First comparative survey regarding the habits of 15 European countries on the subject of protection of children's right to co-parenting.
STRASBOURG 23-10-2013

- A SPECIAL THANKS TO:
  - Tiziana Arsenti, Valentina Azzimonti, Codin Baltagan, Sonia Brelaz Nunes, Kinga Brzostowska, David Brunner, Roberto Castelli, Rafael Chaves Avila, Jan Piet H. de Man, Giuseppe Di Mauro, Jozef Šurček, Hugh Eva, Per Frennbrom, Roberta Frontini, Elvio Gallo, Joan Garcia Sanchez, Anna Maria Guerrini, Hannes Hausbichler, Agnes Hegedus, Giancarlo La Face, Marie Paule Laurati, Georges Manaut, Ezio Massa, Jessica Nardin, Leo Nykjaer, Mai Heide Ottosen, Ioannis Paparigopoulos, Lubos Patera, Klaus Pirhofer, Massimo Rosselli Del Turco, Jose Luis Sariego Morillo, Katherin Sauberli, Giuseppe Scardamaglia, Ricardo Simoes, Hildegrund Sünderhauf-Kravets, Pieter Tromp, Elena Lorena Vergerio, Robert Whiston, Martin Widrig, Brigitta Wolf
Science has demonstrated direct effects of loss of parental care and abuse on wellbeing of the children: f.e. if genetically inclined, children will have in their lifes a greater risk of panic disorders if they had a history of parental loss.

«A Genetically Informed Study of the Association Between Childhood Separation Anxiety, Sensitivity to CO2, Panic Disorder, and the Effect of Childhood Parental Loss»

Marco Battaglia, MD; Paola Pesenti-Gritti, MSc; Sarah E. Medland, PhD; Anna Ogliari, MD; Kristian Tambs, PhD; Chiara A. M. Spatola, MSc

Parental separation in childhood and adult inflammation: The importance of material and psychosocial pathways

Rebecca E. Lacey, Meena Kumari, Anne McMunn
Department of Epidemiology & Public Health, University College London, United Kingdom
Department of Epidemiology & Public Health, University College London, United Kingdom

CRP levels (correlated with type II diabetes, coronary heart disease, depression…) are increased in children of divorced couples

Conclusions: Parental separation increases CRP in adulthood via chains of disadvantage across the life course. The study points towards potential points for intervention and highlights a need to support separating families in order to minimize the long-term impact on adult health.
Association of elevated cytokines with childhood adversity in a sample of healthy adults

Karen J. Hartwell, Megan M. Moran-Santa, Maria Waleed O. Twal
Stephanie Shaftman
Stacia M. DeSantis
Aimee L. McRae-Clark
Kathleen T. Brady

Importantly, this association was found in healthy adults, suggesting that these alterations may precede the development of significant stress-related psychiatric disorder or disease (asthma, allergy, heart disease...).
Please remember...in western countries divorce of parental couple is actually the first cause of parental loss...

AND MORE OF TEN MILLIONS OF EUROPEAN MINORS ARE CHILDREN OF DIVORCED COUPLES
DIRECT ACTION ON CHROMOSOMES! Adverse childhood events are related to continued vulnerability among older adults enhancing the impact of chronic stress factors: it means more psychiatric disorders (for abuse has been demonstrated to lead to an increase of metabolic diseases, cancers, lung’s diseases)
Experience of stress in childhood negatively correlates with plasma oxytocin concentration in adult men.

Source
Department of Life Sciences, Roehampton University, London, UK.

Abstract

Early life experience is known to affect responses to stress in adulthood. Adverse experience in childhood and/or adolescence sensitises to life events that precipitate depression in later life. Published evidence suggests a relationship between depression and oxytocin (OT), but the extent to which early life experience influences OT disposition in adulthood deserves further exploration. This study hypothesised that early life stress (ELS) has a long-term negative effect on OT system activity. The study was performed on 90 male volunteers (18-56 years; mean ± standard deviation = 27.7 ± 7.09 years). Several questionnaires were used to assess: health, early life stressful experiences in childhood (ELS-C, up to 12 years) and early life stressful adolescence (13-18 years), recent stressful life events, depressive symptoms, state-trait anxiety and social desirability. Plasma OT concentration was estimated by means of a competitive enzyme immunoassay.

Lower OT concentrations were significantly associated with higher levels of ELS-C (p < 0.01), and with depressive symptoms and trait anxiety (both p < 0.05). The interaction between ELS-C and trait anxiety was significant (p < 0.05), indicating that the link between ELS-C and plasma OT concentration is moderated by trait anxiety. These results contribute to the evidence that early life adverse experience is negatively associated with OT system activity in adulthood, and offer further insight into mediator and moderator effects on this link.
Maternal care influences hypothalamic-pituitary-adrenal (HPA) function in the rat through epigenetic programming of glucocorticoid receptor expression. In humans, childhood abuse alters HPA stress responses and increases the risk of suicide. We examined epigenetic differences in a neuron-specific glucocorticoid receptor (NR3C1) promoter between postmortem hippocampus obtained from suicide victims with a history of childhood abuse and those from either suicide victims with no childhood abuse or controls. We found decreased levels of glucocorticoid receptor mRNA, as well as mRNA transcripts bearing the glucocorticoid receptor 1F splice variant and increased cytosine methylation of an NR3C1 promoter. Patch-methylated NR3C1 promoter constructs that mimicked the methylation state in samples from abused suicide victims showed decreased NGFI-A transcription factor binding and NGFI-A-inducible gene transcription. These findings translate previous results from rat to humans and suggest a common effect of parental care on the epigenetic regulation of hippocampal glucocorticoid receptor expression.
NOW A QUESTION FOR THE PUBLIC: ARE THESE ONES ARGUMENTS OF FAMILY RIGHT??

For sure pensions, alimonies, houses are arguments of Family Right but not the behaviours to protect the children from organic and non-organic damages.
FIRST TAKE-HOME MESSAGE: CO-PARENTING IS NOT JUST A JURIDIC, ANTROPOLOGICAL, SOCIOLOGICAL CONCEPT ANYMORE… BUT MAINLY A SCIENTIFIC ISSUE! SO WE CAN SAY THAT THE COMPETENCE SHOULD BE NOT ONLY OF JUSTICE COMMISSIONER BUT OF HEALTH COMMISSIONER…
Unfortunately…“The definition of joint custody belongs to substantive family law. As such, it does not fall within the EU's competence but remains under the sole responsibility of the Member States. This explains why there may be differences in the national systems as regards the definition of joint custody and how it works in practice”.

7 March 2013 E-000713/2013
Answer given by Mrs Reding on behalf of the Commission

I DON’T AGREE!! IN PRINCIPLE IT’S A QUESTION OF HEALTH AND EUROPE HAS COMPETENCE IN THIS AREA
SECOND TAKE-HOME MESSAGE: PARENTAL LOSS AND PSYCHOLOGICAL STRESS CAN CAUSE ORGANIC DAMAGE, not only untangible pain.

PARENTAL LOSS CAN HAVE DRAMATIC CONSEQUENCES BUT SHARED-EQUAL CUSTODY WOULD BE A GOOD INSTRUMENT TO PREVENT PARENTAL LOSS

Less frequent loss of father-child contact when the residences are near (loss in 33% when they are more than 400 kms each other distant and in 81% when the father is not able to answer about the duration of the trip)

Less frequent loss of father-child contact after alternating residence (1% vs. 21% in maternal custody)

Number 500 • May 2013 • Population & Societies • Monthly bulletin of the French National Institute for Demographic Studies
Before going to examine the european situation, I tried to determinate if shared custody is in the paramount interest of the children.

In fact…
While during the ‘60–’70–’80s the discussion on alternating custody was based on theoretic models, by the end of ‘90 the scientists have begun to work on tangible features. It was finally possible study quite wide casistics of children living in equal-alternating custody!

**THIRD TAKE-HOME MESSAGE:** after more than 40 years since the debate began, *we could now substitute the theoretical and ideological debate with a more concrete and practical approach based on research findings (especially meta-analysis).* This allows for the evaluation of the experience of countries that have, unlike Italy and most of southern countries, an established history of joint-alternating custody.
COUNTRIES WITH ESTABLISHED HISTORY OF JOINT-ALTERNATING CUSTODY? FOR EXAMPLE

Official national statistics of Quebec reported in 2006 that 29.66% of children (11-14 years old) of separated couples spent 40 to 60% of the time with each parent.

In Sweden, about 28% of children from separated couples spent in 2009 about 50% of the time with each parent. Lundstrom, K. (2009) Växelvis boende ökar bland skilsmässobarn, Välfärd, 4,3-5.


In my first research I grounded on studies 1-published on scientific reviews of international repute

2- **widespread** enough to allow a statistical evaluation

3- without geographic connotations (not only USA)
   4-possibly with metanalytic features
   (critical analysis of other researches)

It involves more than 200.000 children
It compares 1846 sole custody vs. 814 joint-alternating custody (at least 25% spent by parent 2).
Seven measured parameters:
1- general psychic assessment
2- behavioral adjustment
3- emotional adjustment
4- self esteem
5- family relationships
6- academic performances
7- psychic wellness until the divorce

Globally examined and compared (between 1982 and 1999)
1846 children in sole custody and 814 in joint custody (time spent with parent 2 from 25% to 50%)
Bauserman metanalysis included 33 researches

4 comparing sole versus alternating custody

21 comparing physical joint custody (25% to 50% of the time) versus sole custody

6 comparing sole custody versus joint custody with times unspecified but according to common definition of the parents

2 comparing alternating versus joint custody
1-The "joint custody" gave in the children better outcomes independently from external variances and identity of the person completing the measure (fathers, mothers, teachers, physicians, psychologists etc) **WITH STATISTICAL VALIDATION**

2- A –the parental conflict was smaller between the groups in joint custody
B –a lower conflict between the parents couldn’t allow to foresee a better assessment.
What was very important seemed to be the joint custody, **not the low level of the conflict.**
The comparison between physical joint custody and children with intact families didn’t show any difference (qualitative or quantitative)
Beata Jablonska B.Sc – Lindbergh Risk behaviours, victimisation and mental distress among adolescents in different family structures
Social Psychiatry and Psychiatric Epidemiology
August 2007, Volume 42, Issue 8, pp 656-663

Positive influences (in 15,428 children 11-13-15 years old) about use of drugs, alcohol, smoke, mental distress and victimisation -measured by experiences of exposure to bullying and physical violence-

**Best outcomes of equal co-parenting had been (with statistical validation) on mental distress.**
AUSTRALIA: co parenting and shared custody when the parents don’t agree became first option in 2006: in few years equal custody reached 16% of the children
Effects on conflicts are evident: the claims to Family Court decreased suddenly:
<table>
<thead>
<tr>
<th>Year</th>
<th>Family Court</th>
<th>Federal Magistrates Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-04</td>
<td>45,004</td>
<td>70,261</td>
</tr>
<tr>
<td>2004-05</td>
<td>37,394</td>
<td>73,853</td>
</tr>
<tr>
<td>2005-06</td>
<td>35,066</td>
<td>73,287</td>
</tr>
<tr>
<td>2006-07</td>
<td>27,313</td>
<td>76,807</td>
</tr>
<tr>
<td>2007-08</td>
<td>20,337</td>
<td>77,169</td>
</tr>
<tr>
<td>2008-09</td>
<td>18,633</td>
<td>79,441</td>
</tr>
</tbody>
</table>
Life Satisfaction Among Children in Different Family Structures: A Comparative Study of 36 Western Societies

(184,496 minors in Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Lettonia, Lithuania, Luxembourg, Macedonia, Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, and the United States)

This paper examines differences in life satisfaction among children in different family structures in 36 western, industrialised countries (n = 184,496). Children who lived half the time with their mother in one household and half the time with their father in another household were classified as living in joint physical custody.

1- Children living with both biological parents reported higher levels of life satisfaction than children living with a single parent or parent–step-parent.

2- Children in joint physical custody reported significantly higher levels of life satisfaction (CLOSE TO INTACT FAMILIES’ CHILDREN) than their counterparts in other types of non-intact families.
Court of VARESE “IN ACCORD TO OUR JURISPRUDENCE THE COURT DOESN’T AGREE ABOUT TIME FRAGMENTATION, ASSUMING IT’S DESTABILIZING” (Judges Anna Giorgetti, F. Paganini, C. Leotta)

Court for children of MILAN: The changing of domicile and of managing of daily deal causes the loss of steady reference points... Alterning domicile can produce negative effects on minors. (Daniela Guarnieri et al.)

Court for children of TRIESTE: «It’s our steady jurisprudence not allowing the alternating custody, neither if the parents live in different flats of the same building»!!! (Paolo Sceusa et al.)

AND THE FATHER LOSES THE CUSTODY JUST TO HAVE ASKED!
IN NAME OF STEADYNESS THE JUDGES DENY
ALTERNING WEEKS:
4 MOVEMENTS
TWO WEEK ENDS MORE 6 AFTERNOON: 16 MOVEMENTS
**Equal custody in Europe:**

<table>
<thead>
<tr>
<th>SECTION</th>
<th>Country(s)</th>
<th>Exact time division</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECTION 1</td>
<td>Sweden</td>
<td>&gt; 25%</td>
</tr>
<tr>
<td>SECTION 2</td>
<td>Belgium</td>
<td>&gt; 20%</td>
</tr>
<tr>
<td>SECTION 3</td>
<td>France, Denmark, Spain</td>
<td>8-20%</td>
</tr>
<tr>
<td>SECTION 4</td>
<td>UK, Germany,</td>
<td>3-8%</td>
</tr>
<tr>
<td>SECTION 5</td>
<td>Romania, Austria, Czech Republic, Slovakia, Italy, Greece, Switzerland, Portugal</td>
<td>&lt;3%</td>
</tr>
<tr>
<td>Country</td>
<td>France</td>
<td>Sweden, Spain, Belgium, Denmark</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Italy, Switzerland, Greece, Austria, Germany</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tzech Republic, Slovakia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UK, Romania</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portugal</td>
<td></td>
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</tr>
</tbody>
</table>

Physical joint custody concerns <15% of minors | 15% < Physical joint custody < 30% | Physical joint custody > 30%
<table>
<thead>
<tr>
<th>Switzerland</th>
<th>UK</th>
<th>Sweden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>Italy</td>
<td>Belgium</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>Portugal</td>
<td>France</td>
</tr>
<tr>
<td>Slovakia</td>
<td>Greece</td>
<td>Germany</td>
</tr>
<tr>
<td>Romania</td>
<td>Spain</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Denmark</td>
<td></td>
</tr>
</tbody>
</table>

*Estimate average amount of time to be spent with the second (less involved) parent.*

- **LESS THAN 16%**
- **BETWEEN 16% AND 20%**
- **OVER 20%**
THIRD TAKE HOME MESSAGE: it seems – especially in mediterranean area- that there exists a **thick wall** between the world of the Science and the world of the Right.

Less evident in Scandinavia or USA (Washington, Wisconsin, California) where the scientific outcomes enter more easily the Courts and the judges love a more pratical and less theoretical approach.
FOURTH TAKE HOME MESSAGE: European children are treated too differently according to their nationalities and the legal system they are subjected to.

It is necessary to make practices more harmonised by taking example from most advanced countries. Considered the consequences on children’s psychological and physical health, this might be possible only by replacing the dominant “sectionalist” legal language with a more universal scientific language allowing all children to have an equal right to health.
But the juridical language dominates...

EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE
Directorate C: Fundamental rights and Union citizenship

The Director
Brussels
JUST/C1 /MT/vh/1249852s
Within the policy framework of the 2011 Communication "An EU Agenda for the Rights of the Child" and with the support of the European Parliament, on 1 September 2012, the European Commission has launched a study to collect data on children's involvement in judicial proceedings (administrative, civil and criminal justice) in the 27 EU Member States and Croatia.

The study will run from September 2012 to September 2014 to establish statistics and collect data based on structural, process and outcome indicators on children involved in criminal, civil and administrative judicial proceedings for the years 2008-2010 (and 2011 if available) for all 28 countries in order to provide
Children involved in parental divorce proceedings

Number of children involved in parental divorce proceedings during a 12 month period

Rate of children involved in parental divorce proceedings (per 100,000 child population 0-17 years) during a 12 month period
### Custody awards to a sole parent

Number of custody awards to a sole parent, disaggregated by mother/father during a 12 month period

But the problem is not only the sole custody or the legal joint custody... these are formal features. In fact...
The problem, the core is the time:

“Children do not care if their parents adopted joint custody, sole custody, parental responsibility. Children only care about the amount of time they will be allowed to spend with their parents after divorce”

J. García Sanchez.
Example:
Italy (89%) and Sweden (93%) have the same rate of legal joint custody but about 30% of swedish children live 50-50 by their parents after divorce (only 2% in Italy...).
Our judiciary systems move for (or behind) the paramount interest of the children but often we ask spontaneously ourselves: «How was this paramount interest defined in the beginning?»

Following the scientific evidences, the stranger experiences, the international literature? FIFTH TAKE HOME MESSAGE: FOR SURE NOT, BECAUSE EVERY SYSTEM CHOOSES A DIFFERENT PARAMOUNT INTEREST!!
Or following the old habits, the personal opinions, the prejudices, the ideologies?

In Italy we have found 57 kinds of pre printed schedules orienteering the divorce when the couple didn’t enter the court yet!
Esempio 1 – Tribunale di Civitavecchia

Il Presidente

Dato atto di quanto sopra, decide in via provvisoria:
1) autorizza i coniugi a vivere separati;
2) affida la casa coniugale ai con la facoltà per di prelevare gli effetti personali entro trenta giorni da oggi;
3) affida il minore alla con la facoltà per il padre di vederlo e tenerlo con sé;
1) stabilisce che il marito versi alla moglie, per il mantenimento della stessa e dei figli.

Esempio 3 – Tribunale di Brescia

RICORSO PER SEPARAZIONE CONSENSUALE DEI CONIUGI

2. I figli vengono affidati congiuntamente ad entrambi i genitori, con residenza presso la madre che si occuperà della ordinaria amministrazione;

3. Il padre li vedrà quando lo desidera, previo accordo, e li terrà con sé ogni settimana il giorno dall’uscita della scuola fino alle ore (con pernottamento

4. Il padre verserà alla moglie, a titolo di contributo per il mantenimento dei figli minori, un asseguo mensile di € (Euro)
But almost all the western world plays the same role when we talk about male parenting. The difference is in the courage of admission:
A governative report has highlighted that french judiciary system shows index of discrimination of parents according the sex: the report talks even about dissuasion to fatherhood!

http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/114000300/0000.pdf

The report claims that, although the law on joint custody, only 14% of minors has physical joint custody and only 7% of custodies is granted to fathers
And (for example) in Italy??
Alternating custody under 2%

sole custody for fathers
0,8% after the separation
and 1,9% after the divorce

http://www.istat.it/it/archivio/66665
What do the children think?

YOUNG ADULTS' PERSPECTIVES ON DIVORCE Living Arrangements
William Fabricius and Jeffrey Hall 2000, Univ.Arizona

820 respondents wanted to have spent more time with their fathers as they were growing up,

The living arrangement they believed was best was living equal time with each parent (93% between young who had experimented, 70% between other ones).
The thoughts of children according to Italian judges:

The children, especially teenagers, are lazy and they prefer one living reference point; even more because they don’t have the same personal belongings in both the houses.

(Official document of Upper Council of Magistracy
http://www.minoriefamiglia.it/download/RELAZIONE%20CSM%208%20MARZO%20AFFIDAMENTO%20CONDIVISO%20ESCLUSIVO%2027%20marzo.pdf)

So personal belongings... are worth more than one parent.
Thank you for paying attention

vittorio.vezzetti@crs.lombardia.it
phone +39-347-5977408

• Mongolian divorce: since 2000 years they say that if a couple doesn’t agree, is better to divorce.
Thank you for paying attention
vittorio.vezzetti@crs.lombardia.it
phone +39-347-5977408

• But you can not expulse the father from the tribal group: it would be weaker and the man would die alone in the wild nature.
• So he changes only the tent: during the night he will not be husband anymore, but during the day he will still be parent.
Thank you for paying attention
vittorio.vezzetti@crs.lombardia.it
phone +39-347-5977408
• Since 2000 years mongolian nomads say: He’s happy the parent whom children run in his arms, even ...
Thank you for paying attention

vittorio.vezzetti@crs.lombardia.it

phone +39-347-5977408

•...when the hands are empty!
CHRISTMAS 2011: NEL NOME DEI FIGLI ENTER ITALIAN PARLIAMENT.