

Residential Time Summary Reports Filed in Washington from July 2009 to June 2010

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, 2009, through June 30, 2010.

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 July 2009 through June 2010, 5,732 Residential Time Summary Reports were filed in Washington's superior courts, an increase of 13% over the previous year. Two hundred thirty-seven families (4.1%) had more than one RTSR. The average number of children per residential schedule was 1.5. Seventy-five percent (75%) of the RTSRs summarized Parenting Plans that were part of the original orders, 6% were related to modifications of prior orders, and 19% were unspecified.

SUMMARY

This report analyzed 5,495 Residential Time Summary Reports filed in Washington from July 2009 through June 2010. 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 18% of the time) were for children to spend equal time with their mother and father, 70% of their time with their mother and 30% with their father, or 80% with their mother and 20% with their father.

Parents with risk factors received less residential time with their children. Ten percent (10%) of fathers and 4% of mothers had at least one risk factor. The most common risk factor for fathers was domestic violence (4.3%), followed closely by chemical dependency (3.9%), while for mothers it was chemical dependency (1.7%). Both the number and type of risk factors were related to the residential time of children.

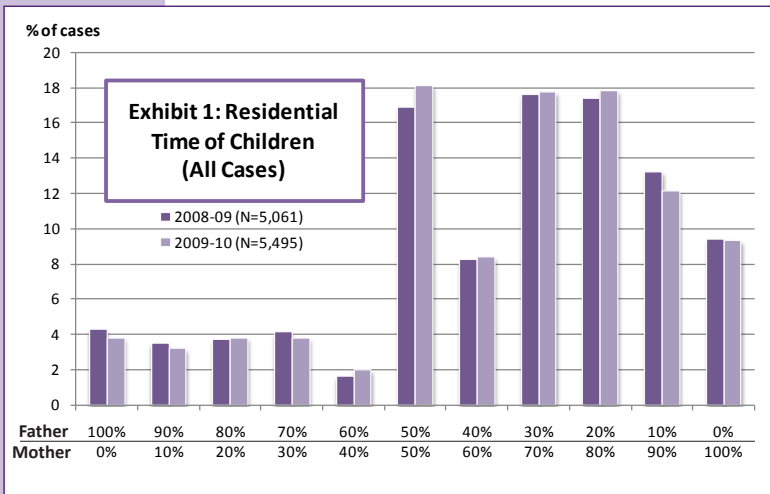
Self-representation continues to increase in dissolution cases. During the 2007-08 period, 44% of cases involved both parties appearing without counsel (pro se). This figure increased to 58% in 2008-09, and to 60% during the current reporting period. Fewer than one-in-five cases now involve attorneys for both parties. When one party had an attorney and the other was self-represented (23% of cases), the party with the attorney received more residential time.

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). Exhibit 1 displays the percentage of cases falling into each of the 11 categories for the

2009-10 year in comparison to the 2008-09 year.

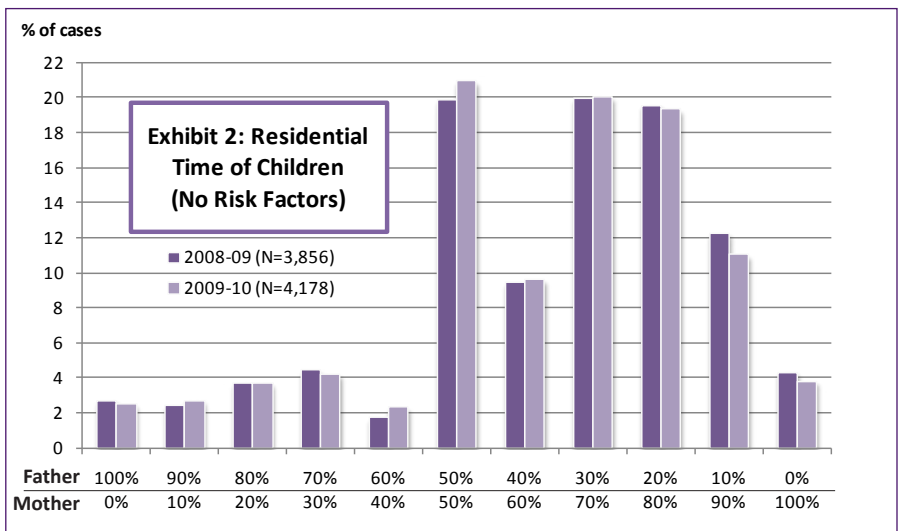
Across the entire sample, results indicated that nearly two-thirds of children (65%) were scheduled to spend more time with their mother than their father. Eighteen percent (18%) of the residential schedules involved an equal division of time, while 17% of the children were scheduled to spend more time with their fathers. The most common residential schedules, each occurring 18% of the time, were for children to spend equal amounts of time with both parents, or



70% or 80% of the time with their mother. Mothers had sole custody in 9% of cases, while fathers had sole custody in 4% of cases. The 2009-10 data were very similar to the 2008-2009 data, with the percentage of equal custody cases rising 1%.

Residential time may be limited by the courts if certain risk factors are established. Risk factors were more likely for fathers than for mothers (Exhibit 3); for ease of comparison, Exhibit 2 displays fathers' and mothers' residential time for those cases in which neither parent had any risk factors.

Of the 4,758 cases with complete information regarding risk factors, 4,178 (88%) did not involve any risk factors for either parent. Analysis of cases with no risk factors indicated a pattern of residential schedules that is similar to the residential schedules of all



cases. In 64% of cases with no risk factors, children were scheduled to spend more time with their mother. The most prevalent schedule, occurring with 21% of cases, was for children to spend equal time with their mother and father. Sole custody occurred for just 3% of the families.

RESIDENTIAL TIME AND TYPE OF PARENTAL RISK FACTORS

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.

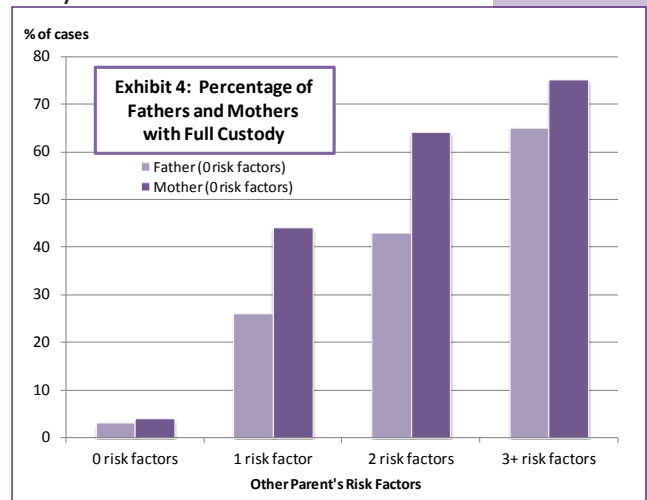
Exhibit 3: Percentage of Cases Involving Types of Risk Factors

Established Risk Factor	Mother	Father
Abused or neglected a child	.7	2.1
Chemical dependency issues	1.7	3.9
Committed Domestic Violence	.5	4.3
Mental health issues	.6	.9
Other Risk Factor	1.1	3.6

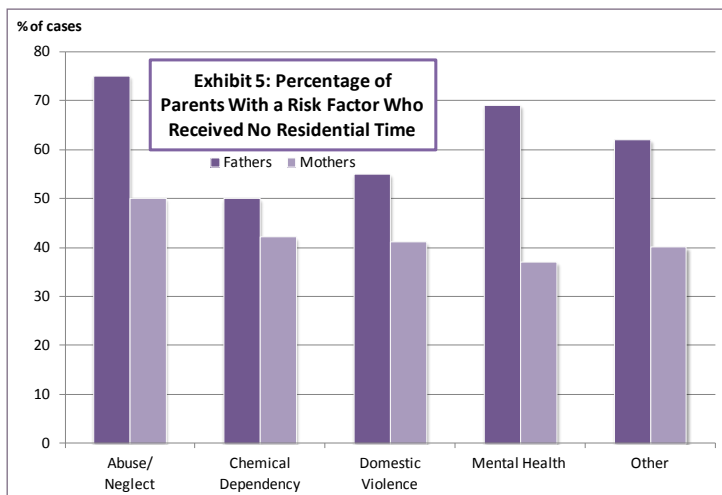
Overall, 4% of mothers and 10% of fathers were found to have at least one risk factor. For mothers, the most common risk factor was chemical dependency (1.7%). The percentage of mothers with each risk factor was exactly the same as it was during the 2008-09 year. For fathers, the most common risk factor was having committed domestic violence (4.3%; see Exhibit 3). The

percentage of fathers who were reported to have abused or neglected a child, have chemical dependency issues, or committed domestic violence all decreased by 1%.

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, the mothers with no risk factors obtained full custody 44% of the time when the father had one risk factor, 64% of the time when the father had two risk factors, and 75% of the time when the father had three risk factors; fathers with no risk factors obtained full custody 26%, 43%, and 65% of the time when the mother had one, two, or three risk factors, respectively (see Exhibit 4).



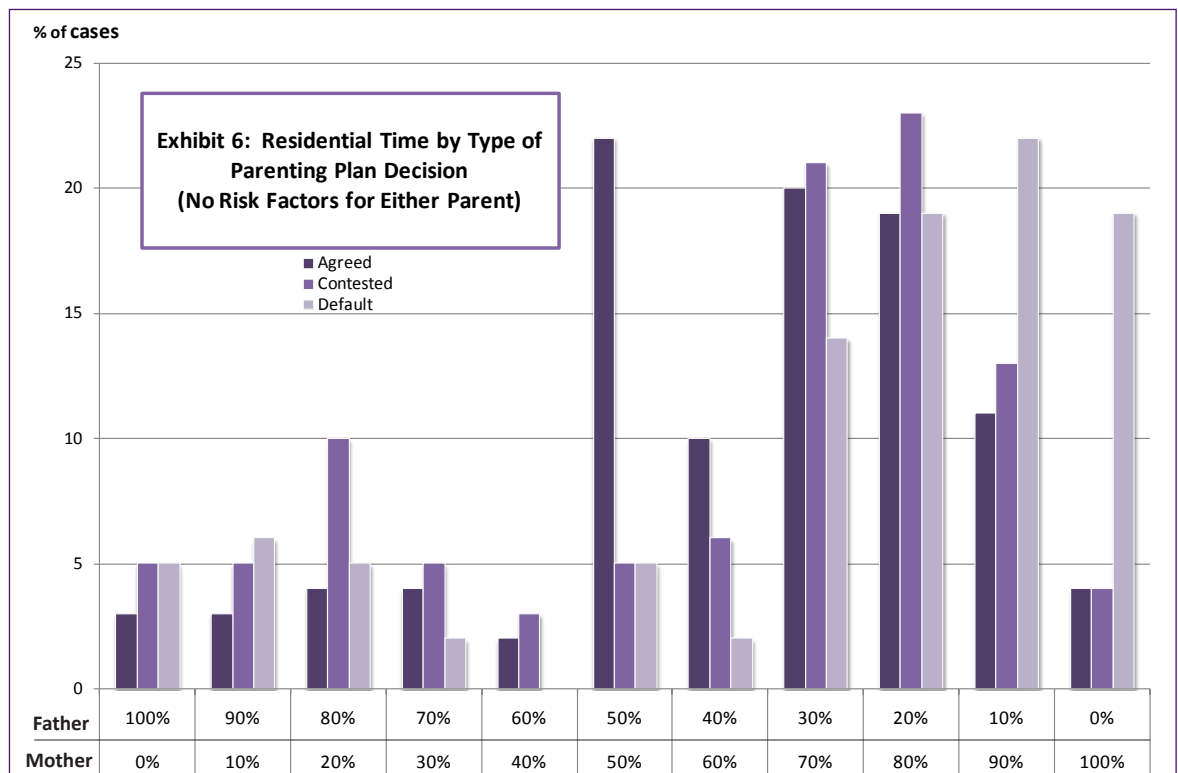
Different risk factors had different impacts on whether a parent received any residential time with a child; the impact varied by the gender of the parent (see Exhibit 5). For example, abuse or neglect of a child was associated with a ruling of zero residential time for 75% of fathers and 50% of mothers with that risk factor.



Gender-related differences in the likelihood of receiving zero residential time also occurred with mental health (69% of fathers and 37% of mothers were denied any residential time), “other” issues (62% of fathers, 40% of mothers), domestic violence (55% of fathers, 41% of mothers), and chemical dependency (50% of fathers, 42% of mothers).

RESIDENTIAL TIME OF CHILDREN AND TYPE OF PARENTING PLAN DECISION

Overall, 88% of the Parenting Plans were by agreement of the parties, 2% 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. For agreed cases, 64% of the mothers received the majority of time, and 22% of mothers and fathers received equal time (see Exhibit 6). For the few contested cases, 67% of mothers received the majority of time, but only 5% of mothers and fathers received equal time. And for cases resulting in default, 76% of mothers received the majority of time, and again only 5% of cases resulted in equal time between the parents. Results from the 2009-10 data are very similar to those from 2008-09 with one exception: in contested cases, the percentage of fathers receiving the majority of time increased from 15% in 2008-09 to 28% in 2009-10.



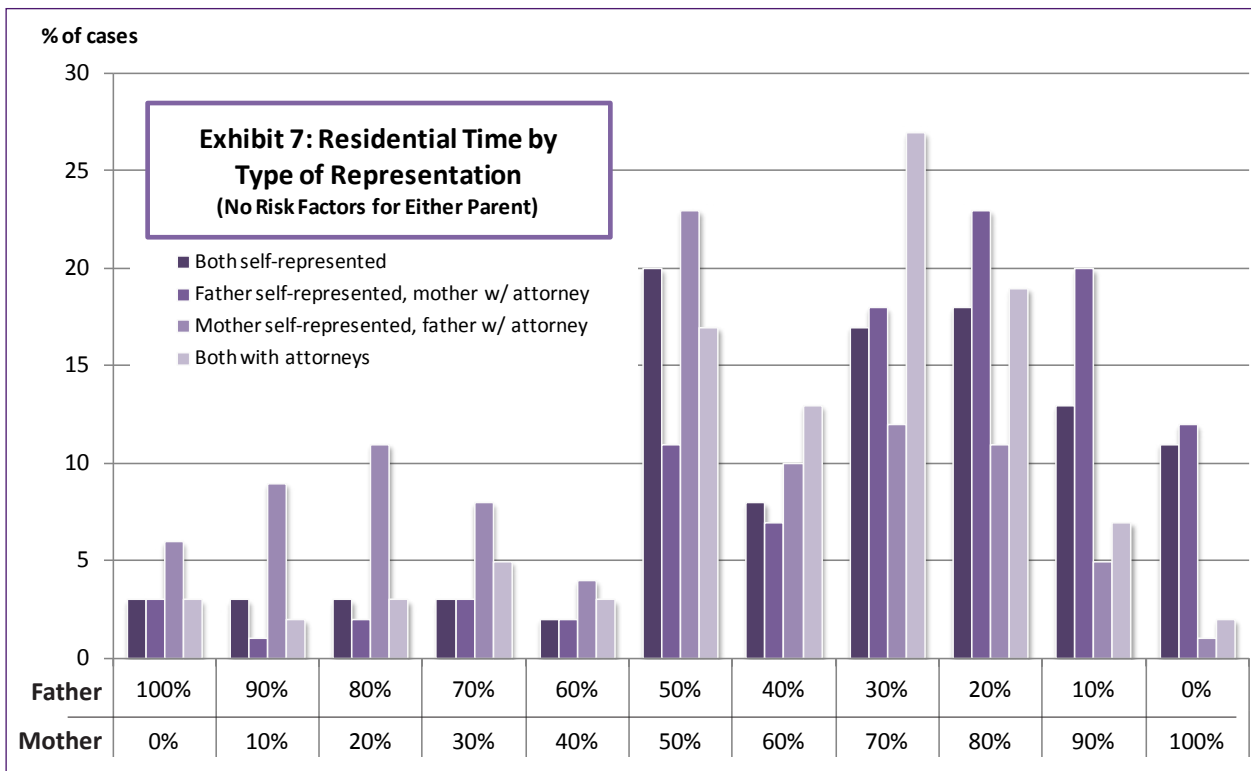
RESIDENTIAL TIME AND TYPE OF REPRESENTATION

On the Residential Time Summary Reports, respondents indicated whether the father and mother were self-represented or represented by an attorney. For 60% of the cases, both parties were self-represented. For 23%, one party was self-represented and the other party was represented by an attorney; for 18% of the cases, both parties were represented by an attorney.

Exhibit 7 presents the residential time distributions for each combination of party representation for cases with no risk factors for either parent. Results indicated that when the father has an attorney, he is likely to get more residential time. That is, when fathers have an attorney and mothers are self-represented, the distribution of residential time is nearly equal (fathers with majority of time = 37%, mothers with majority of time = 38%, even distribution of time between

the parents = 23%). When fathers and mothers both have an attorney, the percentage of fathers receiving very little or no residential time (i.e., 0–10% of time) decreased from 24% to 9%, and the percentage of fathers with some time (i.e., 30-40% of time) increased from 25% to 40% in comparison to cases in which both parties were self-represented.

When mothers have an attorney and the father is self-represented, mothers also tend to receive more residential time in comparison to when both parties are self-represented (80% vs. 67% receiving the majority of residential time). However, mothers are more likely to receive all or nearly all of the residential time (90-100%) when both parties are self-represented in comparison to when both parties have an attorney (24% vs. 9%; see Exhibit 7).



DISPUTE RESOLUTION

On the RTSR, respondents 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, 49% indicated that disputes would be resolved through mediation, 38% indicated no dispute resolution process except court action, 7% indicated counseling, and 2% indicated arbitration. Mediation was the preferred method of dispute resolution when the case involved no parental risk factors (53%), while court action was preferred when risk factors were involved (68%).

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 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 involving no risk factors for either parent were not included.

**Reference Table 1: Distribution of Residential Time Schedules by County and Quarter
(when No Risk Factors for Either Parent)**

	Mother	0%	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
	Father	100%	90%	80%	70%	60%	50%	40%	30%	20%	10%	0%
COUNTY	(N)											
Benton	140	4%	2%	2%	1%	2%	31%	7%	11%	13%	16%	10%
Chelan	25	0	0	8	8	8	24	4	32	12	4	0
Clark	332	2	2	5	5	2	19	13	23	14	10	5
Grant	61	5	3	0	7	0	18	7	21	18	12	10
Island	96	2	2	5	5	3	19	5	30	18	7	3
King	511	3	2	3	4	3	25	11	18	18	11	2
Kitsap	208	1	3	5	5	3	15	10	18	25	12	2
Lewis	48	2	2	2	4	2	31	6	19	17	10	4
Lincoln	916	1	2	3	3	2	24	9	16	25	11	3
Mason	54	2	4	6	7	2	19	4	26	20	7	4
Pierce	525	6	3	5	5	2	16	11	19	17	11	5
Skagit	69	1	1	3	1	4	15	17	22	19	10	6
Snohomish	211	2	5	4	5	2	19	9	15	25	12	2
Spokane	308	1	5	4	4	2	22	10	22	19	10	1
Thurston	218	2	5	4	5	3	22	9	17	21	8	5
Walla Walla	37	3	0	11	5	3	16	5	11	27	16	3
Whatcom	118	1	0	4	3	3	20	12	24	15	16	3
Yakima	162	1	1	1	7	0	20	5	48	9	6	2
STATE	4,178	3%	3%	4%	4%	2%	21%	10%	20%	19%	11%	4%
QUARTER												
July 09 - Sep 09	947	4%	3%	3%	4%	2%	23%	10%	19%	19%	10%	4%
Oct 09 - Dec 09	1043	2	3	4	3	3	20	10	20	22	10	4
Jan 10 - Mar 10	1172	2	3	3	4	2	20	10	19	18	13	4
Apr 10 - Jun 10	1016	3	3	4	5	3	21	8	22	18	12	3

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