

Merla, L., Izaguirre, L. & Murru, S. (2024) Taking shared parenting seriously: A comparative study of how family policies accommodate shared physical custody in post-separation households, version accepted for publication in the Journal of European Social Policy.

Link to the published paper: <https://doi.org/10.1177/09589287241270943>

In this paper, we argue that family policy, and the study of family policies, should take the issue of shared parenting in post-separation shared custody arrangements much more seriously from both a conceptual and empirical point of view. Shared physical custody (SPC) is a care arrangement following parental separation in which children live alternately with their mother and father.¹ This arrangement is increasingly common in the EU, ranging from approx.5% in countries without a legal framework in favour of SPC (like Germany), to around 20% in Denmark or the Netherlands, and around 40% in Belgium or Sweden (Hakovirta, Meier, Salin et al., 2023; Recksiedler and Bernardi, 2021; Steinbach, 2019). SPC is based on the principle that parenting should be shared between separated parents, and that children have the right to an ongoing relationship with their parents, both of whom are responsible for meeting their basic needs, raising them, housing them and providing concrete care (Hakovirta and Rantalaaho, 2011). SPC thus represents a key entry for the more general study of shared parenting, defined as a ‘general term that refers to the ideal as well as the practice of both parents’ active involvement in the child’s everyday life in families of all kinds’ (Hakovirta and Rantalaaho, 2011: 250). SPC challenges the historical foundations of most welfare and family policy regimes in the EU, which are built on the male-breadwinner/female-caretaker model within ‘classical’ nuclear families and pushes the logic of the dual-earner/dual-carer model to its limits. SPC challenges the traditional, and still relatively dominant ‘gender contract’ (Duncan, 1995), in which the persistence of the mother-as-main-carer model is an important barrier to, as well as a consequence of, men’s involvement in childcare, including post-separation (Crespi and Ruspini, 2015; Thomson and Turunen, 2021). As the literature shows, SPC not only encourages fathers’ involvement in childcare, but also has a favourable impact on mothers’ participation in the labour market by reducing the pressure of managing care and paid work, and relieving mothers of the full ‘second shift’ (Bakker and Karsten, 2013; Bernardi and Mortelmans, 2021; Bonnet et al., 2018).

Still, very little is known about how family policies accommodate SPC, which is unfortunate, as SPC represents a key opportunity to understand how family policies can effectively facilitate shared parenting. This lack of knowledge is partly due to the fact that the defamilialization perspective in comparative social policy analysis - which occupies a key place in feminist analyses of welfare states’ support for gender equality in paid work and care (Degavre and Merla, 2016; Zagel and Lohman, 2020) - , has not sufficiently addressed the specific case of families in SPC, where childcare is shared between separated parents. To address this gap, this paper presents a modest attempt at designing a new comparative family policy approach that considers SPC arrangements. In so doing, we want to

¹ We use *SPC* as a generic term for egalitarian (50-50) arrangements, and *separation* as a generic term for parental separation and divorce. And while we recognize the plurality of family forms, including same-sex parents, we use mother and father as generic terms to refer to parents.

encourage studies of defamilialization to take better account of the diversity of contemporary family forms. To this end, we trace major feminist debates around defamilialization and take stock of available studies on SPC in family policy. We then carry out a comparative analysis in three European countries (Belgium, France and Italy). We conclude by highlighting the usefulness of taking SPC into account in reflecting on and evaluating the implementation of defamilialization policies, and by identifying some of the challenges to be met by future research.

1. Bringing shared parenting at the frontstage of defamilialization

Gender equality in caring occupies a controversial position in feminist welfare state scholarship. For Ciccia and Sainsbury (2018: 94), ‘much of the history of gender and welfare state analysis can be characterised as a pendulum oscillating between [two] different principles’: women’s economic independence, seen as a precondition for women’s liberation, and the recognition of care through social rights. The various meanings that defamilialization has acquired over time foreground this debate (Degavre and Merla, 2016). In the 1990s, feminists criticized mainstream welfare policy for failing to recognize the importance of family in women’s lives and the ways in which gender and welfare states mutually shape each other (Kilkey and Bradshaw, 1999), and called for welfare state analysis to centre on care. For Knijn and Kremer (1997), the social citizenship right to provide and receive care is a key aspect of a de-gendered, inclusive citizenship. In its original conceptualization, defamilialization was defined as ‘the degree to which individual adults can uphold a socially acceptable standard of living, independently of family relationships, either through paid work or through social security provisions’ (Lister, 1997: 173), recognizing both the importance of labour market participation and the right to give and receive care. The debate later shifted to focus on women’s access to paid work (Degavre and Merla, 2016)—a shift reflected in Esping-Andersen’s (1999) definition of defamilialization, which emphasized that care responsibilities constrained the interest of women as paid workers (Kilkey and Bradshaw, 1999). This definition played a dominant role well into the early 21st century (Zagel and Lohman, 2020).

Defamilialization represents a crucial effort to genderize comparative social policy analysis, but it remains “a controversial concept” (Degavre and Merla, 2016: 219) precisely because it does not provide clear tools for assessing the impact of social policies on gender equality. Indeed, defamilialization policies around childrearing or maternity leave do not necessarily free mothers from care work or challenge the gendered division of care work within families. While Saxonberg (2013: 8) suggests replacing defamilialization with ‘de/genderization’ to describe ‘policies that either promote different gender roles for men and women, or eliminate them’, Mathieu (2016: 577) proposes to combine defamilialization with the ‘demotherization’ of care work, understood as ‘the degree of independence mothers enjoy from the

necessity of performing care work, and most specifically childcare' by shifting care responsibilities to other family members, the State, or the market. Both authors warn that freeing women from the obligations of providing care does not depend exclusively on the distribution of care among states, markets, and families, but also on its division *within* household through fathers' involvement in caring. Demotherization actually questions how "women and men can and indeed should be rewarded both socially and financially when they perform caring activities" (Mathieu, 2016: 581). This critique of defamilialization recenters shared parenting back into the analysis. For "the issue at stake here is how legal and social provisions alter the balance between mothers and fathers . . . as well as the terms and conditions in which each family member (. . .) engage in caring activities" (Mathieu, 2016: 581). This approach aligns with the first definition of defamilialization as described by Lister (1997). It emphasizes the significance of ensuring that all citizens, including both mothers and fathers, have the means to maintain a decent standard of living while performing paid work and childcare responsibilities.

Interestingly, feminist debates around welfare states and gender equality have mainly focused on nuclear families, largely neglecting the growing importance of other family configurations, especially post-separation—with the notable exception of single mothers, who have indeed attracted considerable scholarly attention (Lewis, 1997; Kilkey and Bradshaw, 1999; Saraceno, 2007). These were seen as defying 'the practice and the ideology behind the "male breadwinner", and at the same time, they constituted an important variation for States relying historically on this male breadwinner model' (Saraceno, 2007: 923). In the current context, SPC represents another 'atypical' family configuration that best illustrates contemporary tensions around defamilialization and gender equality. In the long term, its development is likely to alter the unequal division of parental tasks (Silvera, 2010). Our work thus draws on the original definition of defamilialization, combined with the explicit project to 'demotherize' care, and focuses on SPC to explore how family policies enable both parents to share their childcare responsibilities and the economic costs of raising children equally.

2. SPC and family policies

To date, research on family policies and SPC is scarce. Some studies have looked at the fit between social/family policies and the complexity of contemporary family forms, but SPC is often presented as one case among others. These studies show that SPC is barely considered, which raises three important issues.

First, adapting policies and programmes designed for the "classical", stable nuclear family to the complex realities of SPC is a difficult task, particularly in determining the composition, size, and resources of individuals and households — a difficulty exacerbated because this composition can change rapidly

(Berger and Carlson, 2020: 482). Key questions concern, for instance, the point at which a child in SPC should be considered part of both households or whether a new partner's income contributes to the cost of caring for that child.

Second, family complexity raises fairness dilemmas between people who share family ties but have divergent interests and incentives. For example, determining which parent can claim a child as a dependent and be eligible for benefits and tax credits “raises affordability, adequacy, and equity concerns for balancing supports and obligations across parents and children with respect to both public and private transfers” (Berger and Carlson, 2020: 482). Also important is the delicate issue of whose interests should be prioritized—those of the child, the new step-couple, or the parental couple.²

The third issue, central to this paper, concerns shared parenting and gender equality. As Hakovirta, Meyer, and Skinner (2021: 14) highlight, ‘family policy models are built around the gender roles expected when parents live together’; but different gender expectations emerge when parents separate—an imbalance that also concerns existing typologies of welfare and family policy regimes. Countries supporting the male-breadwinner/female-caretaker model in nuclear families may expect mothers to assume more earning responsibilities post-separation. Policies targeting parents with SPC may also be inconsistent with the country's standard approach. These issues are also partly found in Nordic countries, which prioritize parental equality and shared parenting. Hakovirta and Rantalaaho (2011) examined three central family benefit systems in Sweden, Norway, and Finland: child benefit; child support and advanced maintenance allowance; and parental and other family leave. Their comparison reveals contrasting situations even between these countries. While Norway and Sweden have flexible policies allowing parents to share benefits in SPC arrangements, Finland has yet to develop an appropriate family policy. More broadly, the authors note that, at the European level, ‘public welfare policy does not (yet) support or promote shared parenting post-separation (. . .) as a universal model. The model that has received most support has been of one parent, usually the mother, being responsible for the everyday care of the child or children on her own. Fathers, where they have featured in public policy, have been seen as providers’ (Hakovirta and Rantalaaho, 2011: 261).

Together, these works reveal the richness of using an ‘SPC lens’ to study family policies. They recognize the complexity and fragmentation of policies, and the multiple and crucial political and ethical issues SPC poses to contemporary societies. These studies also highlight the need for tools other than existing welfare state (and defamilialization) typologies, which are ill-adapted to this family arrangement. Finally, they

² A ‘parental’ couple consists of separated parents who share parental authority and/or the upbringing of their children (Marquet, 2010). This notion thus distinguishes between the conjugal couple (which dissolves upon separation) and the parental couple (which survives after the separation).

emphasize the value of comparative, international perspectives to avoid the oversimplified view that countries with a particular type of welfare regime automatically adopt a similar stance towards SPC.

3. A comparative analysis of Belgium, France and Italy

Our study contrasts Belgium, France, and Italy. Their family laws can be placed on a continuum of strong (Belgium, SPC as a preferred model), medium (France, SPC as an option), and low support for SPC (Italy, SPC not clearly mentioned). We wanted to see whether, even in countries that do not favour SPC, there are some elements of family policy that accommodate these family forms. Indeed, family law can either precede or follow societal developments, similar to other areas of public administration, and legal reforms rapidly impact custody practices (Recksiedler and Bernardi, 2021).

3.1. Family law and statistical importance of SPC

In 2006, Belgium adopted SPC as the preferred model in cases of separation. Egalitarian physical custody is the option to be 'considered as a priority' in the event of parental separation. Article 374(2) of the Civil Code states that 'in the absence of agreement, in the case of joint custody, the court shall, at the request of at least one of the parents, consider as a matter of priority the possibility of establishing the child's residence in an egalitarian manner between the parents'. This legislation emerged in the context of changing family norms that tend to privilege the right of parents, regardless of their gender, to maintain ties with their child, and the interest of the child to benefit from equal time with both parents (Côté and Gaborean, 2015). These values have also largely guided the French legislation, in which SPC is a legal option. Law n°2002-305 of 4 March 2002 on parental authority (article 372-2-9 of the Civil Code) officially introduced the possibility of alternating the residence of children between the homes of separated parents who jointly exercise parental authority (Brunet et al., 2008). It does not, however, specify whether the time spent at each parent's should be symmetrical, and places SPC on an equal footing with full custody with one parent (art. 5). In 2006, Italy introduced joint custody with Law 54/2006, which provides that 'minor children have the right to maintain a balanced and continuous relation with both parents, to receive care, education, and upbringing from both and to maintain significant relations with relatives from both parental family lines (...). Parental authority is exercised by both parents' (Legge 54/2006 Art.1.1). The 2006 law provides for shared *legal* custody for both parents, mainly materialized through shared parental authority, which is the preferred option in case of separation; but there is no indication that they are required to share *physical* custody of their children in the form of a relative equality of residential time in each parent's home (de Blasio and Vuri, 2019; Lenti and Long, 2014; Murru, 2021). One study confirms that the available statistics on SPC in the EU reflect the differences between these legislations. According to Steinbach et al. (2021: 151), in 2010, the proportion of children in SPC (50–

50% arrangements) among non-nuclear families was respectively 13,5% in Belgium, 7,2 in France, and 2,8% in Italy. More recent national statistics indicate that SPC is sharply increasing in Belgium and, to a lesser extent, in France. According to the Family Barometer 2020 of the Belgian League of Families, more than four in ten parents are separated, and around 30% of separated couples share the accommodation of their children equally. Exclusive accommodation with one parent (the mother in over 80% of cases) accounts for 36% of separated parents and thus remains the most common, yet declining, pattern.³ In France, according to INSEE⁴, 12% of children of separated parents were living in SPC in 2020. Unfortunately statistics for Italy are not available—perhaps reflecting the relative invisibility of post-separation family arrangements in that country (Merla and Murru, 2021).

3.2. Welfare systems and family policies

Belgium and France are corporatist welfare regimes with well-developed public services and relatively generous leave options for childcare, which has led several authors to describe them as hybrid cases, difficult to fit into existing typologies (Saxonberg, 2013; Silvera, 2010). However, as we will see below, their family policies diverge in several respects.

Belgian family policies were originally inspired by natalism and familialism, but a compromise between Socialist and Christian Democratic political demands largely challenged these principles (Pochet and Reman, 2007). As a result, Belgium now has one of the most universal and unconditional family benefit systems in the EU. The 2014 State reform, which has led to the reorganization of the family benefits system (Demertzis, 2018)⁵ further led to the individualization of rights and a break with the previous natalist logic. Family allowances are now also legally protected by the Belgian Constitution (Joassart et al., 2016). As a result of the progressive regionalization of the Belgian State, large areas of family policies, including family benefits, have become a regional responsibility and are administered by four federated entities, but the underlying principles are similar between them.

French family policy is one of the oldest and most explicit in Europe (Martin, 2010). In France, the family ‘is the basic unit on which socialized protection is built’ (Commaille et al., 2002: 73). As in Belgium, French family policy has historically been based on natalist and familialist ideologies (Messu, 2017; De Luca Barusse, 2015). However, family policy goals have varied over time, fluctuating from universality to selectivity, and from familialism to individualism (Martin, 2011). Although some policies tend towards one pole or the other, family benefits remain largely characterized by a natalist concern. Finally, recent trends point to a shift from a family-centered logic to a child-centered logic, with children becoming the

³ According to these statistics, the number of parents practicing sole custody is actually almost equal to those opting for SPC.

⁴ <https://www.insee.fr/fr/statistiques/5227614>

⁵ New system operational in Flanders and Wallonia from 2019 onward, in Brussels from 2020

focus of family policy (Messu, 2017) and their interests being instituted as a guiding principle (Renaut, 2003).

This model contrasts sharply with Italy, a country marked by a strong familialist conservative regime with limited public services and marginal informal support for childcare. Contemporary Italy remains characterized by a familialist mother-centred welfare state in which women are considered the primary caregivers for children, and men, the main breadwinners of the family (Cannito and Scavarda, 2020; Naldini, 2015). Family policy was explicitly and intensively implemented by the Fascist regime, a legacy that largely explains the strong public opposition to pro-natalist public policy initiatives, including policies to help families cover the costs of children. As a result, the Italian welfare state system for families with children has been characterized by a very fragmented set of poorly funded public measures (Gauthier, 1998; Naldini, 2005). This conservative model of social protection drew upon two premises: social protection depended on the individual's position in the labour market, and families had to largely supplement State interventions (Gianenisi, 2014; León and Pavolini, 2014). Recently, in 2022, the country introduced a new universal child allowance (*Assegno unico e universale per i figli a carico*) which replaced most of the previous family-related benefits. This 'small revolution' in family policy demonstrates 'an acceptable balance - given the legislative and resource constraints available - between horizontal and vertical universalist demands' (Saraceno, 2022, pp. 138–139).

The scarcity of state support for families in Italy is reflected in the percentage of GDP spent on the 'Family' branch, as reported by the 2019 OECD Social Expenditure Database. When considering child allowances and credits, childcare support, income support during leave, and payments to lone parents, this share was 2.7% for Belgium, 2.9% for France and 2% for Italy. Denmark and Sweden had the highest share (3.4%), while the OECD average was 2%. Gender inequalities are also more pronounced in Italy than Belgium and France, according to the Gender Equality Index. Italy's gender equality score in 2021 is below EU-average, both for the overall score (63,8, as compared to 68) and for the domains of work (63,7 compared to 71,6) and time (59,3 compared to 64,8). Belgium and France are both over EU-average, with 72,7 and 75,5 for the overall score, 74,2 and 73,2 for work, and 65,3 and 67,3 for time. However, having children impacts women's employment and caring activities in all three countries. Mothers' employment rates are particularly low when children are under age 2, but they are above EU-average in Belgium and France and below EU-average in Italy (65,4; 60; and 52,1 against an EU-average of 59,4 in 2019); and they remain low for Italian mothers of children under 15. Notably, however, female part-time employment is particularly widespread in Belgium, where 41% of women work part-time—well above the EU-average of 29,9% (Eurostat, 2020). Finally, according to the OECD Family Database, mothers in the three countries spend more than twice as much time on caring as fathers.

4. Comparing how family policies accommodate SPC

The data we analyse come from questionnaires administered to one or two family policy experts in each country, supplemented by discussions with these experts, documentary analysis and literature review.

The original questionnaire distributed in 2017–2018 considered the national, regional, and local levels, and included five sections: family benefits; financial support for access to services; tax measures; housing and poverty; and schooling. Experts were asked to provide information on reference families (couples with minor children), SPC without repartnering, and SPC with repartnering. For the latter two situations, experts provided details on the distribution of allowances/services/etc. between both parents. In 2020, a follow-up questionnaire identified recent changes and clarified some of the results from wave 1. We established a dialogue with the experts to confirm and check their answers. We then complemented and contrasted them through a literature review and documentary analysis.

Carrying out such a comparative analysis is extremely complex. This is due to the diversity and heterogeneity of family policies: family policies are a heterogeneous set, with measures that are explicit or implicit, integrated, or fragmented, and of low or high density. To deal with this complexity, we use a working, medium-range definition of family policies that considers ‘all measures, financed by public funds, the allocation or amount of which depends on the presence of children’ (Commaille et al., 2002: 9). In this paper, we follow and adapt Commaille et al.’s (2002) typology of the main pillars of family policies in the European context, to examine a selection of emblematic and national-level family policies in the following areas:

(1) *Family benefits*: family allowance, childbirth allowance, and ‘back-to-school’ allowance; (2) *Access to services*: through financial support or discounts⁶ for early childhood education and care (ECEC), care for sick children (mainly through health insurance), and cash for care measures (defined as money transfers to people in need of care) to support access to domestic help;⁷ and (3) *Tax measures*: child tax allowances to support parents with dependent children through tax deductions.

The complexity of this analysis is also due to the difficulties in determining the composition of households and who is recognized as a household member (including children in SPC). For this reason, we have decided to proceed in two stages: first, we examine the rules that apply to ‘classical’ nuclear families (i.e. ‘nuclear households’ consisting of parents and children living under the same roof), and then we look at

⁶ Depending on the situation in each country, access to childcare may be promoted through financial support or rebates or through the availability of free (or highly subsidized) childcare services. It is precisely because public provision does not distinguish between parents that we have chosen to focus only on financial transfers.

⁷ In Belgium, the federal government has created this scheme, but the level of tax deductions for the use of domestic help varies between regions.

what happens when these nuclear families separate and set up an egalitarian SPC (50/50), thus forming two distinct households after separation, while sharing the upbringing of the children. We exclude situations of family recomposition from our analysis.⁸

In the first stage, our comparison focuses on nuclear households through two main criteria: a) Scope (all vs. low-income households); and b) Entitlement (households vs individuals). In stage two, we examine c) Shareability of benefits between parents practicing egalitarian SPC.

The first two criteria enable us to understand the types of support available to nuclear households and their underlying logic. Examining the *Scope* of family policies means determining whether they are conceived as interventions for all nuclear households; or whether they target vulnerable/marginalized households below a certain income level. *Entitlement* means identifying whether family policies target the nuclear household as a whole, reflecting the perception that the nuclear family is an institution to be defended (Martin, 2010) or focus on the individuals who make it up, prioritizing individual members, including women and children. The nuclear family is then seen as a group of individuals with different interests and levels of power, and family policy as a means of mediating between these interests in order to promote gender equality and the best interest of children (Mätzke and Ostner, 2010).

The third criterion (*Shareability*) allows us to see how these arrangements adapt (or not) to SPC. We examine whether or not these schemes, benefits, and services are shareable between ex-partners with SPC and, if so, whether they are divided or duplicated. It is important to note that we do not assess the level of generosity of the schemes examined (amounts and how they are calculated) – a point to which we return at the end of this article.

⁸ The rights and entitlements of stepparents in case of family recomposition are therefore not analysed here. Child maintenance allowances are also not considered in this paper.

4.1. Results

Table 1. Comparative analysis of family policies' accommodation of SPC arrangements (2020)

			FAMILY BENEFITS	SERVICES	TAX
BELGIUM	Nuclear households	ALL / LOW-INCOME ONLY	All	All	All
		INDIVIDUAL / HOUSEHOLD	Individual <i>Right of the child (family allowance and back-to-school allowance)</i> <i>Right of the mother (birth allowance)</i>	Individual <i>Except care for sick children</i>	Individual
	SPC (50/50)	SHAREABLE?	Yes, <i>Divided following parents' agreement, except childbirth allowance</i>	Not relevant <i>Except care for sick children (not shareable)</i>	Yes, divided equally
FRANCE	Nuclear households	ALL / LOW-INCOME ONLY	Low-income	All <i>(Childcare externalization)</i> Low-income <i>(Domestic help)</i>	All
		INDIVIDUAL / HOUSEHOLD	Household	Household	Household
	SPC (50/50)	SHAREABLE?	No, <i>Except family allowances (divided according to each parent's household net income)</i>	No, <i>Except care for sick children (duplicated) and ECEC tax benefit (divided equally)</i>	Yes, divided equally
ITALY	Nuclear households	ALL / LOW-INCOME ONLY	Low-income <i>Except childbirth allowance and baby bonus</i>	All – <i>But limited number of schemes</i>	All
		INDIVIDUAL / HOUSEHOLD	Household, <i>Except childbirth allowance</i>	Household	Household
	SPC (50/50)	SHAREABLE?	No	No	Yes, divided equally

4.1.1. Belgium: an SPC-friendly system through individualized rights

In Belgium, nuclear households have access to family benefits, financial support for services, and tax credits and allowances, regardless of their income level.⁹ All schemes are individual entitlements for each parent, with the exception of care for sick children.

Family benefits are mostly conceived as an individual right of the child, regardless of the socio-economic status of the parents. In this sense, they are universal: each child is entitled to, and receives, his/her own allowance, granted on the basis of the child's registered address. This principle applies to family allowances (*Allocations familiales*) and the back-to-school allowance (*Supplément d'âge*), but not to the birth allowance (*Prime de naissance*), which is paid only to the mother.

The individualization of these rights facilitates the sharing of most family benefits in SPC. If SPC is set up by a court decision or a validated mediation agreement, the family allowance and the back-to-school

⁹ However, the capacity to make use of tax credits and allowances is severely constrained by the fact that they are inaccessible to poor families with insufficient income. As Daly (2020) notes, the fiscalization of financial support for families is a major trend in OECD countries, where it now rivals the financial support provided to families through the benefit system.

allowance can be paid into the mother's account or into a joint account held by the parents. This benefit can be divided between the parents, but they must agree on the conditions and the amount.¹⁰ An exception is the Birth allowance (*Prime de naissance*), to which only the mother is entitled, even in the event of separation.

Access to ECEC is supported by individual tax deductions, available to all nuclear families¹¹. Financial support for care services for sick children depends on health insurance, and, although it is available to all nuclear households, the amounts and conditions vary considerably, depending on the health insurance to which the parents belong. Nuclear households can also make use of a voucher system (*Titres-services*) that allows individuals to outsource various household tasks. This system is open to all and is subsidized by the regions. Vouchers entitle holders to tax reductions (the level of which varies between regions).

Separated parents in a joint tax system can both deduct ECEC expenses from their taxes, if they can prove that SPC has been established by a court order or a mediation agreement. This financial support is shared and divided, as each parent is fully entitled to deduct their own childcare expenses. Tax deductions for the voucher system are available to all clients, regardless of their family situation. In contrast, most financial support schemes for caring for sick children are only available to one parent and therefore cannot be shared between parents with SPC.

Income tax in Belgium is individualized. Married couples file a joint return (with a separate column for each partner), while legally cohabiting couples can file a joint return or two individual returns. All other couples file individual tax returns. Dependent children entitle parents to a supplement per child in the tax-exempt portion of their income. This child tax benefit increases with the number of children. In addition, there is a refundable tax credit if the available income is insufficient to cover the exemptions for dependent children.

Ex-partners with SPC can opt for joint taxation (*Coparentalité fiscale*). The child's residence must be shared equally between the parents on the basis of a court decision, or an agreement registered or approved by a court decision. In the joint taxation system, the child tax benefit is divided equally between the parents (half supplement for each child in SPC).¹² Single parents with SPC are also each entitled to a supplement on their tax-exempt income.

¹⁰ If there is a conflict between parents, the mother is the designated recipient, and the parents can go to family court if they disagree.

¹¹ In Belgium, 57% of children aged 0 to 2 years are enrolled in ECEC services (OECD family database https://www.oecd.org/els/soc/PF3_2_Enrolment_childcare_preschool.pdf, retrieved on 19 May 2023).

¹² When ex-partners who don't opt for joint taxation, the tax benefit is only allocated to one parent.

Thus, in Belgium, most of the schemes are shareable (divided or duplicated) with the exception of one family benefit (childbirth allowance), and one service (care for sick children).

4.1.2. France: a growing accommodation of SPC, hampered by the single beneficiary principle.

In France, family benefits (such as family, birth, and back-to-school allowances) are granted to the nuclear household as a unit, on the basis of the *quotient familial* (family quotient), an indicator that takes into account income and the number of family dependents. They are formulated as parental rights and a compensation for children's costs. This emphasis on compensating for the costs of children is a consequence of the strong natalist conception that prevails to this day. All family benefits are reserved for low-income households, except the family allowance (*Allocations Familiales*), which is available to all nuclear households, but the amount of which is modulated according to three preestablished household income thresholds. Family allowances are paid to families from the second child onwards, with a strong progression according to the number of the children. The institutions responsible for paying family benefits operate on a 'single beneficiary' basis. The single beneficiary (usually the mother) is either the first parent to apply or the one chosen through mutual agreement.

In the event of separation, family benefits are paid to the single beneficiary, as this condition continues to apply. This status reverts to the parent who was the beneficiary pre-separation, or to the parent who was jointly designated as such, regardless of the time spent with the child. After a minimum period of one year, both parents may jointly request that the beneficiary status alternate between them. This rule does not apply to family allowances, which are the only family benefits that parents can decide to share. However, this arrangement must be negotiated between them. Separated parents can choose either to have a single recipient for all family benefits, or to share the family allowance between them and to have a single recipient for all other family benefits. In the case of sharing, the benefit is divided as follows: each parent receives a share modulated according to their household's net income, i.e. each parent may receive a different half-share. In case of disagreement, the family allowance is divided between the parents. The other family benefits, such as the birth (*Prime à la naissance*) and the return-to-school (*Allocation de Rentrée Scolaire*) allowances, are reserved for the single beneficiary, who is subject to a means-test. Both family benefits thus target low-income households and cannot be shared in SPC.

Financial support for services is mostly accessible to all nuclear families, except for domestic help, which is targeted at low-income households. Financial support for ECEC is also accessible to all¹³. It is an individual entitlement, and mainly takes the form of tax deductions. ECEC is also supported by a social

¹³ In France, 56% of children aged 0 to 2 years are enrolled in ECEC services (OECD family database https://www.oecd.org/els/soc/PF3_2_Enrolment_childcare_preschool.pdf, retrieved on 19 May 2023).

security childcare allowance (*Complément de libre choix du mode de garde*), which is paid to the designated single beneficiary of family benefits. Finally, the availability and level of financial support for care services for sick children depends on the health insurance coverage of the parents' affiliated insurance fund, which leads to considerable differences in amounts and conditions between nuclear households.

In the case of egalitarian SPC, both parents can deduct their ECEC expenses from their taxes, but the amount of the tax benefit is divided equally between them. Health insurance care for sick children is also shared under SPC, and each parent is fully entitled to it. In contrast, financial support for domestic help and the *Complément de libre choix du mode de garde* are not shareable in SPC.

Child tax benefits are available to all nuclear households and are calculated at the household level on the basis of the family quotient through a system of 'shares' allocated to each parent and each child. This system is in line with the natalist orientation of French family policy, as the rank of the siblings determines the value of the shares allocated to the children.

For the purpose of calculating the family quotient, children in SPC are entitled to half of the share to which they would be entitled to if there were no SPC. This deduction can be divided equally between the parents, and single parents can receive higher benefits by increasing the share by a quarter for each of the first two children.

In France, family benefits are thus reserved for households below a certain income threshold (except the family allowance), while tax credits and allowances, and financial support for services are available to all nuclear households. These schemes target the household as a basic unit, as most of them are granted on the basis of an assessment of the household's financial situation through the family quotient. In the case of parental separation with egalitarian SPC, family allowances, most financial support schemes for services, and the child tax benefits can be divided (or duplicated in one case) between parents. This contrasts with most family benefits, where the single-beneficiary principle appears to be a major obstacle to the sharing of benefits between separated parents.

4.1.3. Italy: a low accommodation of SPC based on a traditional vision of the family

In Italy, many benefits are targeted at low-income households, based on the calculation of the *ISEE* (*Indicatore della Situazione Economica Equivalente*) or 'Equivalent Economic Situation Indicator', which includes the household's total income and assets (e.g., real estate, financial assets), divided by an equivalence scale that takes into account the number of minors and the presence of disabled persons in the household. The household includes all persons sharing the same registered residence (*stato di famiglia*).

Family benefits¹⁴ target low-income households, based on the *ISEE* calculation, except the childbirth allowance (*Bonus mamma domani*), which is a mother's right regardless of the household's financial situation, and the baby bonus (*Assegno di natalità - Bonus bebè*), which is also available to all nuclear households.¹⁵ The general rule for family benefits for separated couples with SPC is that only one parent can be entitled, even if each parent meets the means test. The parents must decide who will receive the benefits and if they disagree, the benefit is lost. This is the case for the family allowance of the communes (*ANF dei comuni*), which is paid to the only parent with whom the child's residence is officially registered, regardless of the actual time spent with the child. The applicant's household must include at least three minor children, and an *ISEE* below a certain threshold. In addition, only mothers are entitled to the childbirth allowance and it cannot be transferred to fathers (unless they have sole custody of the child).

Financial support for services and tax credits and allowances are available to all nuclear households. These schemes target the household as an entity, as most of them are granted on the basis of the nuclear household's *ISEE*. Financial support for services is mostly non-selective but includes a very limited number of schemes, such as a universal financial bonus to support ECEC¹⁶ (*Bonus asilo nido*) for children under three attending public or private nurseries, or needing help at home due to serious chronic illness and unable to attend nurseries.¹⁷ There is no other support for the care of sick children over the age of three, or for domestic help. In case of SPC, this benefit is available to the parent who pays the nursery fees. However, parents who pay the fees together can both claim the benefit, according to their respective payments. Hence, both parents in SPC could benefit from it.¹⁸

The child tax allowance is also available for all nuclear households¹⁹ but taxation is individualized, depends on the number of children, and rises significantly from the third child onwards. This tax can be divided equally between parents with SPC if there is no agreement between them; they can each benefit from half of it for each child in SPC. However, if one of the parents does not qualify for these deductions due to their income level, the other parent can receive the full amount.

¹⁴ Our analysis examines policies in 2020. Since then, a new single universal child benefit (*Assegno unico e universale per i figli a carico*) was introduced in March 2022, which changes some of the measures here analyzed. We do not include these new measures here as they are beyond the scope of this paper. However, they do open up to new research questions for future scholarship to look into the implications of this new universal allowance for SPC.

¹⁵ The amount of the baby bonus depends on the income level calculated by the *ISEE* for minors (*ISEE minorenni*).

¹⁶ However, only 26% of children aged 0 to 2 years are enrolled in ECEC services in Italy – a statistic below the EU-26 average (OECD family database https://www.oecd.org/els/soc/PF3_2_Enrolment_childcare_preschool.pdf, retrieved on 19 May 2023).

¹⁷ The amount is fixed according to the household's *ISEE* for minors along three ranges.

¹⁸ The benefit is paid monthly to the parent who pays the nursery fees. If both parents contribute to these costs, they must provide proof of the months in which one paid and the other paid - for which they will each receive a monthly benefit. Both parents with SPC could therefore benefit.

¹⁹ From March 2022, this child tax allowance has been replaced by the *Assegno unico e universale per i figli a carico*. The tax credits are now granted only to taxpayers living with the following dependents: spouse, children over 21, or other relatives (Pacífico et al., 2022).

Italy thus combines selective and non-selective measures, mainly using the household as the basic unit. Only the bonus to support ECEC (*Bonus asilo nido*) and the child tax allowance are shareable in SPC.

5. Conclusion

Our analysis highlights the diversity of approaches to SPC in family policies across countries and policy areas. It shows that there is still a significant lack of support for a more equitable distribution of parenting within SPC. Unsurprisingly, the individualization of rights—characteristic of the Belgian system—stands out as a key instrument to support shared parenting. This finding is consistent with welfare state scholarship’s assertion that the individualization of social rights supports defamilialization and reinforces the de-gendering of social protection (Leitner, 2003; Saraceno and Keck, 2010). Indeed, schemes and benefits that are an individual right of each parent can be considered ‘portable’ after separation.²⁰ This means that ex-partners are not required to negotiate how they will share or not share these rights and benefits, where possible, as each is fully entitled to them. Here, family policies mediate between individual interests (and differing power positions) to promote gender equality in parenting, thus contributing to the “demotherization” of parenting. In contrast, models with policies that take the nuclear household as the reference unit and in which the State refrains from intervening in intra-parental negotiations struggle with the idea that parenthood (and thus, entitlements and benefits) can be shared between fathers and mothers, as the French single beneficiary principle demonstrates. However, the French case is paradoxical. As Déchaux (2014) notes, contemporary state intervention in France is rooted in a democratic approach to the family (driven by the diversification of family forms), embodied in a contractual and negotiated vision of family ties. By targeting the household rather than its individual members, the French State refrains from intervening in parental choices, which are seen as the result of negotiations between responsible individuals. However, this vision conceals and downplays the unequal power relations within (ex)couples. In this context, state intervention is limited to protecting the most vulnerable (lone parents, low-income households...) rather than promoting gender equality and demotherization in post-separation parenting. For their part, Italian policies are still largely motivated by a holistic and traditional vision of the family institution and includes measures mainly targeted at low-income families. If both parents meet the criteria, the obligation to choose who will be the sole beneficiary of support underlines the non-recognition of family diversity, shared parenting, and SPC. In both countries, making the parents themselves responsible for determining how rights are shared is particularly problematic for separated families, where conflicts between ex-partners may be particularly acute or easily reactivated. SPC thus appears to be a very useful

²⁰ This finding is consistent with Meyer and Carlson’s (2014: 270) observation that individualization ‘does help the policy system to deal with family complexity’.

tool for diagnosing the implementation of defamilialization policies in different countries. Schemes, benefits, and services may appear to support gender equality when applied to nuclear families; while structural inequalities become more apparent when these benefits have to be shared in the context of SPC. The new comparative family approach we have operationalized in this paper—that helps anchoring the defamilialization scholarship more firmly in the reality of today's families—emphasizes the extent to which family policies enable a more equal sharing of parenting after separation, and thus, the degree of legal and social recognition of caring arrangements that challenge the centrality of the mother. This involves recognizing the existence of SPC arrangements and tailoring policies to their needs, granting *both* parents individual access to schemes and benefits that support the externalization of care, allowing them to take time out to provide care, and helping each of them to meet the financial costs of parenting.

One issue is to encourage policy makers and welfare state scholars to assess parenthood beyond classical nuclear families and lone mothers, and to promote a more equal gendered division of childcare post-separation. However, this issue cannot be separated from the democratization of access to SPC, an arrangement that wealthier, highly educated middle classes tend to adopt first (Recksiedler and Bernardi, 2021), partly because financial and practical difficulties create barriers for lower-income families. If we acknowledge that “family policies serve two main functions: supporting/resourcing individuals/the collective unit and regulating family-related behavior and relationship” (Daly, 2020: 33), and refer to literature that has highlighted the general impoverishment of parents through separation processes (Mortelmans, 2020), then it becomes crucial for defamilialization studies, and the policies they seek to implement, to further integrate their effects within SPC. Future research needs to combine the work done here with a careful examination of maintenance policies across countries (see for instance, Skinner and Hakovirta, 2020), while at the same time scrutinizing the financial level of benefits to be shared between parents in the schemes we have examined. Demotherization can only be achieved if a sufficient support is provided to each parent. (Non)Shareability and the way in which it is implemented (duplication or division) imply different policy orientations and have different consequences for each post-separation household, depending on the objective being pursued: for example, fighting poverty by prioritizing the parent (usually mothers) with more limited resources, or pursuing equality in parenting by treating both parents equally or making them both eligible for full support. While duplication allows each parent to benefit from the full right, splitting may reduce the level of support for the lower-income parent, who would have received the full benefit if they had sole custody.

Recognition of SPC should not come at the cost of further impoverishment, particularly for mothers, who, paradoxically may have received more state support had they not engaged in shared parenting.

References

- Bakker W and Karsten L (2013) Balancing paid work, care and leisure in post-separation households: a comparison of single parents with co-parents. *Acta Sociologica* 56(2): 173–187.
- Berger LM and Carlson MJ (2020) Family policy and complex contemporary families: a decade in review and implications for the next decade of research and policy practice. *Journal of Marriage and Family* 82(1): 478–507.
- Bernardi L and Mortelmans D (2021) Introduction: advances in research on shared physical custody by interdisciplinary approaches. In: L Bernardi and D Mortelmans (eds) *Shared Physical Custody*. New York: Springer, pp. 5–21.
- Bonnet C, Garbinti B and Solaz A (2018) Does part-time mothering help get a job? The role of shared custody in women's employment. *CASEpaper* 209(April 2018): 1–34.
- Brunet F, Kertudo P and Malsan S (2008) Etude sociologique sur la résidence en alternance des enfants de parents séparés. *FORS Recherche Sociale*, Dossier d'étude n°109|, 114 p.
- Cannito M and Scavarda A (2020) Childcare and remote work during the Covid-19 pandemic: ideal worker model, parenthood and gender inequalities in Italy. *Italian Sociological Review* 10 (3S): 801-820.
- Ciccia R and Sainsbury D (2018) Gendering welfare state analysis: tensions between care and paid work. *European Journal of Politics and Gender* 1(1–2): 93–109.
- Commaille J, Strobel P and Villac M (2002) *La politique de la famille*. Paris: La Découverte.
- Côté D and Gaborean F (2015) Nouvelles Normativites de la Famille: La Garde Partagee au Quebec, en France et en Belgique. *Canadian Journal of Women and the Law* 27(1): 22–46.
- Crespi I and Ruspini E (2015) Transition to fatherhood: new perspectives in the global context of changing men's identities'. *International Review of Sociology* 25(3): 353–358.
- Daly M (2020) Conceptualizing and analyzing family policy and how it is changing. In: R Nieuwenhuis and W Van Lancker (eds) *The Palgrave handbook of family policy*. Cham: Palgrave Macmillan, pp. 25-41

- de Blasio G and Vuri D (2019) Effects of the joint custody law in Italy. *Journal of Empirical Legal Studies* 16(3): 479–514.
- De Luca Barusse V (2015) Premiers jalons d'une politique familiale. *Informations sociales* 189: 21–28.
- Déchaux J-H (2014) *La parenté et l'exigence démocratique: Sociologie politique du pluralisme familial*. Paris : Le Laboratoire politique différent.
- Degavre F and Merla L (2016) Defamilialisation of whom? Re-thinking defamilialisation in the light of global care chains and the transnational circulation of care. In: M Kilkey and E Palenga-Möllennebeck (eds) *Family Life in an Age of Migration and Mobility: Global Perspectives through the Life Course*. London: Palgrave Macmillan, pp. 287–311.
- Demertzis V (2018) Le système des prestations familiales en Belgique avant la sixième réforme de l'État. *Courrier hebdomadaire du CRISP* 2405(40): 5–54.
- Duncan S (1995) Theorizing European gender systems. *Journal of European Social Policy* 5(4): 263–284.
- Eurostat (2020) *The Life of Women and Men in Europe: A Statistical Portrait*. Online Publication. https://ec.europa.eu/eurostat/cache/infographs/womenmen_2020/wide-menu.html?lang=en
- Gauthier AH (1998) *The State and the Family: A Comparative Analysis of Family Policies in Industrialized Countries*. Oxford: Oxford University Press.
- Gianenisi G (2014) Family patterns of change in Italy: challenges, conflicts, policies, and practices. In: M Robila (ed) *Handbook of Family Policies Across the Globe*. New York: Springer, pp. 155–175.
- Hakovirta M and Rantalaiho M (2011) Family policy and shared parenting in Nordic countries. *European Journal of Social Security* 13(2): 247–266.

- Hakovirta M, Meyer DR and Skinner C (2021) Child support in shared care cases: do child support policies in thirteen countries reflect family policy models? *Social Policy and Society* 21 (4): 542-559. Epub ahead of print 2021/08/16: 1–18.
- Hakovirta M, Meyer DR, Salin M, Lindroos, E and Haapanen, M (2023) Joint physical custody of children in Europe: a growing phenomenon. *Demographic Research* 49: 479–492.
- Joassart P, Rasson-Roland A and Verdussen M (2016) Belgique. *Annuaire international de justice constitutionnelle* 31: 149–172.
- Kilkey M and Bradshaw J (1999) Lone mothers, economic well-being and policies. In: D Sainsbury (ed) *Gender and Welfare State Regimes*. Oxford: Oxford University Press, pp. 147–184.
- Knijin T and Kremer M (1997) Gender and the caring dimension of welfare states: toward inclusive citizenship. *Social Politics: International Studies in Gender, State & Society* 4(3): 328–361.
- Lenti L and Long J (2014) *Diritto di famiglia e servizi sociali*. Torino: Giappichelli Editore.
- León M and Pavolini E (2014) ‘Social investment’ or back to ‘familism’: the impact of the economic crisis on family and care policies in Italy and Spain. *South European Society and Politics* 19(3): 353–369.
- Leitner S (2003) Varieties of familialism: The caring function of the family in comparative perspective. *European Societies* 5(4): 353-375.
- Lewis JE (1997) *Lone Mothers in European Welfare Regimes: Shifting Policy Logics*. London: Jessica Kingsley Publishers.
- Lister R (1997) *Citizenship: Feminist Perspectives*. London: MacMillan.
- Martin C (2010) The reframing of family policies in France: processes and actors. *Journal of European Social Policy* 20(5): 410–421.
- Martin C (2011) Enjeux des politiques de la famille en France. *Revue Projet* 322(3): 45–51.
- Marquet J (2010) Couple parental – couple conjugal, multiparenté – multiparentalité. *Recherches sociologiques et anthropologiques* 41(2) : 51-74.

- Mathieu S (2016) From the defamilialization to the ‘demotherization’ of care work. *Social Politics: International Studies in Gender, State & Society* 23(4): 576–591.
- Mätzke M and Ostner I (2010) Introduction: change and continuity in recent family policies. *Journal of European Social Policy* 20(5): 387–398.
- Meyer D R and Carlson M J (2014) Family Complexity: Implications for Policy and Research. *The ANNALS of the American Academy of Political and Social Science* 654(1): 259-276.
- Merla L and Murru S (2021) Families facing the Italian lockdown: temporal adjustments and new caring practices in shared physical custody arrangements. *Journal of Family Research* 34(1): 429–457.
- Messu M (2017) Comment les politiques sociales et familiales construisent-elles l’enfant objet de leur attention ? Une approche contrastée entre la France et Cuba. *Revue des politiques sociales et familiales* 124(1): 23–32.
- Mortelmans D (2020) Economic Consequences of Divorce: A Review. In M Kreyenfeld and H Trappe (eds.), *Parental Life Courses after Separation and Divorce in Europe*. Cham: Springer International Publishing, pp. 23-41.
- Murru S (2021) *Italian legal frame for separation, divorce and child custody*. MobileKids report, Louvain-la-Neuve: Cirfase|.
- Naldini M (2005) *The Family in the Meditarrenean Welfare State*. London: Taylor & Francis.
- Naldini M (2015) *La transizione alla genitorialità. Da coppie moderne a famiglie tradizionali*. Bologna: Il Mulino.
- Pacifico D, Cozzolino M and Di Nicola F (2022) *The OECD Tax-benefit database for Italy. Description of policy rules for 2022*. OECD, Jobs and Income Division. Directorate for Employment, Labour and Social Affairs.
- Pochet Y and Reman P (2007) *La sécurité sociale en Belgique: entre régionalisation et européanisation*. *Lien social et Politiques* 56: 89–102.

- Recksiedler C and Bernardi L (2021) Are ‘part-time parents’ healthier parents? Correlates of shared physical custody in Switzerland. In: L Bernardi and D Mortelmans (eds) *Shared Physical Custody*. New York: Springer, pp. 76–102.
- Renaut A (2003) *La libération des enfants*. Paris: Hachette.
- Saraceno C (2007) Activation, individualisation et défamilialisation dans les restructurations de l’État-Providence: tensions et ambivalences. In: S Paugam (ed) *Repenser la solidarité. L’apport des sciences sociales*. Paris: Presses universitaires de France, pp. 915–934.
- Saraceno C and Keck W (2010) Can we identify intergenerational policy regimes in Europe? *European Societies* 12(5): 675-696.
- Saraceno C (2022) L’assegno unico universale: che cosa cambia nel sostegno economico alle famiglie con figli. *Politiche Sociali* 1: 135-140
- Saxonberg S (2013) From defamilialization to degenderization: toward a new welfare typology. *Social Policy & Administration* 47(1): 26–49.
- Silvera R (2010) Temps professionnels et familiaux en Europe: de nouvelles configurations. *Travail, genre et sociétés* 24(2): 63–88.
- Skinner C and Hakovirta M (2020) Separated Families and Child Support Policies in Times of Social Change: A Comparative Analysis. In R. Nieuwenhuis and W. Van Lancker (eds.) *The Palgrave Handbook of Family Policy*. Cham: Springer International Publishing, pp. 267-301.
- Steinbach A (2019) Children’s and parents’ well-being in joint physical custody: a literature review. *Family Process* 58(2): 353–369.
- Steinbach A, Augustijn L and Corkadi G (2021) Joint physical custody and adolescents’ life satisfaction in 37 North American and European countries. *Family Process* 60(1): 145–158.
- Thomson E and Turunen J (2021) Alternating homes – a new family form – the family sociology perspective. In: L Bernardi and D Mortelmans (eds) *Shared Physical Custody*. New York: Springer, pp. 23–36.

Zagel, H., & Lohmann, H. (2020). Conceptual Approaches in Comparative Family Policy Research. In R. Nieuwenhuis & W. Van Lancker (Eds.), *The Palgrave Handbook of Family Policy* (pp. 119-139). Cham: Springer International Publishing.