

# Children in dual-residence arrangements: Exploring discourses of fairness and children's best interest in Norway

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## Abstract

In many countries, dual residence is increasingly common for children when parents separate. This works well for many children, but opinions differ on whether or not it should be the norm. In analysing interviews with 35 nine- to 19-year-olds with dual-residence experience in Norway, undertaken in 2018, we find clear traces of prevailing discourses in society. Claims of equality and fairness and claims of children's rights both emerge, the latter being particularly visible in the participants' recommendations to other children. Children value spending much time with both parents, but may still want more flexibility than their parents realise.

## KEYWORDS

children's perspectives, children's rights, dual residence, gender-equal parenting

## INTRODUCTION

In many countries, dual-residence arrangements in which children spend about equal amounts of time with both parents are increasingly common when parents split up (Berman, 2019; Smyth, 2017; Steinbach, 2019). Dual residence has typically been practised by a select group of co-operative parents with high socioeconomic standing, but has now become more common among all demographic groups (Cancian et al., 2014; Smyth, 2017). More involved fathering practices and increased labour

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market participation among mothers are important factors in this development, and many countries have started or considered legislating to encourage dual residence, with likely interactions between legislation and social norms (see, e.g. Poortman & Gaalen, 2017; Smyth & Chisholm, 2017).

There is widespread agreement among practitioners and researchers that children benefit from maintaining close relationships with both parents post-divorce, but views diverge on whether dual residence should be the guiding principle when parents split up (Nielsen, 2018; Smyth, 2017; Steinbach, 2019). Research suggests that dual residence works well for many children, particularly when parents are cooperative and flexible and allow the children to make their views known (Birnbaum & Saini, 2015). Still, some warn that a presumption of dual residence may be more concerned with parental rights and an ideology of fairness than with children's best interest (Harris-Short, 2010; Haugen, 2010; Smart, 2004). Many children do have great influence on their residential solution when parents live apart, but they may still be concerned about the scheme being fair to both parents and hesitate to bring up difficult topics because they are afraid of hurting their parents' feelings (Berman, 2018). Along with the norms of equality and fairness, the importance of the children's best interest is emphasised in debates on dual residence in many countries, the latter principle being stated in the Convention on the Rights of the Child, Article 12 (Birnbaum & Saini, 2015). People's negotiations and reflections on children's residential arrangements are influenced by the dominant discourses and practices in a given society (Berman, 2019). The influence and availability of the different discourses on families and divorce vary across societies and change over time, and hence, both parents' and children's notions of appropriate living arrangements for children when parents split up, and the extent to which children should have a say in how these are designed, may alter.

The research on dual residence was long dominated by quantitative studies of the determinants and effects of such schemes, with a particular focus on the relationship between residential arrangements and children's well-being (for recent overviews, see Baude et al., 2016; Nielsen, 2018; Steinbach, 2019). Qualitative studies including children's voices have now grown in number (see Birnbaum & Saini, 2015 and Berman, 2019 for overviews), not least in the Nordic countries (Berman, 2015, 2018; Haugen, 2010; Lidén, 2007; Ottosen, 2016). In the present study, we add to this research by exploring the narratives and perceptions of fairness and children's best interest among children and young people with dual-residence experience analysing interviews from a recent study in Norway, a country with high gender-equality ambitions as well as a strong emphasis on children's rights. We discuss possible tensions and ambiguities revealed in the children's representations of doing dual residence and how they draw on different discourses in trying to balance between what is good and fair for their parents and the 'family' as a whole on one hand, and their own needs and preferences on the other. An important contribution of the study is that we analyse the informants' reflections and assessments based on their own experiences as well as on the advice they would give to other children. Our data come from in-depth interviews with 35 children and young people aged nine to 19 with a large variety of dual-residence experiences, carried out in the spring of 2018. Researchers variously refer to residential schemes where children spend a substantial amount of time with each parent as, for instance, 'joint physical custody', 'shared care', 'shared residence' and 'co-parenting' (Smyth, 2017). Following Berman (2018), we consider the term 'dual residence' most adequate when studying children's perspectives.

## THE NORWEGIAN CONTEXT

In Norway, as elsewhere, dual residence for children has become more common in recent decades among parents living apart. A survey undertaken at the Family Counselling Offices suggests that

almost half the parents who split up now opt for dual residence (personal communication with Tonje Holt, researcher at Norwegian Institute of Public Health), while in the mid-1990s only about four per cent of children with divorced parents had a dual-residence arrangement (Kitterød & Wiik, 2017). This development reflects more active fathering practices combined with more paid work for mothers, as well as policies that promote more equal parental roles. Dual residence has become more widespread in most groups of divorced parents, but is still most common among those with a high socio-economic status, those who report little parental conflict and those who shared childcare tasks equally prior to separation (Kitterød & Wiik, 2017). In Norway, an agreement on dual residence (called 'joint custody' in the Children Act, § 36) means that both parents have an equal say over their children's daily lives. It does not presuppose an equal division of parenting time, but survey data indicate that it typically involves a 50–50 split (Kitterød & Wiik, 2017).

Gender-equal family roles in couples have been a political ambition for decades in Norway (Kitterød & Wiik, 2017). Policy measures, such as the prevalence of affordable high-quality public childcare and generous paid parental leave rights with a quota reserved for the father, have facilitated the combination of employment and childcare for both parents. Consistent with this context, policy measures have been implemented to promote more equal parenting roles in separated families, in terms of both practical care and economic provision (*ibid.*). However, whether dual residence should be the guiding principle when parents split up is more contested. In 2015, the Ministry of Children and Equality sent consultative bodies a suggestion for changes to the Children Act with two alternative suggestions regarding dual residence for children: (1) dual residence should be the main rule, and (2) dual residence should be highlighted as a viable alternative when parents split up. The first option was opposed, and the latter was adopted by the Parliament (Children Act, § 36).

In Norway, all parents who separate must attend at least one hour of mediation if they have at least one common child younger than 16 years of age. This applies to both formally married and cohabiting parents. Because cohabitation is widespread in Norway, we use the words 'divorced' and 'separated' interchangeably in this study. Mediation is offered for free by the family counselling offices and seeks to achieve custody agreements that ensure the child's best interest (Kjøs et al., 2015). The UN Convention on the Rights of the Child is incorporated into the Norwegian legislation by an amendment to the national Human Rights Act. According to the Children Act (§ 31), a child who has reached the age of seven and younger children who are able to form their own points of view must be provided with information and opportunities to express their opinions before decisions are taken concerning personal matters affecting them, including custody and residential arrangements. When the child has reached the age of 12, the child's opinion shall carry significant weight. The mediator has the duty to inform parents about the child's right to be heard, but parents themselves are responsible for ensuring that this is respected.

Studying children with dual residence in the mid-1990s in Norway, Haugen (2010) found that children emphasised the equal sharing of time between their parents as a proxy for equality and fairness. Although most children valued spending much time with both parents, some tended to place the parents' needs ahead of their own. Studying children with dual residence in the mid-2000s, Lidén (2007) reported similar findings. The participants were very concerned about the arrangement being fair to both parents. Since then, dual residence has become more widespread in Norway, and children's living arrangements post-divorce are often debated among politicians, practitioners, scholars and in public media. While some argue that dual residence should become the norm when parents' divorce, others hold that it is important to include the voice and conditions of the individual child. In particular, mediators and the ombudsman for children argue that the guiding principle should be the child's best interest, rather than equality and fairness between parents, and children are encouraged to voice their concerns (Lindboe, 2015). There are now several children's books and television programmes

available about children with dual residence, and quite a few schools offer conversation groups where children with divorced parents are invited to share their experiences.

## THEORETICAL FRAMEWORK

The best interest of the child has become a focal principle in family law and, hence, in child custody disputes when parents split up. However, the discourses and legal interpretations of the child's best interest have changed over time, reflecting shifting ideals of parenthood and children's well-being (see, e.g. Kurki-Suonio, 2000). Fairclough (1992) points out how meaning is actively constructed and negotiated through the way in which reality is (re)presented in language. The struggle over meaning, and over the hegemonic positions of certain discourses, forms a fundamental part of social life, and is an ongoing process in how parents and children make sense of their lives (Phoenix, 2016). In Norway, joint parental custody and dual residence for children have become widely accepted as maintaining the child's best interest, with references to the main principles in the UN Convention of the rights of the child (CRC). When CRC was ratified and implemented into the Norwegian law (by the 1998 Human right law) and into the Norwegian constitution (2014), the principle of the child's best interest was strengthened and linked to the respective main principles in the CRC, including the child's right to have a say. The CRC principle of the child's best interest is taken as a criterion in juridical decision making, in custody cases as well as in other administrative and legal procedures (e.g. cases regarding child welfare services and the immigration law). Parents also refer to CRC (including the right to both parents) in their interpretations of the child's best interest. Still, the implications of the legal principle of the child's best interest are often interpreted by experts and parents.

While children are made aware of the idea of children's best interest and right to have a say through school and the media, their interpretations of this may differ from that of parents and experts. Their understandings tend to be more experience based and linked to various interests and the emotions caused by the parents' divorce. The children's narratives of their everyday practices of dual residence disclose how different, complex and often ambivalent ideas, incentives and worries influence their understanding of their best interest. We explore this ambivalence as ongoing *cultural* processes exposing the negotiations of notions not only as interpretations of thoughts but something essentially linked to strong emotions and personal interests (Ortner, 2006).

The ambiguities in the interviews aroused our interest in exploring the ambivalence in family ties. Ambivalence understood as the coexistence of contradictory sentiments, expectations and forces is a characteristic of family as well as any social life (Connidis, 2015). Addressing the intersection of multiple levels of ambivalence is a key challenge in understanding family life and how family units are embedded in cultural traits and related to the wider society. Ambivalence can be seen as an ongoing aspect of relationships that family members try to cope with and may be a vital force of change, as well as closeness, frictions and conflicts (ibid. p. 81). Ambivalence may also reflect contradictory cultural expectations and experiences of children in post-divorce families (Smart, 2006). In the children's narratives, ambivalence emerged in the ways they talked about their everyday lives, their wishes and negotiations to improve their situation, as well as their concerns about hurting their parents' feelings. Their somehow contradictory descriptions may expose how they make use of different discourses in their interpretations, and how they change between different levels of thoughts and meanings.

## PARTICIPANTS, DATA COLLECTION AND ANALYSIS

We conducted in-depth interviews with 35 children and young people aged nine to 19 years with experience of dual residence, who lived in the capital and its surroundings. We wanted to capture a wide range of experiences and perspectives among children with dual residence by interviewing children of different ages, different socioeconomic backgrounds and different periods of dual residence, in terms of length and location in time.

We recruited primary school-aged children from five schools situated in neighbourhoods with different socioeconomic characteristics, with the assistance of the counsellor teachers. Children with dual residence brought an informational letter home. We interviewed 16 children for whom we received a written agreement from the parents. In order to recruit older children, we posted information about the research project on the websites of different high schools and asked children with dual residence to contact us via email or SMS if they wanted to participate. We also recruited some young people via the Facebook account of the Ministry of Children and Equality, which funded the project. A total of 19 young people, attending six different schools in three municipalities, signed up for an interview.

The gender distribution in the study is slightly skewed, with a total of 11 boys and 24 girls, but among the high-school informants there were eight boys and 11 girls. Five informants had at least one parent with an immigrant background. We do not have exact information about the parents' socioeconomic status, but we can conclude from the interviews that most, both mothers and fathers, had full-time jobs and sometimes worked long hours, especially during their 'child-free' weeks. However, some children stated that one of the parents had health restrictions or had experienced periods of unemployment and/or financial problems. About two-thirds of the informants stated that at least one of their parents had a new partner, and about one-third had half- or step-siblings in one or both parental homes. Most participants had several years of experience with dual residence, while some had practised this for a fairly short period of time. Some had alternated between dual residence and living mostly with one of the parents, and some had decided to stay mainly with one parent as they grew older. It turned out that four informants had not actually practiced an even-split scheme, but as they insisted that they had dual-residence experience and spent much time with both parents, we have included them in the sample.

The interviews were semi-structured, were mostly conducted at the informants' schools, lasted for about an hour, and were audiotaped and transcribed. The interview guide covered themes such as the children's present and previous family arrangements, daily routines, the set-up of their residential arrangements (schedules, changeovers, flexibility, vacations etc.), the relationship between their parents, their views and experiences regarding dual residence, their influence and decision making, and their advice to other children with parents living apart. The questions were open-ended, and we encouraged participants to share their reflections and to bring up relevant, related topics themselves. Several of the informants, irrespective of age, mentioned that they understand certain events and relations differently now than previously. Their narratives are, thus, reinterpretations from the perspective of the present. Following Thomsen et al. (2016), we argue that interviews, understood as biographical narratives, provide insight into the specific understandings and references available to children when they talk about their own experiences. In the interviews, we find traces of some common ways of talking about dual residence in Norway, which point to widespread discourses on family, gender equality and children's rights and provide children with a repertoire and concepts that they use to create meaning in their own experiences. In the present study, we are particularly interested in identifying discourses on fairness and equality and on children's best interest.

In analysing the data, we first read and reread the interview transcripts one by one looking at the narrative of each individual child. We strived at grasping the perspectives of each informant while at

the same time looking for commonalities. The interviews were then coded using HyperRESEARCH software. We used codes based on the topics in the interview guide and supplemented with codes emerging from a more holistic interpretation of the interviews. Working with this study, we have alternated between using the codes and re-reading the entire interviews in order to ensure that we have understood the various statements correctly within the context of each individual narrative. In line with critical discourse analysis (Fairclough, 1992), we explore the ways in which the informants draw on the potentially competing discourses of equality and fairness and of children's rights and best interest in Norway.

## CONTENTMENT AND AMBIVALENCE

The vast majority of our informants see dual residence as a good arrangement for a defined period of time or even a longer time, and the main motivation for this solution is to have a close everyday relationship with both parents and to spend about equal amounts of time with them. They do not want to choose one parent over the other. However, they do wish for and value some flexibility in the schemes based on what they think is practical and desirable. The young people in particular emphasise that it has become easier to have an opinion and to voice their views as they have grown older, and some of them have decided to stay for longer periods (typically two weeks) in each household or to live mainly with one parent when this is more convenient for their social life. Still, they feel ambiguities when taking the different expectations of both parents into consideration.

Although most informants appreciate having dual residence, they also reflect on what is annoying, tiring and difficult about living this way. The most annoying and tiresome aspects are having to bring clothes and other equipment from one place to another and to always have to plan their weeks in advance. The hardest part is worrying about experiencing a bad relationship with one of the parents or with others in the parent's household. Most informants described low-conflict families, but some have experienced moderate conflicts and collaboration problems between their parents. A small minority have also experienced a high conflict level.

Ambivalence and conflicting opinions emerged through detailed analyses of the ways in which the informants talked about their various experiences. We find clear imprints of the dominant discourses in Norwegian society, particularly of claims of equality and fairness and claims of children's rights. Both discourses were visible in different ways throughout the interviews, regardless of whether the parents cooperated well and whether the children themselves thought that dual residence was the best possible solution. In some interviews, one discourse came more to the fore than the other, and in some, only one of the discourses emerged. Several of the informants shifted between the different discourses throughout the interview, depending on the topic discussed – whether they were talking about regular weeks or vacations; discussing the past, present or future; or reflecting on their own experience or the advice they would give other children. Still, the dominant discourses were more prominent when the informants reflected on their advice to other children or more holistically on their own situation – that is, in what Freeman (2007) denotes as 'big stories', compared to when they described specific events in their daily lives and their relationships with parents and other family members – that is, when they make sense of what Bamberg (2007) regards as parts of the 'small stories'. The ways in which the informants express themselves reveal that they have access to different narratives and understandings of their own and other children's experiences. They draw on these in order to interpret various events and motivate their actions. They talk about missing one of their parents and wishing for a simpler daily life, but they also express satisfaction and point at the benefits of having two homes.



## FAIRNESS AND EQUALITY

In line with previous research, we found that several of the informants were very considerate about their parents and did not want to hurt their feelings. Equal sharing was by many seen as a proxy for equality and fairness, and this could be the case even when both parents encouraged the children to voice their views and choose the residential arrangement that suited them best.

When Ann's (girl, age 12) parents separated four years ago, Ann initially had a dual-residence arrangement. After a while, she wanted to stay a bit more with her mother, and both parents agreed that this was okay. However, after some time she decided to change back to an even-split scheme because she thought this would be fairer and also wanted to spend equal amounts of time with both parents. She clearly portrayed this as her own decision:

Researcher: But what made you change it then?

Ann: I don't know I ... I just started thinking like this: Oh, I want to be with both equally much.

Researcher: Yes. And what do you think about spending equal amounts of time with both parents, then?

Ann: I think it is fair.

Researcher: Yes?

Ann: Because Mum and Dad want us to be there, and [...] yes, then I don't want Dad in a way to feel like I want to be more with Mum than with Dad

In describing her present residential arrangement at the beginning of the interview, Ann stressed that she now spent exactly the same amount of time with each parent. Some of the informants said that the change to an equal-share solution was motivated both by their parents' desire to spend more time with them and their own desire for a fair solution. Brigitte (girl, age 17) had changed her scheme several times since her parents separated eight years ago. Initially, she stayed mostly with her mother, which was also the case at the time of the interview. Occasionally she had a dual-residence arrangement, and for a short time she stayed mostly with her father while her sister stayed mostly with their mother. She explained the reason for these changes as follows:

Brigitte: I think that's a bit random, really. Um, in the beginning [...] it was my mother who chose it, so it just became that way. And then I remember that I thought it was a little unfair, because it was a little like this: yes, now I stay so little with my dad, and it is a bit silly, isn't it, because he, and he thought it was a bit sad, right. So we ended up staying a little more with him, and a little less with my mom. But then she got a little angry, right? So then we decided to split, so that I stayed more with my dad and my sister stayed most with my mother, and now we are both just living a little with my mom, and we stay with my dad when it fits.

Researcher: But you thought it was unfair to you or ...?

Brigitte: For my dad really, I thought about him the most. He said that, well, yes, you stay somewhat too little with me now, so you have to talk to your mother. He tried to influence us a little bit, but things have always gone well.

Researcher: And these changes were something that you approved of yourselves?

Brigitte: Yes, we approved. They didn't do anything without us saying no or saying yes. So it went well. I just remember I thought it was annoying to pack so much. I always had my bag, right. Then in the eighth grade I was like that; no, now I will stay with my dad for a long time and then I will stay with my mom for a long time. So I just made that choice and they thought it was okay.

Hence, both Brigitte and her sister went to great lengths to achieve solutions that met both parents' desire to spend a lot of time with them, and at the same time worked fairly well for themselves, and which they considered to be fair. They practised more and less frequent changeovers and even tried a solution where one lived most with the father and the other lived most with the mother.

Several of the participants appreciated having dual residence and portrayed their parents as cooperative and attentive to their children's wishes. They believed that a shared-time arrangement was the best solution for both parents and children, and they could not imagine a better scheme. Their parents allowed for a great deal of flexibility within the scheme, so that the children could, for instance, stay an extra day with one of the parents or change days or weekends. Still, there was a clear understanding among several of the participants that the 'total' should be right. For instance, family events like confirmations and other celebrations would sometimes take place on the 'wrong' weekends, so that the child spent an extra weekend with one of the parents. Exceptions from the regular schemes could also come about because of the parents' job-related travels or long working hours. Some of the children explained that one of their parents, or both, insisted that they should spend the agreed-upon number of days in each parent's home, even if they allowed for some flexibility within the predefined scheme. Some children were even more concerned about this than their parents were. They wanted things to be 'right' even though the parents were lenient. If the parents had a conflictual relationship, a fixed equal-share scheme would help avoid escalating conflicts.

The children in our study understand justice concretely as 'equal time'. This appears, for example, in the way they talked about the distribution of holidays. Most participants explained that they had a fixed schedule for vacations, ensuring an equal amount of time with each parent, which most took for granted and appreciated. However, the way they talked about their holidays clearly hinted at discourses of fairness and equality and revealed that the children had a clear perception that both parents wanted to be with them as much as possible.

Ann, for example, expressed some concern that the holidays were not equally distributed, even though her father did not think it mattered that the children spent less time with him than with their mother:

Ann: Yes, but during the holidays it will be a little difficult, because this summer holiday, I will only be two weeks with Dad, and last year I was only one week ... and I think that is a little unfair in a way. Because I know my dad wants to be with me and my sister.

Researcher: But did you get an explanation for that?

Ann: No. But I just told my dad that it is unfair. But he thinks it is fine.

Similarly, other children typically told us that if one parent 'got' a certain holiday, the other parent would 'get' the next one, like Cato (boy, age 12):

Last holiday we had three weeks with one [...], no, okay, we had one week with one, then three weeks with the other, then three weeks with the other, and then one week with the last one, so you get a total of four weeks, just in order to ... and for example, if Dad gets the winter holidays, then Mom gets the Easter holidays. So that every second year Mum gets Christmas, for example next year Mom gets Christmas, then Dad gets New Year's Eve...

Most children considered these 'every-other-holiday schemes' as valuable and fair. However, when asked how much they told their mother about the good experiences that they had while on holiday with their father, and vice versa, some explained that they did not disclose every detail. They did not want one



parent to believe that they had more fun on vacations with the other. This could be the case even if the parents co-operated well, as illustrated by the following quote from David (boy, age 17), who had practised dual residence since he was about four and greatly appreciated this arrangement:

Researcher: So, if you've been on a vacation with Dad, and experienced lots of fun, is it okay to tell Mum about it, or do you try to hold back a little?

David: Yes, we often do. Not like too much, because I don't know how much she likes to hear about what we do with him. Or, I might tell about things that have nothing to do with him in a way, but more like that we were at a nice place.

As we understand it, the children think that having an equal-share scheme means that they have done their best to ensure that neither of the parents feels that they are disadvantaged. It can alleviate the children's concerns for their parents and may justify their absence from the parent they are not with. A fixed equal-share rhythm may also ensure the children a natural place in each parent's household when new partners and family members come into the family.

## THE BEST INTEREST OF THE CHILD

Along with the discourse on equality and fairness, the discourse on children's best interest, which is embedded in the children's rights discourse, was clearly reflected in the interviews with both younger and older children. This was the case when the participants talked about their own experiences with dual residence, when they explained how and why they had initiated minor or major changes in their scheme, and particularly when they reflected on what advice they would give to other children.

In some interviews the norm of the child's best interest emerged as an implicit idea from the ways the children reasoned about their dual-residence arrangement, how it was decided upon in the first place, the way it was designed and why they valued this solution. Several informants explained that their parents had suggested an equal-share scheme when they split up and that they themselves agreed because they trusted the parents to make the best choices for them; they had put the child's best interest at the centre. Some could not recall their parents' divorce because they had been too small. Still, they trusted that the parents had found the best possible solution for everyone. When asked what she thought about living equally with each of her parents, Elena (girl, age 12) answered: 'I think that's how everyone wants it. That it is like what is best and good'.

The idea of the child's best interest was clearly manifest when the participants explained how they had raised difficult topics related to their parents' collaboration and communication. For instance, some stated that they were sometimes asked to pass messages from one parent to the other concerning various practical matters, such as the purchase of different equipment and the payment of running or unforeseen expenses. This could be very difficult and tiring, and eventually they had managed to tell the parents that they did not want to be 'go-betweens'. They made it clear that this was something that the parents had to agree upon themselves.

The norm of the child's best interest appears most clearly when the participants reflect on what advice they would give to other children. This is the case for both younger and older children, although most thoroughly elaborated by children aged 12 and older. When asked what recommendations she would offer a friend whose parents have decided to split up, Fia (18) said:

I would say that you just have to think about yourself and see if you feel comfortable living like that or not. And do what you prefer, then. And don't think about the parents and how they will respond to it.

Fia points out that children have to figure out what they themselves think is important — ‘feels comfortable’ — and what they prefer. It is their own responsibility to find out what they really want, and to express this even if the parents may want something else. This is also clear in Helga's (girl, age 17) recommendation:

I would say that they should not just adapt to the parents' wishes ... or that they should also, for example, have dual residence, then, that they themselves should choose whether they want to stay with the mother or the father or both. And although maybe the other parent gets a little upset, it is best for them to choose for themselves.

Helga believes that the child should not worry about the parents and their reactions and feelings if they themselves opt for a residential arrangement that does not accord with the parents' wishes. This does not coincide with the reasons most participants give for having dual residence themselves. Still, there is not necessarily a contradiction. The children really would like to see both parents much and find it difficult to choose to stay most with one parent even if this would be most convenient.

Ensuring that the residential solution agrees with the child's preference is a strong argument that the child should have a say when decisions are made. As Inga (12) put it, ‘I would tell her not to care what her parents felt. I want her to just say what she wants’. She emphasised that the child's opinion must come to the fore and that parents should pay attention to it: ‘But she has to take it in her own hands, she has to say to them like this: “I really want to do as I want, anyway. You have no right to be sad, because this is how I want it”’. Inga has been in the same situation herself, and the idea of the children's best interest clearly appeared when participants talked about how and why they had changed their schemes: ‘I actually felt more at home with my dad, so then I tell this to my mom. So she can just tell what she feels’ (Inga 12). The quote shows how emotionally challenging and demanding it is for children to state what they think is best for themselves when this goes against their parents' wishes.

The child's best interest refers to *relational* aspects — that it is good for the child to have close contact with both parents — as well as to *practical* arrangements. The responsibility to voice their views was particularly demanding regarding relational matters. It may be easier to argue with practicalities. Participants who had changed their scheme usually justified it with practical matters. Likewise, Fia (18) emphasised practicalities in her recommendations to other children:

For example, if you are eight years old, I think that if the parents manage to talk and have a good relationship, and live close to each other and are concerned about the child, how the child is doing with divorced parents. Then I would say that it's just going to be strange at first, but that they will get used to it. But they must be concerned that the parents take care of them, then. And ask how children manage the situation with divorced parents, and that the parents in a way ask if she would rather live in one place than two.

Fia elaborated on her argument by referring to a friend who grew up with parents who did not talk to each other and lived far apart: ‘She tried to live with divorced [i.e., both] parents, but after half a year, she chose to stay with her mother. So, yes, I would say it is not good to live with divorced parents if they live far apart and do not talk to each other’. Difficult relationships combined with tedious practical arrangements are too burdensome for a child.

Still, in the quote above, Fia talks mostly about relational circumstances and the child's participation when advising a younger child on decisions regarding residential arrangement. She also wants to reassure the girl: 'You get used to it'. She expects parents to communicate well and to discuss regularly with the child how the arrangement works for her. If these conditions are not met, Fia would recommend 'that you should stay with one person, one parent'. She uses neutral words — 'person' and 'parent' — and thereby equates the parents.

When asked if it would be easy to convey her desire to change her own residential scheme, Fia answered:

No, it's hard, I think. To tell the parents that one will not stay with one of them anymore. But yes, it is actually the parents' fault that [such a choice] happens. They were the ones who divorced ...

In this comment she tries to place the responsibility on her parents, but in fact we see that the many considerations the children believe they have to take often mean that they do not act on their wishes to change their scheme. Informants of all ages argue that the children should have a say, but the oldest ones articulate their interests most clearly and most strongly argue that they should have the right to decide where to live. In reflecting on the children's best interest and their involvement in decisions on where to live, Fia drew on many years of experience with dual residence, which she has practised since she was eight. She was able to assess the situation more objectively compared to when she was younger: 'But it was the parents who chose to divorce, and then they must take the consequences of what happens'. Like the other youth, she stressed more explicitly than the younger children the parents' responsibility to comply with the child's wishes and not to burden the child unnecessarily. As children grow older, they spend more time at school, with friends and at leisure activities. They are also better able to understand their own and other people's relationships and reflect critically on these.

The norm of the child's best interest is intertwined with the principle of the child's right to be heard in matters regarding themselves. Several of the participants know that this right is enshrined in the Children's Act and the UN Convention on the Rights of the Child. For instance, Niklas (17 years) expressed that his father used to be quite rigid and strict and was sometimes very difficult to live with. He thought this was very annoying and considered staying more with his mother. He told his father that if he did not change his behaviour, then he would stay mostly with his mother, 'because when I was 12, by law I have the right to decide more where I want to live myself'.

Our study reveals how discourses on equality, the child's best interest and right to participation shape children's and young people's reasoning on what are the best and possible residential arrangements when parents live apart. Still, it is not always easy to realise the most desired solution, and it may be difficult to express one's opinions and act on those preferences even if one feels he or she has the right to do so.

## DISCUSSION

In the present study, we explore the tensions and ambiguities revealed in children's narratives of doing dual residence, and how they draw on different discourses in trying to balance between what is good and fair for their parents and the 'family' as a whole on one hand, and their own desires on the other. Data come from interviews with 35 children and young people with dual-residence experience in Norway. A particular feature of our study is that, in addition to talking about their own experiences, the participants reflected on the advice they would give to other children with parents living apart.

Both gender equality and children's rights are high on the political agenda in Norway. Dual residence is widely discussed by politicians, practitioners and in the public media, with arguments both for and against such a scheme being the guiding principle post-divorce.

Like Smart (2006) we find that ambivalence and conflicting opinions emerge in the participants' narratives. For some, but not for all, this ambivalence generated agency and negotiations to improve their situation. Using dominant discourses of equality and fairness and of children's rights, the participants express, in legitimate ways, wishes to continue with an established scheme as well as wishes for alterations. The two discourses appear in different ways throughout the interviews, regardless of the parents' degree of cooperation and the children's contentment with their residential scheme. The participants' references to the child's best interests are more experience based than how the principle is understood as a *legal* means to solve conflicting interests after the parents' divorce. The children expect that having a say will result in required changes, if necessary, in their own best interests. The children's interpretations of the child's best interest emphasise a child-centred policy, indicating a relative strong symbolic position of the UN convention of the rights of the child in the Norwegian society. These cultural connotations have implication for the legal means; however, the legal principle of the child's best interest is still based on a different logic and discourse.

We believe that children's access to and reliance on the competing discourses of fairness and equality on one hand, and children's rights and interests on the other, is an important finding in our study. Children draw on different ideas and frames when motivating their choices and understanding their experiences. There is great ambiguity in the ways they describe their schemes and their wishes for continuity, flexibility and change. They negotiate between different needs and ways of interpreting their experiences; for instance, 'everything is fine and I am lucky to see my parents equally' versus 'it is tiresome and annoying to alternate between my parents' homes'. Which understanding dominates varies over time and between different situations, with positive views dominating regarding the fairness of the dual-residence scheme and less enthusiasm when it comes to the tedium of daily routines.

Children appreciate having a close relationship with both parents and consider an even-split arrangement to be fair and one that ensures them a natural place in both parents' homes. Still, children typically value some flexibility within the predefined scheme or may want to stay most with one parent for a while if this is most convenient. When children talk about suggesting changes in their scheme, they tend to rely on the discourses on children's rights and the child's best interest. Some describe changes that have actually taken place, while others reflect on alterations they would like to make now or in the future. In their advice to other children, they are very clear that children should consider what is best for themselves, regardless of what the parents may think. Still, they may hesitate to discuss possible changes in their own schemes because they are afraid to hurt their parents' feelings. They may also adapt to the parents' wishes because they are grateful that the parents cooperate well or because they are uncertain whether they will do better if they change their scheme against their parents' will.

The fact that the discourses on fairness and on children's rights appear so clearly in the interviews in our study suggests that children and young people with dual residence may be more concerned than the parents are aware of with the set-up of their scheme and what works best for themselves. Even when children are encouraged to voice their views, they may experience the tension between being attentive to their parents' feelings and the wish to adjust their scheme. Hence, there may be a need for parents to discuss such issues more often with their children. Although it will not always be possible to accommodate the children's wishes, it is important to reassure them that the parents are not hurt if they would like to modify or change their scheme.

## ETHICAL APPROVAL STATEMENT

We confirm that we meet the journal's/publisher's Publication Ethics Guidelines. The study is approved by NSD – the Norwegian Centre for Research Data (the data inspectorate in Norway).

## CONFLICTS OF INTEREST

The authors have no conflict of interests to declare.

## DATA AVAILABILITY STATEMENT

The authors elect not to share data. Research data are not shared for ethical and confidentiality reasons. The study draws on original data. Both authors had full access to all the data in the study and take responsibility for the integrity of the data and the accuracy of the data analysis.

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