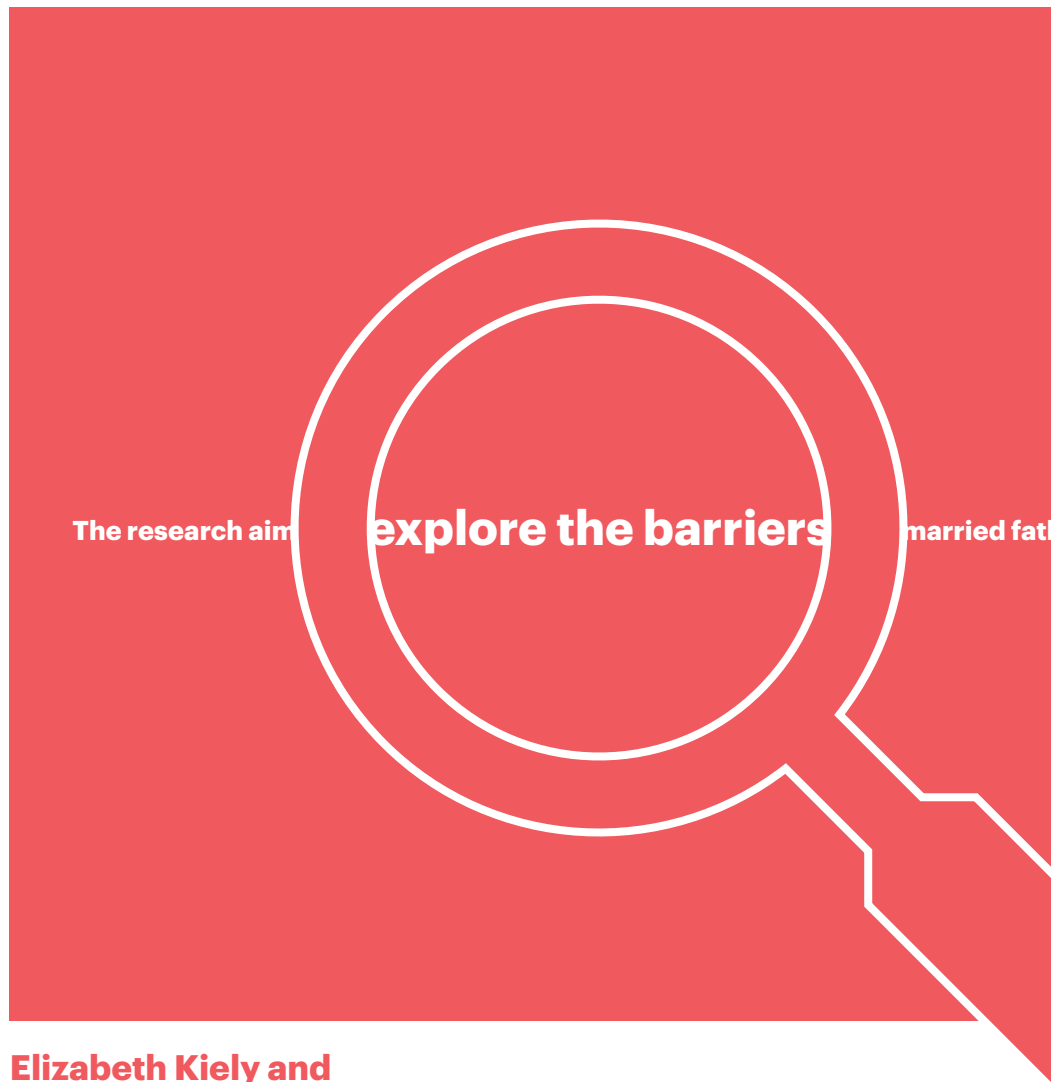


**Unmarried Fathers in Ireland:  
An Examination of the Barriers  
to Shared Parenting**  
**Executive Summary**

**treoir**

information for unmarried parents



**Elizabeth Kiely and  
Robert Bolton**

Researchers and Authors of the  
full report and Executive summary



Commissioned by Treoir and  
funded by the Community  
Foundation of Ireland



Full Research report is available on the  
treoir web site [www.treoir.ie](http://www.treoir.ie)

## Aim

The research aimed to explore the barriers to unmarried fathers' involvement in the sharing of parenting. There were five overall aims:

- To review the literature relating to the broader Irish context of shared parenting.
- To review the literature on shared parenting in unmarried families, with a particular focus on the impediments to unmarried fathers' involvement in shared parenting.
- To identify, describe and review shared parenting interventions in the international context designed to facilitate / support unmarried fathers and any evaluations of these interventions.
- To identify interventions and projects in Ireland that are relevant to the aims of the research and to review evaluations of these.
- To interview a number of unmarried fathers to explore their day to day experiences of sharing parenting or seeking to share parenting.

***Shared parenting is not easily defined (Feinberg, 2003; Van Egeren and Hawkins, 2004). For the purpose of the research shared parenting was conceptualised in broad terms as referring to substantive (though not necessarily equal) shared responsibility and care of children by parents and which requires parents to support each other and to work together in the best interests of their child(ren) regardless of the status of their own relationships to each other.***

# Rationale for the Research

*Shared parenting is more likely to happen in higher income rather than low income families and among parents who work out their own parenting relationship rather than have it imposed on them after their romantic / intimate relationship ends (Bala et al 2017; Smyth and Chisholm, 2017).*

It is recognised as a parenting arrangement that can present significant challenges to achieve for unmarried parents and particularly poorer unmarried parents (McLanahan, 2009; Tach et al, 2010). Shared parenting has been given little academic or research attention in Ireland. The first national survey of shared parenting was undertaken by One Family (2017b) in 2016.

Nationally and internationally, most of the research conducted has been concerned with shared parenting after divorce or separation after marriage (Mahon and Moore, 2011; Maldonado, 2014; Pearson, 2015). The focus on unmarried fathers in this research emerged from the knowledge that in Ireland, it is these fathers, who for different reasons are more likely to be the parents not involved in their children's lives and who may particularly lose contact over time (Corrigan, 2014).

The research sought to explore how shared parenting between unmarried parents can be supported and sustained when it is assessed as being in the best interests of children.

# Methodology

The study involved a national and international review of the literature, desk based research to review legislation, policies and practice based interventions as well as face to face / telephone interviews with a small number of unmarried fathers.

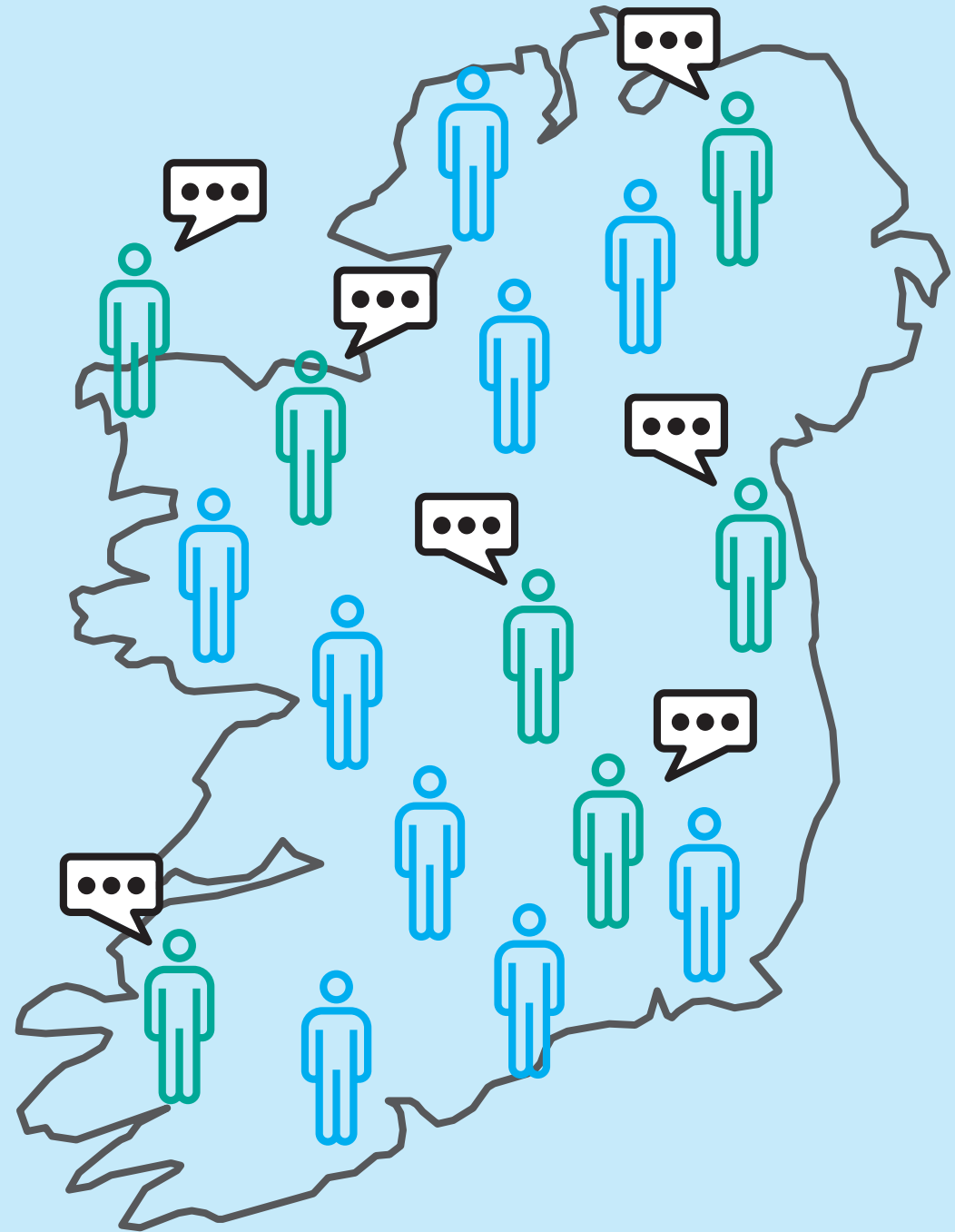
## Research Design

<b>Setting</b>	Ireland
<b>Timeframe</b>	March - July 2018
<b>Population</b>	Unmarried fathers in Ireland with experience of shared parenting or seeking to share parenting
<b>Secondary Research Components</b>	Literature Review  (a) International and national research studies on unmarried fathers' participation in shared parenting and the related opportunities and barriers  (b) Shared / co-parenting interventions and programmes nationally and internationally and evaluations of these  (c) Irish legislative, policy and practice context pertaining to non-marital families, unmarried fathers and shared parenting
<b>Desk based research</b>	Online research and contacting organisations to access information on Irish support services etc. assisting parents and specifically unmarried fathers sharing parenting.
<b>Primary Research Component</b>	In-depth face to face and telephone interviews with 7 unmarried fathers willing to share their views and experiences of sharing parenting or seeking to share parenting. Callers to Treoir who fit the research criteria were invited for interview and other interviewees responded to a call for research respondents posted on the Treoir Facebook page.

Out of 16 fathers who enquired about the research or left their contact details with Treoir, 8 agreed to be interviewed. One father interviewed subsequently withdrew from the research. The remaining seven fathers interviewed were diverse in age, status, number of children, residential location in Ireland, engagement in day to day childcare and degree of conflict / co-operation in their relationships with ex-partners.

All fathers interviewed were Irish, involved with their children and their relationships with their children's mother had ended or was suspended. Two fathers had experience of the family courts service and five had established parenting arrangements informally. Transcribed interviews were used to present condensed accounts / case studies based on what fathers said in interview, followed by a brief discussion of the significant features of each account.

Pseudonyms were used and personal details altered where required to protect fathers' identities. An ethical protocol was devised to guide the research. The study carried out was reviewed and approved by University College Cork Social Research Ethics Committee in spring 2018.



# What did the Research Show?

The research evidence is strong on the benefits of father involvement in children's lives (Buckley and Schoppe-Sullivan, 2010; Lamb, 2010; Tamis-Le Monda et al 2004). The challenges to establishing and sustaining shared parenting relationships between parents who are unmarried can be greater than for other family forms for various reasons. Nationally and in other country contexts, research, information and services are more oriented to the needs of families who divorce or who separate after marriage (Bronte-Tinkew and Horowitz, 2010; Goldberg and Carlson, 2015; Maldonado, 2014; Pearson, 2015).

In Ireland unmarried fathers are not recognised by law as automatic guardians unlike their married counterparts with children or the mothers of their children. For fathers interviewed, this emerged as the single most important problematic issue where sharing parenting is concerned.



The lack of information, support and financial resources to assist unmarried fathers to stay involved in their children's lives in a significant way, was also identified by fathers interviewed as a key obstacle to them sharing parenting.

There is a lack of accessible community based supports (e.g. shared parenting programmes, child parent contact programmes, practical assistance with parenting plans and family maintenance) for unmarried families to help them share parenting in Ireland.

The secondary research and the interview data points to the existence of official, professional and cultural biases, which serve to construct fathers as being of lesser importance and value as parents than mothers, where children are concerned.

The research shows that there is scope for the development of a stronger legislative, policy and practice infrastructure in Ireland, which is conducive to the normalisation of shared parenting arrangements in unmarried families.

## Key Findings and Related Recommendations

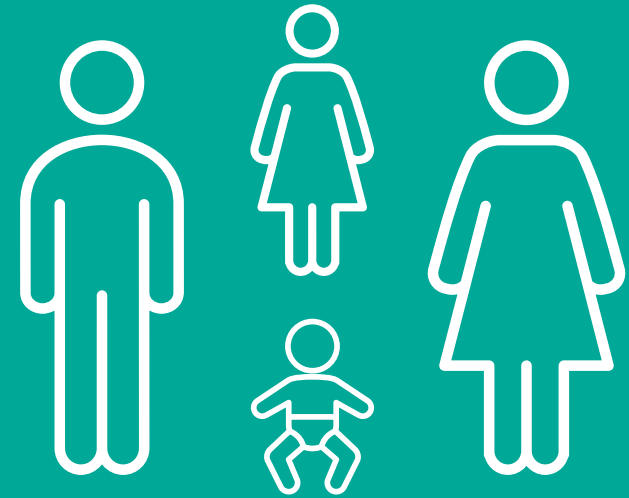
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### Terminology

'Shared parenting', 'co-parenting'/coparenting', 'parent involvement' 'equal parenting' 'joint physical custody' are all terms used in this field of research and are often ill-defined and used interchangeably with each other. 'Primary parenting', 'parallel parenting' and 'social parenting' are other terms used to refer to diverse kinds of parenting relationships and practices.

In Ireland, the concept of shared parenting is fairly commonly used and in this study, shared parenting was understood broadly as parents' shared responsibility and caregiving, which is substantive, though not necessarily equal between parents and when the parents work together in the best interests of their children, regardless of what is happening or has happened in their relationships. This is what fathers also understood as shared parenting when interviewed and a few (predominantly) younger fathers perceived shared parenting to be shared if it is gender equal parenting or proximate to equal parenting.



### Recommendations

- We recommend that any concepts (e.g. shared parenting, co-parenting) used when referring to parenting arrangements in non-marital families are clearly defined when used in research studies and in other contexts for the purpose of clarity.
  - As a consequence of this study we recommend the adoption of a definition of shared parenting as constituting parents' shared responsibility and caregiving, which is substantive, though not necessarily equal between parents and when the parents can and do work together in the best interests of their children, regardless of what is happening or has happened in their relationships with each other.
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## Abandoning terms not conducive to shared parenting

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Considering that the child's right to have contact and a relationship with their parents is the key influence in Irish judicial decision making, the concepts of 'guardianship' 'custody' and 'access' are parent focused rather than child focused terms. They do little to convey that the best interests of children are being served and they are not conducive to shared parenting as they propagate unequal relationships between parents.

The traditional language of guardianship, custody etc. has been replaced in other countries with terms like 'residence', 'contact' etc. (e.g. Australia, Canada and the UK).



### Recommendation

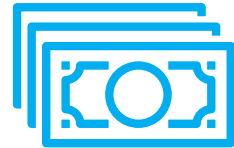
As recommended by the Law Reform Commission (2010) terms such as 'guardianship' 'custody' and 'access' should be replaced in Irish family law discourse with terms such as 'parental responsibility' 'day-to-day care' and 'contact'.

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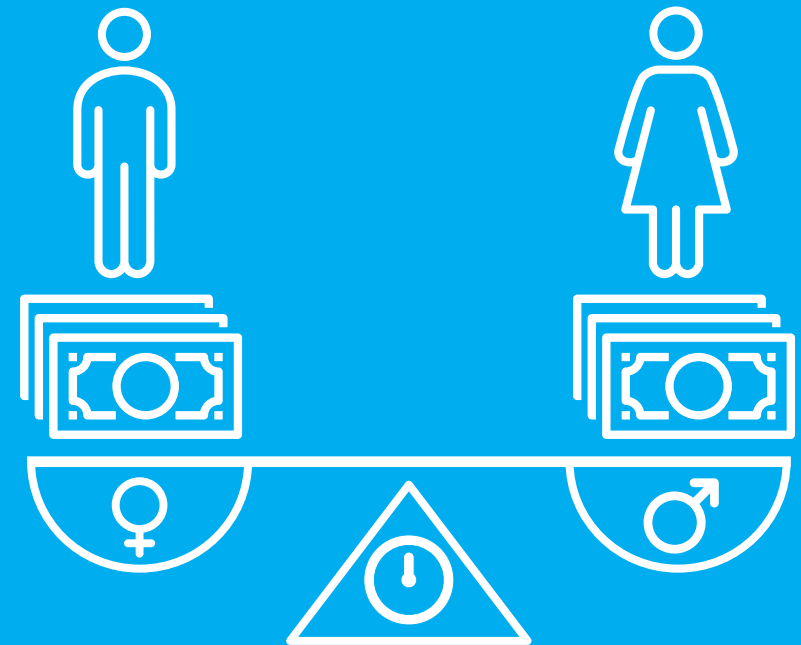
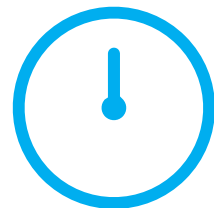
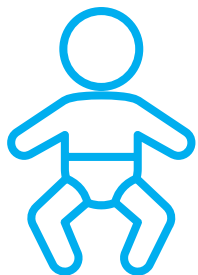
## Gender Equalising Paid and Unpaid Child Care

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As in other jurisdictions, as fathers' involvement in the care of their children continues to increase in Ireland, it is likely that shared parenting arrangements will become increasingly normative socially and culturally and by order of court, through mediation or as a result of couples putting their own parenting plans in place. The fathers interviewed in this study highlighted the ways in which child rearing is still feminised in Ireland with significant implications for men engaged in primary or shared care of their children.

The empirical evidence also indicates that men / fathers do more household work and child rearing than they did in the past but they still do significantly less than women in Ireland and their counterparts in many other countries (Samman et al 2016). In other countries, Governments put legal requirements in place for childcare employers to recruit more men to enhancing a more gender balanced childcare workforce. Greater gender convergence and equalisation in childcare is likely to provide a strong stimulus for shared parenting.



### **Recommendation**

Toward enhancing father involvement in children's lives and shared parenting, the Department of Justice and Equality should adopt a strategy aimed at gender equalising paid and unpaid care work in Ireland as part of a broader gender equality framework.

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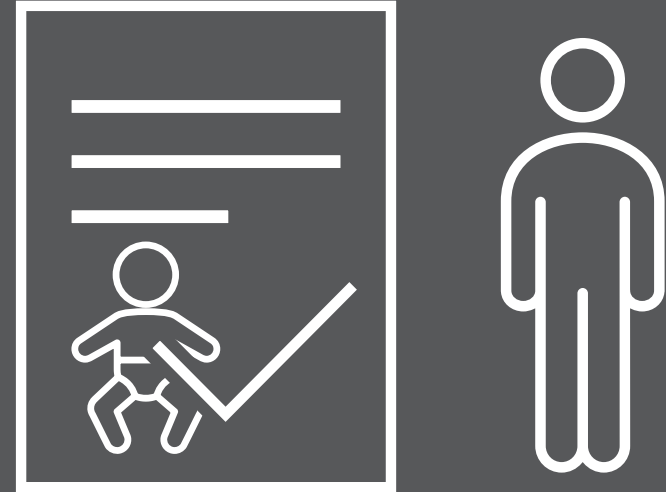
## Providing For Automatic Guardianship for Unmarried Fathers

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While in Irish society unmarried fathers have received more legal recognition, the research conducted shows that fathers still confront significant challenges when they are not afforded an automatic right to guardianship as is afforded to unmarried fathers in other contexts, including Northern Ireland. The research suggests that unmarried fathers' lack of automatic guardianship is discriminatory as this is afforded to their married counterparts. The cohabitation requirement in the legislation is unfair to non-resident fathers (some of whom may be young fathers) and it does not uphold their children's right to contact with them.

The status quo serves to reinforce the message to unmarried couples that they are not equal where their children's right to contact with them is concerned and that mothers have a greater right to determine how fathers (who wish to have a relationship with their children) parent and involve themselves in their children's lives.

Unmarried fathers may be unaware that they are not guardians and the implications of this for their children, or they may not always be a position to seek or gain the agreement of mothers to become joint guardians. This clearly undermines a parent together forever principle, which according to Weiner (2016), should be culturally conveyed to parents from the time of a child's birth. The interviews conducted for this study show that the lack of automatic guardianship for unmarried fathers is perceived by them to be a practical and symbolic obstacle to their involvement with their children and to shared parenting.



### Recommendations

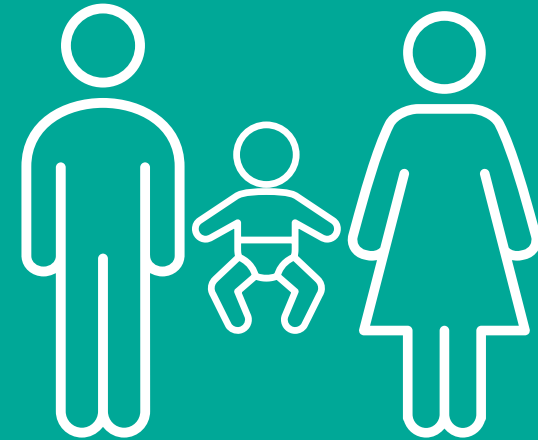
- As recommended by the Law Reform Commission (2010) automatic joint parental guardianship of children of non-marital fathers should be provided for in law. If necessary, the circumstances in which automatic guardianship would not be authorised should be identified.
  - The research findings lend support to the Treoir recommendation that at the time of the registration of the child's birth, the General Registrar Office and the local Civil Register Offices should inform unmarried parents of the law on guardianship so that a father can apply to become a joint guardian in a timely way with the agreement of the child's mother.
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## The Evidence in Support of Shared Parenting

In Ireland studies of public attitudes show that there is much support for men and women sharing parenting and for legislative and policy measures to enable shared parenting (Fine-Davis, 2011). There is a significant body of research internationally supporting children's right to develop a relationship with both their mothers and their fathers and a significant amount of research highlighting the benefits of father involvement in children's lives when inter-parental violence and consistent high conflict are not a feature of their parents' relationships. There will be instances where the safety of children and their parents will require parenting time not to be equalised or shared, but rather to be managed, restricted, supervised or ended.

An evaluation of the family law changes in Australia in 2006 (Kaspiew et al 2009) designed to support more shared parenting arrangements, reported that children in these arrangements fared better than children in maternal residence only, except in situations where mothers reported safety concerns. It is also very important that equally or close to equally shared parenting time and responsibility will have to work in the best interests of children and not their parents. It is unlikely that equally shared parenting should be equal or can be equal, particularly when parents also have commitments outside the home in education, paid work and commitments which change over time etc.

The merits of joint physical custody / shared hands on care has been the subject of debate and particularly for very young children, but there is also increasing emphasis on the importance of parallel attachments for children and a small but growing body of evidence (for example in Sweden, where the joint parental custody arrangement is more normative; Australia and Canada also) showing the positive effects for children of continuing day to day parental relationships after parents' relationships end (Bergström et al 2015; Bergström et al 2018; Fransson et al 2016; Kaspiew et al 2009; Turunen, 2017).



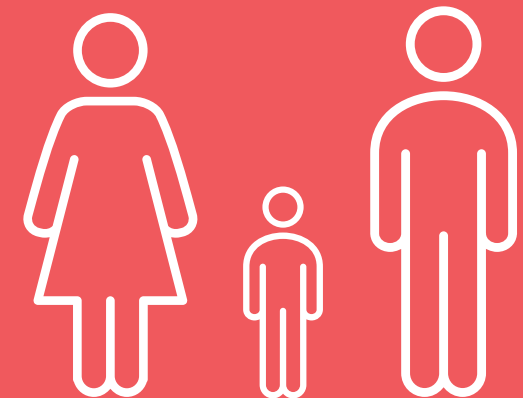
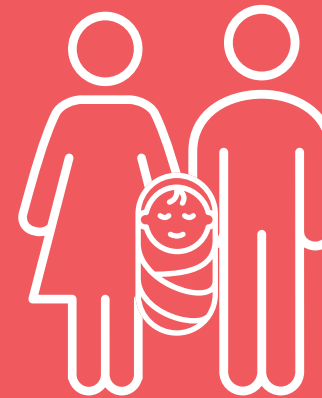
### Recommendation

Considering that the evidence at the time of writing is limited but positive as to the outcomes of shared care arrangements for children, Treoir should continue to review the evidence of outcomes for children as the arrangements become more normative in different jurisdictions.

## The Importance of Early Support for Unmarried Parents to Facilitate Shared Parenting

When a baby is born to an unmarried couple, that there is a strong desire held by both parents for the father to be involved into the future (Gaskin-Butler et al, 2012; Tach et al 2010). There is evidence that despite unmarried couples' very strong intentions to stay together at the time of their child's birth, that the likelihood the relationship will have ended by the age the child is 5 years is high (McLanahan, 2009; Osborne and Ankrum, 2015; Tach et al 2010). While unmarried fathers are at risk of being stereotyped as uninvolved fathers relative to other categories of fathers, there is research which highlights the unfairness of this stereotype (Tach et al 2010) and research which documents the variety of factors that can militate particularly against the involvement of fathers (e.g. incarceration, alcohol and drug use, limited income and educational attainment, abusive behaviour)(Bronte-Tinkew and Horowitz; 2010; Kiernan, 2006; Maldonado, 2014; Waller and Swisher, 2006).

Re-partnering by a father and particularly a mother is shown to correlate with the likelihood that the biological father will have less or no contact with his child (Osborne & Ankrum, 2015; Tach, et al 2010). Some fathers interviewed expressed concerns about the possible implications for themselves or the mothers of their children re-partnering for their relationships with each other and their relationships with their children. There is a strong case emerging from the empirical studies reviewed and from some of the interviews conducted that providing information, relationship and shared parenting interventions for unmarried parents as early as possible is the optimum time for interventions (Cox and Shirer, 2009; Cowan et al 2010; Weiner, 2016). As early involvement by a father in a child's life is known to correlate with later involvement by the father (Kiernan, 2006; Osborne and Ankrum, 2015), professionals in services engaging with unmarried parents pre-conceptions are ideally placed to assume, encourage and support shared parenting. The Australian Psychological Society advocates for information and training for primary health care providers in the protective and risk factors for children and parents undergoing a family transition and knowledge of the appropriate pathways for referral (McIntosh et al 2009).



### Recommendations

- As recommended by the Law Reform Commission (2010) automatic joint parental guardianship of children of non-marital fathers should be provided for in law. If necessary, the circumstances in which automatic guardianship would not be authorised should be identified.
  - The research findings lend support to the Treoir recommendation that at the time of the registration of the child's birth, the General Registrar Office and the local Civil Register Offices should inform unmarried parents of the law on guardianship so that a father can apply to become a joint guardian in a timely way with the agreement of the child's mother.
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## Accessible Community Based Supports for Shared Parenting



Well-resourced community based facilities (e.g. family relationship centres in Australia) which are physically and financially accessible to couples, are in a position to provide a suite of relationship and shared parenting information and supports for unmarried parents (e.g. professional counselling and /or mediation services). Early intervention and ongoing support for parents and children experiencing family transition may help along the early establishment of a co-operative shared parenting relationship.



### **Recommendations**

In the Irish context, family centres / family resource centres should explore the feasibility of developing and providing a comprehensive service to unmarried parents including professional assistance (pre-court family mediation, programmatic interventions etc.) with shared parenting.

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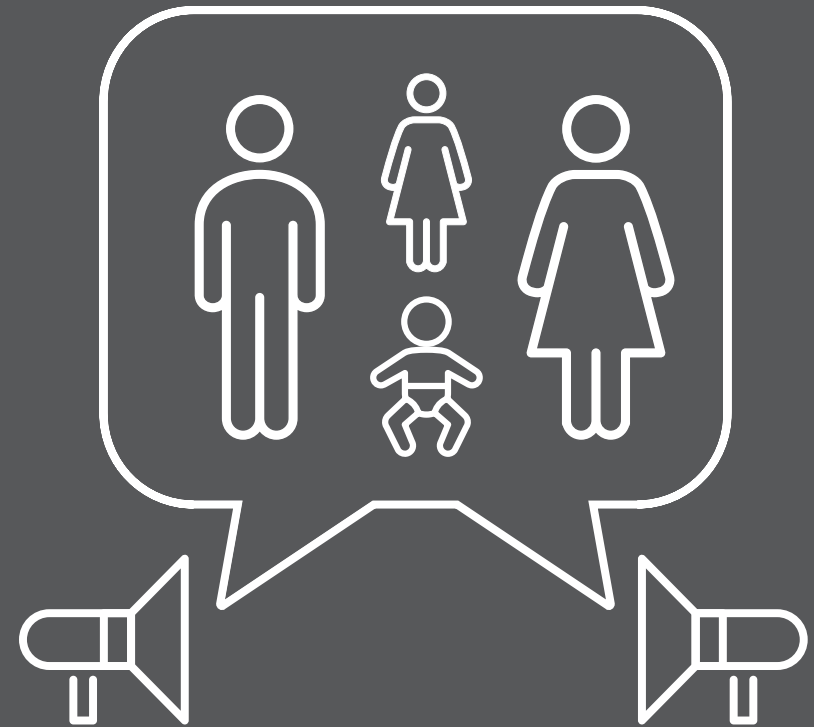
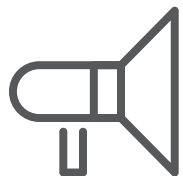


## Overall Policy Approach to Support Shared Parenting



The lack of any discourse on shared parenting in current Irish family policy was highlighted in this research. The lack of any attention given to the specific challenges confronting unmarried parents in the fields of parenting and family support was also noted. The absence of shared parenting programmes or programmes / supports tailored for unmarried parents was identified in the study and was also an observation made by fathers interviewed.

Early years parenting interventions have grown in number with the policy objective of improving parenting knowledge and behaviour to enhance child outcomes. While enhancing positive shared parenting would fit with this wider policy agenda, the evidence reviewed for this research suggests it is not a significant feature of this agenda. All of this highlights the lack of an overall policy approach supporting shared parenting arrangements for non-marital families.



### **Recommendations**

The Government Department of Children and Youth Affairs in conjunction with Tusla (Child and Family Agency) should devise a strategy to endorse and support shared parenting for unmarried parents. Treoir, and other stakeholders should campaign for such a strategy.

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## Specific Policies Needed To Support Shared Parenting

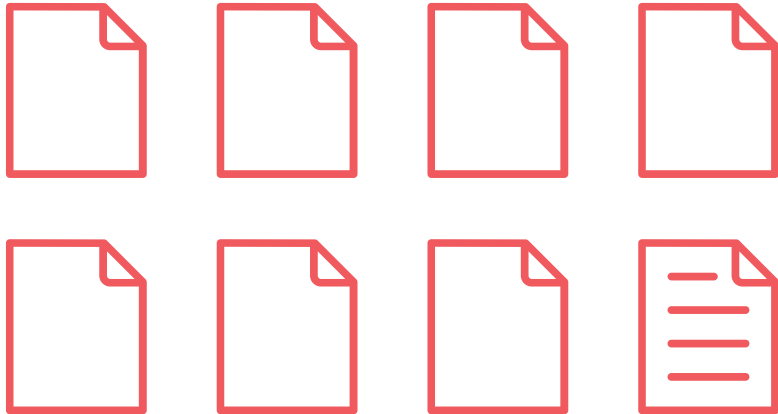


Legislation, policy and practice can promote / incentivise shared parenting arrangements or hinder them. Some of the ways in which shared parenting is hindered by Irish legislation / policy were identified in the research (e.g. the replacement of the One Parent Family Tax Credit with the Single Person Child Care Tax Credit). The following recommendations are designed to ensure that shared parenting is more strongly endorsed by Irish legislation, policy and practice.

### Recommendations

- If non-residential parents /fathers are engaged in shared parenting, this should be taken into account by local authorities in assessments of their housing / accommodation needs.
- The parenting responsibilities of students need to be taken into account when providing student grants to ensure they are sufficient.
- The Department of Employment Affairs and Social Protection (in co-operation with the Departments of Justice and Equality and Children and Youth Affairs) should develop a child maintenance service that places the child at the centre, that promotes transparency and fairness and that ensures child maintenance can function as an effective child poverty reduction strategy. It should empower parents to work out (with the assistance of information, online resources etc.) privately if they wish, an appropriate payment in their particular circumstances without having to resort to outside intervention. The Nordic systems (e.g. Norway or Sweden) or the recently reformed British or Australian systems provide models useful for the reform of the Irish system. To make it work better for shared parenting arrangements, parents should not be encouraged or required by state agencies to pursue the other parent through the courts to obtain maintenance, rather it should be the responsibility of the state to look after families until maintenance is secured and to pursue parents if required. In other countries, a state agency is charged with this responsibility.
- Maintenance and parent contact should be addressed conjointly in courts and in other settings where parents may be sorting out their arrangements, thus validating and supporting fathering beyond its narrow provider role.
- Tax credits should be paid to both unmarried parents engaged in shared parenting and other ways of incentivising and supporting shared parenting should also be devised on the basis of the association between fathers' income levels and their likelihood of sharing parenting.
- New / changed Government policies should be proofed to identify their implications for shared parenting and adjusted accordingly or abandoned.

## A Shared Parenting Research Led Service Agenda



Non-marital families transitioning from relationship breakdown are neglected in research and service provision and can comprise a more disadvantaged group relative to families transitioning from divorce and separation nationally and internationally (Pearson, 2015; Maldonado, 2014).

Shared parenting in the unmarried parent subset specifically has not been given any attention in Ireland and with the exception of a One Family National Survey of Shared Parenting (2017b), shared parenting itself has been subjected to very little research. There is a need for a research agenda, which fills important gaps in our knowledge about shared parenting in non-marital families.



### Recommendations

- Relevant State Agencies should provide funding for research to
    - o Follow up with a cohort of family law litigants to explore whether court ordered parenting arrangements have held up over time or have changed in accordance with the needs of families etc.
    - o Access the views and experiences of children and the outcomes for them of different kinds of contact arrangements (including shared parenting) with parents / fathers and how they change over time.
    - o Identify international interventions showing promise / success in addressing maladaptive parental gatekeeping and conflict in inter-parental relationships.
    - o Follow up families who move on from child contact centres, from the Teen Parent Support Programme, from the family law courts and mediation etc. to explore how they fare in relation to parenting arrangements over time.
  - The Irish Census of Population and other relevant large-scale studies should include questions which request information about family transitions and contact arrangements, shared parenting arrangements etc.
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## Need for More Information and Father Inclusive Service Provision

All fathers interviewed would welcome more information and support throughout their lives as parenting issues and their concerns change, but for some fathers, this was particularly at the stage when they are transitioning into and becoming accustomed to a parenting relationship during antenatal care, birth and postnatal care.

The usefulness of accessible information provided for unmarried parents at locations such as GP surgeries / primary care clinics, maternity hospitals, local health centres, was recommended by a number of fathers interviewed. The need for more information for unmarried fathers was a prominent theme in interviews conducted. The research findings emphasise the need for a comprehensive information service for fathers to meet their needs and for services provided to families to be more father inclusive in their orientation.

Considering that some fathers interviewed, reported getting messages from their children's mothers and some professionals that it is their financial contribution to their child, which is required of them more than their time and attention, this has the effect of reinforcing traditional gender norms and impeding active / shared parenting on the part of unmarried fathers.



### Recommendations

- Treoir should review its information service for unmarried fathers and identify how it can be enhanced so that fathers know of Treoir from the outset and can easily access reliable information as they need it.
  - Treoir should advocate for and support professionals in family support, health and welfare services to have a father inclusive approach when engaging with non-marital families.
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## Alternative Dispute Resolution



There is not enough being done to ensure Alternative Dispute Resolution (ADR) is the default route for families in dispute about issues pertaining to establishing and sustaining shared parenting. Ireland lags behind other countries in this regard.

There are many good reasons why ADR rather than courts should become the default route for couples who need assistance. In the Australian context, a study suggests that mandatory mediation and expanded relationship support services can be credited with generating a steady increase in shared parenting much more than the legislation introduced in 2006 designed to increase the incidence of shared parenting (Smyth and Chisolm, 2017).

It was found that such services have helped parents to become more positively disposed to shared parenting when it is of value for the children (Smyth and Chisolm, 2017).



### Recommendations

- Following countries such as Australia, Canada and Sweden, more effort should be made via legislation, policy and practice to divert persons from adversarial courts towards other options where feasible and practicable. Shared parenting would benefit from the role of community based supports, mediation and other services pre-court and at court stages being enhanced in Ireland so that the role of courts can be minimised.
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## Supporting Unmarried Fathers

There is a dearth of programmes and supports for fathers in Ireland and services provided to families which have a strong father inclusive focus are limited. There are no specifically tailored interventions for unmarried fathers and while there are parenting programmes in Ireland, few have shared parenting focus or are tailored to meet the needs of unmarried parents.

There is only a limited number of child contact centres in Ireland, which further restricts opportunities for facilitating children's right to contact with unmarried non-resident fathers. Perinatal mental health is in its infancy in Ireland and there is a risk that as it develops, the focus will be overwhelmingly on the mother unless there is a conscious effort to include fathers and to adopt a whole family approach.

The Teen Parent Support Programme is a vital component in the landscape of parenting support, given its father inclusive orientation. It could develop its offerings on shared parenting, which would be of benefit to young unmarried parents.



### Recommendations

- There is a need to enhance service provision for fathers and specifically unmarried fathers. This research provides support for the following service developments: the Department of Children and Youth Affairs to provide an increased number of child contact centres; the Department of Health to ensure the progress of a perinatal mental health strategy with a wider focus than mothers and TUSLA (the Child and Family Agency) to provide an enhanced Teen Parent Support Programme.

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information for unmarried parents

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28 North Great George's Street,  
Dublin 1

Information line: 01 6700 120  
Email: [info@treoir.ie](mailto:info@treoir.ie)