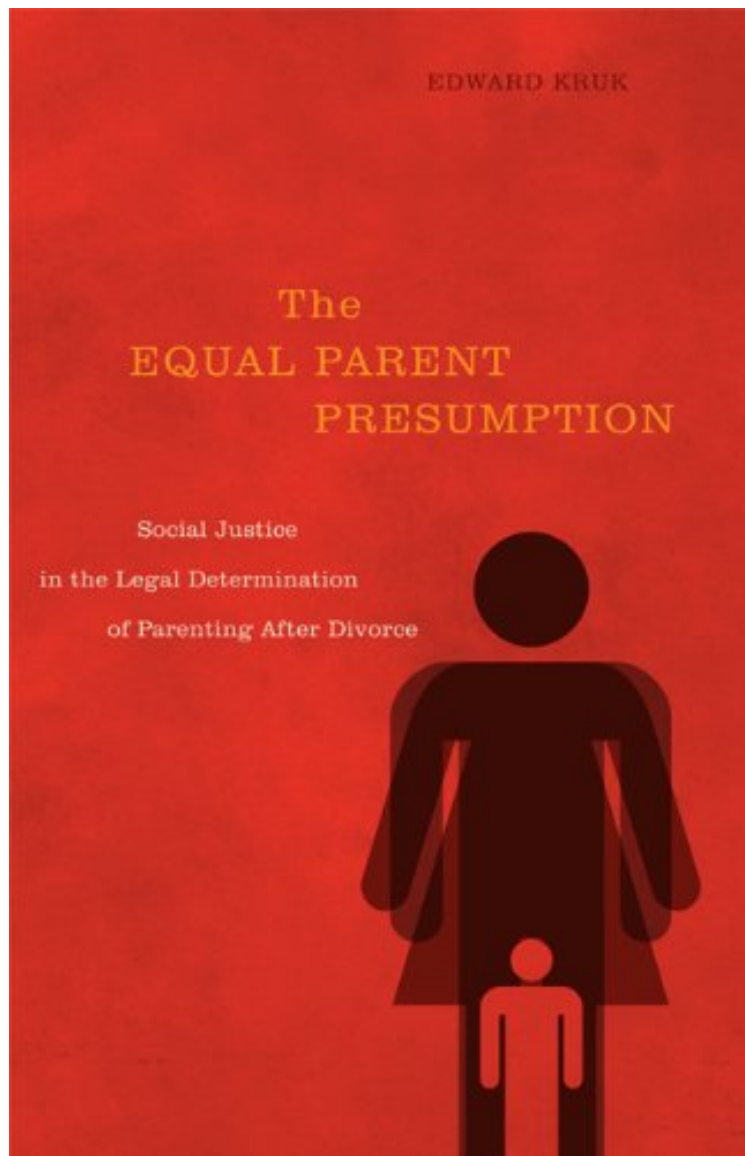


(Library ebook) The Equal Parent Presumption: Social Justice in the Legal Determination of Parenting after Divorce

The Equal Parent Presumption: Social Justice in the Legal Determination of Parenting after Divorce

Edward Kruk

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Edward Kruk : The Equal Parent Presumption: Social Justice in the Legal Determination of Parenting after Divorce before purchasing it in order to gauge whether or not it would be worth my time, and all praised The Equal Parent Presumption: Social Justice in the Legal Determination of Parenting after Divorce:

1 of 1 people found the following review helpful. important review of the outcomes of different custody arrangements
By Customer
This book reviews the social science research on child custody arrangements after divorce. This empirical research shows that, in most cases, what works best - especially from the child's point of view - is a "shared parenting" custody arrangement. This is where the child(ren) spend roughly equal time with each parent. Of course, this sometimes is not the best arrangement, but in most cases it is, and this book reviews the empirical research on the topic of how various custody arrangements work out, for children and parents alike. Based on this scientific research, Kruk argues that the law ought to support this shared or equal responsibility-parenting. That is, the divorce system should be set up so that it enables and encourages shared parenting, instead of the current, typical sole custody model, since there would be a wide variety of benefits for children and parents. The courts should institute a "shared or equal parenting presumption," i.e., a working assumption that, unless there are good reasons not to have shared parenting, that this should be the custody arrangement that is the norm and the default position. This is, again, in contrast to the current system where parents who are seeking shared parenting have to argue explicitly in favor of it, defending their position that this would be best for the children. (Those who seek a sole custody arrangement currently don't have to do anything to try to support their assumption that this would be nearly always best for the child[ren], even though the social science doesn't support this view). The writing and organization make the book a more challenging read than it should be. Kruk fortunately present a lot of the material in a blog on Psychology Today which people should check out. "Sixteen Arguments in Support of Co-Parenting" is an especially good place to start.

In custody battles over the children of separated parents, the prevailing standard of evaluating what is in the "best interests of the child" has been scrutinized because of the discretionary nature of what is "best" and because of the bias in favour of the child residing in one "primary residence." In response, a consensus is beginning to emerge that it is vitally important that children maintain meaningful relationships with both parents after divorce. In *The Equal Parent Presumption*, Edward Kruk proposes a child-focused approach based on a standard that considers the best interests of the child from the perspective of the child and a responsibility-to-needs orientation to social justice for children and families. Challenging previous research and received ideas, Kruk presents an evidence-based framework of equal parental responsibility as the most effective means of ensuring the protection of family relationships following divorce, and shielding children from ongoing parental conflict and family violence. The existing system of determining parental rights and responsibilities is harming families. *The Equal Parent Presumption* addresses a major barrier to the principle of gender equality in parenting after divorce, and proposes a viable alternative to sole custody in the form of a legal presumption of shared and equal parenting.

Primarily directed at professionals such as social workers and psychologists who are involved in child custody cases, the social perspective that pervades *The Equal Parent Presumption* will also be very beneficial and insightful to members of the legal profession who are the forefront in these of cases. David Este, Faculty of Social Work, University of Calgary