

'I could only work every second Sunday': The role of separated fathers in the labour market participation of separated mothers when they're in dispute over care and contact arrangements

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Abstract

Over the past thirty to forty years there has been a noticeable change in the frequency and duration of contact separated fathers have with children who mostly live apart from them. A number of researchers attribute this social change to several mutually reinforcing social factors, including the increased participation of mothers in paid work, and the increased involvement of fathers in childcare. This well-rehearsed claim implies that fathers' involvement in childcare in intact and separated families is both a response to and a facilitator of maternal paid employment. Given the centrality of such claims to decisions about the post-separation care of children and to child support policy, it is important to consider whether they have any substance in reality. Drawing on international literature on the division of caring labour, and a small-scale qualitative study with separated mothers from New Zealand in dispute over care and contact arrangements, this paper investigates the claims being made about the role fathers play in relation to maternal employment, especially in the post-separation context. On the basis of this research, we argue that even though fathers have the potential to play a supportive role in post-separation maternal paid employment, this potential is not necessarily realised and should not be assumed or taken for granted. Rather, the role separated fathers do and might play in enabling separated mothers to engage in paid work should be a matter of empirical investigation, both by academics working in the field and by practitioners working with separated parents.

Key words

maternal employment, post-separation, fathers, childcare

Introduction

We know very little about the relationship between post-separation care and contact arrangements and mothers' patterns of paid employment. What we do know is that there has been a slow but steady increase in the number of non-resident fathers maintaining contact, in some instances significant contact, with their children (Amato, Meyers & Emery, 2009). For instance, studies in the United States (US) indicate that in 1976 only 18 percent of fathers saw their children at least once a week, whereas by 2002 this had risen to 31 percent of fathers (ibid.). Over the same time period the proportion of non-resident fathers who had no contact with their children declined from 37 percent in 1976 to 29 percent in 2002.¹ We also know that there has been a cultural shift in custody law and practice in the direction of substantial post-separation contact and even physical shared care (Tolmie, Elizabeth & Gavey, 2010a).

Speculatively, Juby, Le Bourdais and Marcil-Gratton (2005) suggest that as more intact couples become dual earner we will witness a corresponding rise in post-separation shared physical care arrangements. According to Juby et al. (2005), a key facilitator of this anticipated rise is enhanced maternal confidence in paternal domestic and childrearing skills borne out of the greater experience fathers in dual income, intact households have in these roles. Indeed, Juby et al. (2005) attribute the growth in shared physical care post-separation that can already be observed in most Western legislatures to more egalitarian pre-separation care arrangements.

Similarly, and also speculatively, Smyth and Moloney (2008) attribute the increase in the frequency and duration of contact between separated fathers and their children over the last forty years to, *inter alia*, the increased participation of mothers in paid work in intact families, and the increased involvement of fathers in childcare activities both prior to and after separation. Arguing in the reverse direction, Callister and Birks (2006) claim that increases in father contact time are by definition facilitative of women's paid employment post-separation since it increases the amount of time that mothers have available to be involved in paid work through the provision of replacement childcare at no cost.

These claims imply that fathers' involvement in childcare in intact and separated families is both a response to and a facilitator of maternal paid employment. Given the centrality of such claims to decisions about the post-separation care of children and to child support policy, it is important to consider whether they have any substance in reality. This paper investigates the claims being made about the role fathers play in relation to maternal employment by drawing together international literature derived from large scale quantitative data-sets on the division of caring labour in intact families and a small scale study of separated families, as well as our own small-scale qualitative study with separated mothers from New Zealand who were in dispute over their care arrangements.

We turn in the section below to the international literature on the division of labour in intact and separated families. Because of the paucity of literature on the division of parenting labour across separated households, this section is dominated by literature on intact families. Yet if a continuity between a pre- and post-separation division of labour does exist, as Juby et al (2005) and Smyth and Moloney (2008) contend, then evidence about the division of labour in intact families must be considered highly pertinent to the question at the heart of this article: the role that care provided by separated fathers plays in enabling or facilitating the maternal employment of separated mothers. The review of the literature is followed by a turn to our own qualitative research with separated mothers in dispute over care and contact arrangements with their children. Primarily concerned with the nature of these disputes, our interviews with these mothers were broad ranging and deliberately incorporated questions about the division of paid and unpaid labour pre- and post-separation. It is the latter material that we draw upon in constructing our argument in this article.

Literature review: Paid and unpaid work in intact and separated families

...many of the traditional patterns of family life have changed [but] the post-familial family continues to depend on a traditional gender division of labour (Baxter, Hewitt & Western, 2005, p. 584).

In this section we examine changes to paid labour in intact households through a focus on maternal paid employment, before turning our attention to the changes, or lack thereof, that have happened in the division of unpaid labour – housework and childcare.

Maternal paid employment

Economic, demographic and normative changes since the 1960s have resulted in a substantial rise in maternal employment across the western industrialised world. In 2007 the OECD (Organisation for Economic Co-operation and Development) average rate of maternal employment for women whose youngest child was three to five years of age was just over 60 percent, with the maternal employment rate rising to about 70 percent for women whose youngest child was aged over five years (OECD, 2010; see also Baxter, 2013). The maternal employment rate in New Zealand is on a par with the OECD average when the youngest child is less than three

years of age or between three to five years of age, but is slightly higher than the OCED average for school-aged children at around 78 percent compared to 70 percent (OECD, 2010).

Despite substantial increases in the maternal employment rate, Craig (2006a) argues that the process of the masculinisation of women's work patterns is incomplete: the dominant work pattern for women remains one of interruption for childbearing and childrearing followed by high levels of part-time work, while the dominant work pattern for men is one of continuity of full-time employment across their working lives (see also Baxter, Hewitt and Western, 2005; Bianchi, 2011; Craig, 2006, a & b, 2010). Indeed, recent figures from the United States suggest that the labour force participation rate of married mothers with infants and pre-school children fell approximately five percentage points during the 2000s from a high point in the late 1990s (Hoffman, 2009), again pointing to an interrupted work pattern for mothers.

Furthermore, in the English speaking countries, with the exception of the United States (US), the employment rate of partnered mothers is higher than that of single mothers, a phenomenon that suggests that the presence of a co-parent to share childcare duties is facilitative of mothers' paid work (Callister, 2005; Baxter, 2013). The situation is somewhat different in the corporatist welfare states of Europe and in the US, where single mothers are more likely to be in the paid workforce than married or partnered mothers (Callister, 2005; Hoffman, 2009). With regards to the US, Hoffman notes that the employment rate of single mothers began to increase after 1993 in response to welfare and tax reforms that 'incentivised' paid work for single mothers. This finding points to the role of significant policy drivers in the rise of single mothers in the paid labour force, and may well foreshadow similar rises in the labour force participation of single mothers in other liberal welfare states, such as New Zealand, as they usher in comparable policies.

Household labour

Constituting what Craig (2006a & b) calls 'half a sex revolution', the findings of high maternal employment rates are relatively uncontroversial. What is more controversial, however, is the extent of the uptake by partnered men of domestic work and childcare – the other half of the sex revolution in patterns of unpaid labour. The gender division of labour in intact families has been the subject of substantial and ongoing research for many years, driven by an essential interest in whether men have increased their unpaid work in the home thereby relieving women of some of the burden of their unpaid labour and enabling them to create and/or maintain their relationship to the employment market.

This research has produced mixed results, leading some to talk of a 'stalled revolution' (Hochschild, 1989; also Baxter, 2002; Craig, 2006 a & b) and others of a 'quiet revolution' (Gerson, cited in Baxter, 2002; Sayer, 2005). Gendered inequalities with respect to housework have certainly been in decline, a pattern that is attributable to a reduction in the amount of time women are spending on housework and a rise in the amount of time spent by men. For example, using time use diaries from the 1960s to the 2008 in the United States, Bianchi (2011) shows that the amount of time mothers spent on housework nearly halved over this period, going from 32 hours per week to about 17 hours, while over the same time period fathers doubled their housework hours from four to ten hours per week. Yet in spite of these changes, mothers continue to devote substantially more time than fathers to housework (Baxter, 2002; Baxter, Hewitt & Western, 2005; Bianchi et al., 2000; Craig, 2006b). Furthermore, in relation to the division of household tasks, research indicates a clear and on-going gender division: typically women are still responsible for routine daily tasks like cooking, cleaning, laundry and shopping, while men are responsible for the less frequently performed outdoor tasks like lawn mowing, home maintenance and garbage (Baxter, 2002; Bianchi et al., 2000; Miranda, 2011).

Childcare

To some extent women have managed the time crisis created by combining paid and unpaid work by simply decreasing the amount of time they spend on housework. But as Craig (2006b, p.126) astutely points out,

women cannot just withdraw their own time from young children unless someone else steps in to take over the care. Small children must have someone looking after them at all times. This means that gender equity in the care of children is not an outcome that women can create unilaterally.

Investigations into changes in the time spent by mothers and fathers in childcare activities have also produced somewhat mixed results. Baxter's (2002) cross-sectional analysis of nationally representative surveys conducted in Australia in 1987, 1993 and 1997 found that gender differences in childcare have remained constant over time; women were overwhelmingly responsible for bathing and dressing children, getting them ready for bed, and helping children with their homework. Furthermore, women's share of childcare was not responsive to the number of hours they spent in paid work, while men's share of childcare declined as they increased the number of hours they spent on paid work.

Drawing on data collected from time use diaries filled out in the US from the mid 1960s to the late 2000s, Bianchi (2011) tells a slightly different story about changes to gendered patterns of childcare. Mothers' involvement in primary childcare activities initially declined from 1965 to 1975. It then began to increase through the 1980s and 1990s, to hover around 14 hours per week in the 2000s, in response, Bianchi argues, to increased pressure on mothers to be intensively involved in all aspects of rearing their children. This increase was largely a product of a rise in the amount of time mothers spent in interactive activities with their children, from one and a half hours per week in 1965 to four hours in 2008. In contrast, the amount of time fathers spent on primary childcare remained steady from 1965 through to 1985 but then it also began to rise. By the 2000s fathers were spending about eight hours per week on primary childcare tasks. In spite of the significant rise in the amount of time fathers are devoting to childcare activities they nonetheless spend only about half the amount of the time spent by mothers in childcare activities (see also Bianchi & Milkie, 2010; Craig 2006a).

Craig's (2006a and b) Australian research also points to considerable gender differences in task allocation (see also Miranda, 2011). The majority of women's time is spent on physical and emotional care (bathing, feeding, dressing children), something that enables fathers to spend a higher percentage of their childcare time in playing and other interactive activities with their children.² Fathers are also much more likely to experience interactive care as a primary activity than mothers (49 percent of the time compared with 34 percent of the time), a result that implies that 'mothers more often than fathers, multitask to preserve time in this valued aspect of child raising' (Craig, 2006a, p. 271).

In addition, Craig's (2006a) research demonstrates considerable gender differences in the amount of time mothers and fathers in intact families spend in sole charge of their children. While women spend nearly a third of their total time in children's company in sole charge, fathers spend less than ten percent of their time with their children in a sole-charge capacity. Reflecting on this finding Craig (2006a, p. 272) states:

If more than 90 percent of the time fathers are with children, mothers are also present, this suggests that men are not relieving women of responsibility for child care and the opportunities for men to experience providing full independent care to their children are limited.

This is a significant finding for our purposes herein, because it suggests that fathers' care work is not being used to free mothers from childcare obligations so that they might participate in paid work. Craig (2006a, p. 275) goes on to observe:

If fathers in intact families are seldom fully responsible for children they may need to make considerable adjustments in their care patterns if children in separated families are to receive quality care from both parents. (2006a, p. 275).

Finally, there is a well-recognised gap in the research on the allocation of childcare tasks between separated parents (Davies, 2013; Smyth, 2009). Lacroix's (2006) study involving ten unrelated Australian parents in 50:50 shared care arrangements who believed their arrangements to be fair and equitable is both exceptional and insightful on this matter. Despite the rhetoric of shared parenting amongst these parents, a gender division of labour persisted. Mothers claimed they did more physical labour (for example, cleaning clothes), took most of the responsibility for organising their children's lives (including out-of-school activities, visits to health professionals and so on) and met more of their children's needs for transportation. Even when children were not in their mother's care, 'mothers were mindful of their child's wellbeing at all times' and were 'planning, adjusting and organising their lives around whatever the children might need' (Lacroix, 2006, p.187). The mothers in this study operated as default parents: they structured their paid work lives around the need to be available for their children when they were sick, or when their fathers were not available to fulfil their care obligations, by only working part-time or in jobs offering high levels of flexibility. This finding points to a continuity of mothering practices pre- and post-separation³; in both contexts mothers operate as 'sweepers' (Bianchi, 2000, p. 412) – they are ever attentive to what needs to be done to ensure their children's wellbeing (see also Becker, 1992; Davies, 2013).

To conclude, despite evidence of a convergence in women and men's involvement in paid and unpaid work in intact families, evidence also exists of an ongoing gender specialisation. Although maternal paid employment has increased dramatically, it remains highly responsive to the needs of children; in order to be available for their children, mothers reduce their involvement in paid work, or they seek flexible work, and/or they reduce leisure and sleep time (Sayer et al., 2009). Women still spend more time than fathers on all forms of childcare (physical, emotional, interactive, transport) and continue to spend a considerably higher percentage of the time in their children's company in sole charge.

Our study

Between late 2006 and early 2008 we undertook a small in-depth study with twenty-one separated mothers living in the upper part of the North Island of New Zealand, and who were in *dispute* over care and contact arrangements for their children.⁴ The project was formulated in the context of suggestions that women's voices have become increasingly muted in the family law arena in recent times as fathers' experiences and claims have taken centre stage (Perry, 2006; Smart, 2006; see also Boshier, 2006). The semi-structured interviews invited women to narrate their experiences of post-separation parenting, particularly, although not exclusively, in relation to legal or quasi-legal processes. Although oriented towards their dispute over care and contact arrangements, the interviews of necessity dealt with the pre- and post-separation division of labour, since this was often a significant element of the dispute. Most of the interviews lasted two hours with some lasting three or more hours. All of the interviews were recorded and transcribed in full. In the excerpts that follow we have used pseudonyms and altered minor details that might enable the identification of our participants.

The majority of participants joined the study following the publication of a story on our project in suburban newspapers; several others were recruited through snow-balling. The women ranged in ages from their late-20s to mid-50s. Two were Māori, fourteen were Pākehā and five were migrants from other western countries. The women had been separated from the fathers

of their children for one to twelve years, and their children ranged in ages from fifteen months to fourteen years. Just on half of the group were either in receipt of the Domestic Purposes Benefit or on a low income, another seven were earning moderate incomes, while a few were in high-income employment. In total, twelve of the participants were in paid employment, with six on a part-time basis.

Of the twenty-one women we interviewed, only one was a contact parent⁵ and she was having supervised contact with her children (who resided with their father). Of the twenty resident parents in our study, two had 50:50 shared care arrangements with the father of the children. Of the remaining eighteen resident parents, the following divisions occurred (with the women having the majority of the parenting time in each division): 60:40 for three, 70:30 for six, 80:20 for two, and 85:15 for two. Of the remaining five mothers who were resident parents, two described their children having erratic and infrequent contact with their father (in both instances they said that this was because the father did not want regular or frequent contact due to his other commitments), one described the father having one supervised contact visit per week, and two said that the father did not have contact (in both instances because he had abandoned supervised contact arrangements).

Mothers first and foremost

Although our study was primarily concerned with disputes over care and contact arrangements, the division of past and present parenting duties figured prominently in the women's accounts. In this section of the paper we draw on these accounts to present women's perspectives on the distribution of caring responsibilities. We start with the caring responsibilities in place at the time of separation, before reflecting on the post-separation distribution of responsibilities. Exploring the pre-separation division of labour is not only indicative of the preparedness or otherwise of fathers to take on the often sole care work required post-separation, but it may also translate into increased maternal confidence in father care, as well as being predictive of fathers' willingness to facilitate maternal employment post-separation.

All of the women in our study claimed that they were and had been the primary parents of their children. In three cases (Gina, Moira, and Anne)⁶ the mothers were not in a relationship with the fathers of their child at the time of the birth, and the fathers concerned had limited involvement with their children during the first 18 months of the child's life, in two cases because the fathers did not make themselves regularly available, and in the other case because issues of paternity took some time to be resolved.

Another ten women (Kate, Elaine, Hine, Suzie, Sarah, Louise, Fran, Isabella, Trish & Vicki) separated from the fathers of their children when their youngest child was twelve months or less. During this time the women were full-time mothers and were not in paid work. A number of these women also described fathers who during the course of their relationships appeared to be singularly disinterested in their children. For instance, Vicki talked about the father of her child sitting on the couch playing video games and then, when the child was four days old, disappearing for days without being contactable, even though the baby was colicky and she had complications from the birth and couldn't walk properly. Similarly, Suzie spoke of being left to tend her new-born completely alone while the father continued his drinking habits unabated; he spent most nights of the week at the pub and often brought friends home to have a 'little party' just as Suzie had got their daughter off to sleep. Another woman, Trish, told a story of her former husband's refusal to sign their child's birth certificate because he denied paternity even though they were married and had been living together at the time of their child's birth.

Six other women separated when their youngest child was less than five (Natalie, Claire, Jade, Ruth, Debra & Petra). Only two of these women, Claire and Petra, were in paid work

at the time of the separation and these women were the primary earners for their families and the primary caregivers for their children. Most of these women described fathers who were secondary parents and, in several cases, distant parents. However, several women spoke of fathers who played an active and supportive role in their child's care. Petra's partner did, for instance, play an important role in dropping and picking up their daughter from pre-school and caring for her until Petra came home from work. Natalie, for example, had given birth to twins and her former husband also played an important role in helping to manage the demands of dealing with two babies at the same time. However, he like a number of fathers in intact relationships, had never cared for the children on his own prior to their separation. In contrast, Ruth's experience was largely of parenting alone, and she described the last eighteen months of her marriage as a time when the father of her children 'was hardly ever there'.

The children of the remaining two women (Briar and Abby) were aged 8 to 13 at the time of separation. Briar was in full-time employment and reported that even though she and the father of their daughter were nominally equal parents she undertook most of the care in relation to their daughter. She did most of the drop-offs and pickups from school, usually performed the nightly bathing and bedtime routine, and shopped for her daughter's clothes and presents. Abby was the primary caregiver of her children and the secondary earner in the family prior to separation. Abby worked part-time in order to meet her children's needs in a context where her former husband worked long hours and was intent on moving up the career ladder.

In the aftermath of their separations from the fathers of their children, the women in our study continued to act as the primary, default parents of their children regardless of the formal care patterns that were in place, which in some cases allocated fathers substantial amounts of care time. The most stark example of default parenting were the four cases (Sarah, Moira, Kate and Anne) where mothers were left to parent their infant children alone because the fathers quickly established themselves in other relationships and were only erratically involved in their children's lives, if at all. As default parents, these mothers and the other mothers in our study spoke of being the ones who had the children when they were sick, or if the father didn't pick them up, showed up late or sent them back early. For instance, Trish reported that the father of her son frequently cancelled contact at the last moment, regularly failed to pick up their son on time and often sent him back early with very little warning. She also told a story about the father refusing to take his son for contact because he had a cold:

Trish: ...and he came to pick him up and I said, you know, 'I'll give you his asthma stuff because he's got a bit of a cold, he might need it'. The kid was standing on the doorstep ready to go and he took one look at him and said 'I'm not taking responsibility of him like that, he can stay at home today', and walked away leaving us standing on the doorstep.

The women in our study also talked of being the ones that looked after the children when their fathers wanted to prioritise their work commitments. For Abby this was a recurring problem that beset negotiations over when contact was supposed to occur as well as the extent of contact. Abby's former husband would often ring the day before he wanted to see his children to make arrangements and relied heavily on Abby's availability to take care of their children when he dropped them off early in the morning prior to breakfast so that he could attend to work matters, when he took business clients out for dinner, or when he spent extended periods of time overseas on business trips. Her former husband's reliance on her availability to look after their children meant that Abby found it difficult to contemplate moving from part-time to full-time employment, something that was emerging as a financial necessity in the aftermath of the end of her marriage.

In addition the mothers spoke of being the ones who nurtured the children's friendships or after school activities, and attended all of the parent/teacher meetings. They were the ones

who had to organise and pay for the child's dental, medical, optometrist, school fees and other expenses and, if they were able to, get the father to pay half, or otherwise bear the costs themselves. For many of the mothers in our study shouldering the costs related to their children's education, health and leisure activities was extremely fraught because they were either reliant on the Domestic Purposes Benefit or in low income jobs. Ruth's income was derived from a combination of part-time work and the Domestic Purposes Benefit, and she was lucky to have significant material support from her parents. Nevertheless, Ruth spoke at some length about being unable to shoulder the financial burden of her daughters alone and the struggles she had in getting her daughters' father to pay a fair contribution to their educational and health expenses:

Daughter [A] has to have glasses and it took me just bumping into him on the road once when we had to go and pick up the new prescription glasses and I said to the girls let's go and get him to come to the opticians and pick up your glasses. So it's those kind of situations that I find myself in all the time, so I breathe deeply and go and say 'Hi Father, we're on our way to the optician please come with us and pay your half otherwise I can't take the glasses'. But I have to put myself in this situation because if I go and pay fully for them I will never see my half.

The mothers in our study were often the ones managing the child's health, even if the issues that arose did so on the father's 'watch'. Louise, for example, spoke about a 'terrible' incident when her daughter was staying with her father at age three and fell over in the bath and knocked her tooth out. Her daughter's father 'just dropped her off to me the next day with this tooth sticking out from her gum at a funny angle and said "oh she's banged her tooth take her to the dentist", which I did and had to get the tooth taken out.'

In sum, the mothers in our study both defined themselves and operated as primary default parents pre- and post-separation, irrespective of the care arrangements in place post-separation. Many mothers also reported that the fathers of their children assumed that they would be available to act as the backstop parent when they defaulted on their responsibilities to care for their children. As will be shown below, the abdication by some fathers of their caring responsibilities for their children operated as a hindrance to the paid employment ambitions of some of the mothers in the study, yet other mothers were better placed – either because they could take advantage of flexible work hours or because they had other sources of replacement care – to maintain or pursue ties to the labour market without having to rely on fathers as sources of childcare. It is important, however, to recognise the possibility that the career advancement of some of the women in our study may have been negatively affected by being positioned as the backstop parent.

But some mothers were paid workers too

As the primary, default parents many of the mothers in our study had shaped and continued to shape their working lives to meet their children's expected and unexpected needs for care. Some of the women worked part-time (Abby, Ruth, Elaine, Gina, Anne and Sarah), while others worked full-time but enjoyed flexible work patterns and/or had supportive employers (Briar, Petra, Trish, Claire and Debbie) that enabled them to balance the demands of work and care, including care demands that arose unexpectedly when fathers were unavailable to assume their childcare responsibilities.

However, filling in for their children's fathers at short notice meant they sometimes needed to rely on family or friends to assist with the care, or they had to abandon their own plans in order to be there for their children. As mentioned above, the father of Trish's son regularly defaulted on their care and contact arrangements at short notice. While Trish came to expect this over time it nonetheless caught her off guard on some occasions. Once her former husband

rang her ten minutes after school was out for the day and she was on the train travelling in the opposite direction from school, to tell her he was unable to pick their son up. Trish described making desperate calls to a friend to see if she could pick up her son and subsequently making arrangements with a neighbour to look after her son if he was unexpectedly dropped off and she was not home.

For a few other women (Vicki, Kate and Sarah) the need to rely on the fathers of their children to establish and maintain a regular and consistent pattern of contact operated as a hindrance to their paid employment. Against Vicki's wishes her former partner was pressing for a 50:50 shared care arrangement for their infant son even though he had frequently left her to parent alone when they were still together, and had very limited parenting experience. According to Vicki, her former partner pointed out that she might be able to return to paid work if she conceded to his desire for a 50:50 shared care arrangement. To which Vicki replied:

I can't take a job based on you and your work.... I can't tell an employer 'oh sorry I can't come in'. I'll lose my job you know. And he's always late for everything. And I said, 'If you turn up late, then that makes me late. It's just not going to work'.

If Vicki's story is suggestive of the difficulties separated mothers can experience when contemplating returning to paid work when they are reliant on the substitute care provided by fathers, Kate's story is illustrative of what happens to separated mothers' paid work when fathers renege on their caring obligations:

...he was having her every weekend and I was working every Sunday and then all of a sudden one day he turned up and he said, 'I just can't do this anymore. I don't want her every weekend.' So I said that I work, and he said, 'So what?' So I had to drop every second Sunday. INTERVIEWER: So that meant that your paid work got dropped, I take it? PARTICIPANT: Got cut in half, basically it was cut in half, I could only work every second Sunday.

While Kate did not elaborate on the financial consequences of her former husband's retraction of his commitment to his daughter, she did speak about the injustice she felt when he began pushing for a 50:50 shared care arrangement when their daughter was about seven because she had largely been left to parent by herself for the first five years of their daughter's life and she felt he had only spent time with their daughter when it suited him.

The expectation that mothers would prioritise the needs and wishes of fathers was not limited to fathers, however. A number of women in our study spoke of interactions with a range of family court professionals who also expected them to put fathers' wishes and needs first, even when this interfered with their own work commitments or, worse still, disregarded their children's care needs. For example, Natalie and her former husband were in disagreement about mid-week care arrangements for their pre-school sons; Natalie attended university class that night, while her former husband worked a second job, the hours of which were highly flexible according to Natalie. Nevertheless, it was Natalie who was put under considerable pressure during mediation to compromise her position, rather than her former husband, whose desires to work that night seemed to hold sway. The compromise, however, meant that the needs of Natalie's sons for minimal disruption in their care arrangements were not taken into account.

Family law professionals also put Hine under pressure to make her son available for contact at a time and place that suited the father even though this clashed with her hours of employment. Similarly, a Judge made a court order compelling Trish to 'run around' after former husband during the middle of the working day: every Wednesday she was required to leave work at lunchtime, drive to pick their son up from kindergarten, then drive their son across town to his paternal grandmother's home where the father would be waiting for a contact visit. Despite the 'nightmare' this created for Trish, her paid work was a lifeline during the years in which she and her former husband were contesting contact arrangements for their son:

...if I hadn't had my job I would have gone around the bend. I was very, very lucky there. If you're left, if you're in a situation like I am, and you've got no family support or anything and you have nobody to lean on, what do you do? Whereas I worked three days a week when he was very little and my job has been very accommodating. ... My boss was like, even when I was going to court, he said 'I don't like you doing this on your own would you like me to come to court with you?' And you know he knew when I was having a bad day and stuff and he was like, nobody was allowed near me, just leave her alone so I had that support all the way through, which has made a huge difference. ... I often look back now and think I wouldn't have got through it if I hadn't had that [job] you know and the fact that I'd had to go back to work.

As Trish's quote makes clear, paid work not only meets important financial needs for post-separated mothers, it can also operate to meet their needs for social support, especially when they are involved in disputes over the care of their children. Yet as detailed above, the capacity of mothers to meet their twin needs for financial and social support can be undermined by fathers who in the name of flexibility may be unpredictable and unreliable sources of care for their children.

Conclusion

Our analysis herein is consistent with the gendered pattern of care found in the international literature: women reported that they were the primary parents of their children and that they had adjusted their involvement in the paid labour market to accommodate their children's needs for care. Being the primary parent in a post-separation context meant that the mothers looked after the children when they were sick or needed health care, but it also meant that they stepped into the breach when the fathers wanted to prioritise their paid work or other pursuits over their children's needs for care. None of the women in paid employment spoke of the care work of their former partners as an important facilitator of their participation in the labour market, though a few women indicated that the absence or unreliability of fathers as care-providers operated as a hindrance to their capacity to engage in paid work. This was especially the case for the migrant women in the study who lacked a network of family and friends who might assist with childcare. These cases point to the potential of separated fathers to play an important role in enabling mothers to participate in the labour market. Although this potential was not realised for the mothers in our study, it is possible that it might be realised under other circumstances, for instance, where separated parents have a more co-operative relationship. However, research findings on the distribution of care in intact families that shows fathers seldom engage in the sole care of their children suggests that they do not play the role of substitute carers in intact families. For this reason we need to be cautious about our expectations of the role played by post-separation fathers as substitute carers. Indeed, the role separated fathers do and might play in enabling separated mothers to engage in paid work should be a matter of empirical investigation, both by academics working in the field and by practitioners working with separated parents.

The findings of our study are clearly limited by the sample size and its scope – after all we interviewed mothers in conflictual post-separation parenting relationships. Nevertheless, they do point to the need for a rigorous investigation of the kinds of claims being made by Smyth and Moloney (2008) and Callister and Birks (2006) that the involvement of fathers in children's care, pre- and post-separation, is both responsive to and facilitative of women's involvement in paid work. Without such a rigorous investigation we are in danger of producing socio-legal policies that are based on suppositions and assumptions, rather than on evidence.

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Notes

- 1 It is likely that a similar trend has taken place in New Zealand. However, others have noted (Robertson and Pryor, 2008), we have very little quantitative data on care and contact arrangements in the New Zealand context that would enable a comparison to be made.
- 2 According to Craig (2006a), mothers spend 51 percent of their total childcare time meeting physical and emotional needs; fathers spend 31 percent of their time on this task. Mothers spend 22 percent of their total childcare time on interactive care; fathers spend 40 percent of their time in this manner.
- 3 This is something that Davies (2013) in her research on children's perceptions of parental care patterns also observes. She notes: 'where gendered parenting practices are established within families, they tend to continue following separation' (p. 12).
- 4 Estimates from the United States suggest that about a quarter of post-separation parents have a conflictual relationship, approximately half engage in parallel parenting, while the final quarter parent cooperatively (Bruch 2006).
- 5 Contact parent is the current term used to refer to separated parents, usually fathers, who are not responsible for the majority of the day-to-day care of their children, but who remain in 'contact' with their children through a variety of 'visiting' arrangements, including weekend stays, mid-week overnights, and holiday visits. The former term of choice for this post-separation parenting arrangement was access parent.
- 6 All of the participants' names are pseudonyms. In attempt to preserve the identity of our participants we have used different pseudonyms in different articles.

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