

Kentucky's popular joint-custody law shows why it's the most effective at helping families

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Last year, Kentucky passed the nation's first complete "shared parenting law," which was called the state's most popular law of the year. The law created a starting point that both parents have equal child custody time if the parents are fit caregivers. The Bluegrass State's citizens voiced their support by a whopping factor of 6 to 1. Now, the Administrative Office of the Courts has issued a report that the law is as effective as it is popular.

Quite simply, the new law's results are spectacular. Kentucky's family court caseload and domestic violence cases had been rising, which is expected because our state's population is increasing. But, in early July 2017, that trend abruptly stopped and family court cases and domestic violence filings began declining. Why? July 2017 is when Kentucky implemented a partial version of the shared parenting law. The next July, Kentucky's full-blown shared parenting law took effect and the family court caseload and domestic violence filings dropped further.

The state's population continued to grow, and there were no other changes to family court law. The shared parenting law is the ONLY explanation for the improvement and its benefits were even expected. Primary sponsor Rep. Jason Petrie, R-Elkton, said, "The decrease in family court filings is consistent with the anticipated effects of the shared parenting law."

The year before Kentucky had any shared parenting laws, beginning July 14, 2016, and lasting 365 days, there were 22,512 family court cases filed. They declined to 21,847 the year the partial shared parenting law began. When the complete shared parenting law took effect in the last 12 months, new cases plummeted to 19,991. In other words, Kentucky's families filed to sue each other in family court more than 11% less despite the state's population growth.

The highest conflict cases, those with domestic violence claims, showed a similar decline. Domestic violence claims declined by 248 in 2017 when the partial shared parenting law was enacted. Further, the decline of domestic violence accelerated by dropping an additional 445 cases as the complete shared

parenting law took effect in 2018 versus the prior year. In comparison, family court adoption filings were up almost 10% in the three-year time frame.

Even more profound is that Kentucky expanded its domestic violence definition to include dating in 2016. Then, in 2018 the state began requiring a much broader form of domestic violence reporting. However, the upward domestic violence trend, state population growth, broader definition of domestic violence and stronger reporting criteria, which would all make one expect a domestic violence increase, were less powerful than the soft touch of the shared parenting law. That soft touch included conditions such as the “friendly parent factor,” which allows a judge to consider which parent would be more likely to help the other have a meaningful relationship with the child.

Shared parenting supporter and the president of Parental Alienation in Kentucky, Alexandra Beckman, said, “It’s common sense that shared parenting laws lessen parental conflict. As a domestic violence survivor who speaks with alienated mothers every day, I can personally state that Kentucky’s Shared Parenting Law is lessening domestic violence.” Family court judge and Child Support Commission Chair Lucinda Masterton stated a similar opinion about parental fighting in general. “We’ve had a lot fewer — since the (shared parenting) statute, we’ve had a lot fewer disagreements about parenting time.”

The joint-custody law is helping Kentucky in yet another way. As parents sue each other less, the state has fewer cases to process. This allows judges time to focus on the more difficult cases including domestic violence situations. Also, taxpayers are paying for fewer cases to go to trial. Separating parents are less frequently paying large attorney fees, too. These transitioning families now will keep more of their own money during family changes. That money goes back into the state’s economy in normal productive ways instead of legal fees.

The question now is which state will pass Kentucky’s shared parenting law next. Could it be Oklahoma, where state Rep. Mark Lawson introduced a similar bill while calling Kentucky’s law “a motivator” for his? How about one of our neighbors like Indiana, Missouri, Ohio or West Virginia? Our neighbors there would benefit from fewer domestic violence and family court cases, lower costs to taxpayers, better lives for children and more money for families. With results like this, Kentucky’s shared parenting law will one day become America’s shared parenting law.