

# The future of the welfare state: paths of social policy innovation between constraints and opportunities

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## FAMILY POLICY AND SHARED PARENTING

### How family policy supports shared parenthood when parents are not living together?

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## **Introduction**

Generally, the term family policy refers to those welfare state measures that aim to support families with children and to protect them from different social and economic risks. In Finland, family policy has a central role in securing families' economic wellbeing and supporting parents' employment (Forssén 1998; Hiilamo 2002). The point of departure for building up family policy system in Finland has been a family of two parents living together, and the contemporary family policy legislation is still nuclear family centred (Hiilamo 2002; 2009; Haataja 2007). According to Yesilova (2009), the interests twined in social, population and family policies and the development and strong position of psychological sciences have promoted an understanding of the family as a nuclear family consisting of a mother and a father and their child or children. The centrality of the nuclear family shows itself for example in the fact that lone parents have not been given any special financial support so far (Hiilamo 2002, 2009; Hakovirta 2006; Rantalaaho 2009a).

Family policy rhetoric in Finland emphasises the idea of shared parenting and the importance of supporting it both by family policy transfers and services. In 21st century, the importance of sharing parenthood has been emphasised especially in the context of family leave reforms (Rantalaaho 2003; 2009b). In practice, however, such measures do not concern all parents, as only the parents sharing the same household can share family policy benefits. When parents are not living together, the benefits are paid for the parent the child is formally living with. Thus the sharing of financial benefits (as well as costs) is left to the parents' relative consideration and agreement. As to family leaves, even the mutual agreement does not help, for only the parent living officially with the child is entitled to them, except for the nursing leave. During the last years, several studies have brought out that family policy in Finland does not sufficiently consider different family forms and family relations after parental break-up (Kuronen 2003; Kröger 2005; Hakovirta 2006; Haataja 2007; Hakovirta & Broberg 2007; Hiilamo 2009; Yesilova 2009).

This article takes an interest in how the idea of shared parenting shows in Finnish family policy when studying it from the point of view of family life after parental break-up. We examine how the Finnish family policy defines responsibility of the care and upbringing of the child between the separated parents, and we ask how the family policy supports shared parenting in situations of parents not living together. Do the parents have an opportunity,

for example, to share family policy benefits, and if they have, on which premises and how can it be realised?

In the study we also put Finland in the wider context of the Nordic countries and compare the Finnish case with Norway and Sweden. The Nordic countries' family policy has been made to facilitate the reconciliation of work and family life and to share expenses for the care and upbringing of the child, both between childless households and households with children and between women and men. A central motive has been to encourage mothers to gainful employment and to improve their opportunities to participate fully and equally in working life. Even if the Nordic countries' family policy systems resemble closely each other, there are also significant differences between them. In the development of child benefits, parental benefits and public day care, Sweden has been going a step ahead of Finland (see for example Gauthier 1996; Forssén 1998; Hiilamo 2002). In Norway, the development of family policy was slower than in Sweden for a long time and partly even slower than in Finland. In the beginning of the 1990s however, Norway started to pay more attention to the questions of the reconciliation of work and family, for example the parental leaves were revised in purpose of sharing the responsibilities and rights of the parents more equally than before. For example, the parental leave quota for fathers is originally a Norwegian innovation. By comparing the country-specific differences in shared parenthood, we aim at expanding the survey of Finnish family policy and highlighting its special characteristics. At the same time, we get a picture of how the parenting after separation is supported in other similar welfare states. A closer examination of differences between Norway, Sweden and Finland is important for example when studying the differences in wellbeing of families with children and their possible relation to the country's family policy. Comparing the Nordic countries' family policy on the basis of child custody after divorce can help to highlight good practices and patterns, which can be applied and developed to improve the wellbeing of families with children.

The connecting factor between Finland, Sweden and Norway is that divorces have become common, and consequently more and more children are born and live in some other kind of family than the traditional nuclear family. In every country of comparison, about every fifth family with children is officially a lone-parent family (Nordic Statistical Yearbook 2008, 35). What comes to the number of reconstituted families (families with a stepfather or a stepmother), there seems to be differences between the countries, but these may be due to

different compilations of statistics<sup>1</sup>. In Sweden, about 15 percent of all families with children are reconstituted families and half of these are so-called “official” reconstituted families. According to the child-specific statistics in Norway, approximately 8 percent of children have a stepmother or a stepfather in their family (SSB 2009). As to Finland, the reconstituted families cover over 9 percent of the families with children (Tilastokeskus 2008). Changes in family life have an effect on the legislation regulating family life and also on the developing of special benefits for the families.

This article is structured in the following manner: First, we examine the idea of shared parenting, which at the same time offers a point of view to our comparison concerning family policy. Then we evaluate family policy from the point of view of shared parenting. We describe how the child benefit systems, the child’s maintenance and the family policy systems constructed to support the reconciliation of work and family life take account of family life after parental break-up and of shared parenthood. The article ends with a chapter of concluding remarks, where we compile the results and evaluate their meaning from the viewpoint of developing family policy.

### **Idea of Shared Parenting**

The term shared parenting is used to describe a strong participation and commitment to parenthood from both the mother and the father. The practice of shared parenting requires from both parents, for example, balancing of work and family life and sharing of

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<sup>1</sup> The countries have different ways to compile statistics, so the numbers representing the number of families are not directly comparable (Hakovirta 2006, 26-28). In Finland and in Sweden, only the parents living alone with a child are registered as lone parents, whereas in Norway the concept of lone parent covers also those parents who have a cohabiting partner without common children (SSB 2000). Because of the countries’ population register systems, compilation of comparable statistics is especially challenging regarding reconstituted families. In Sweden, only the reconstituted families where parents have also common children are included in the family statistics (SCB 2007, 17). In Norway, the reconstituted families are not specified in family-specific statistics, but the information can be found in child-specific statistics (SSB 2009). Exact numbers of reconstituted families are found basically only in Finnish family statistics (Tilastokeskus 2008). Despite the incommensurability of the statistics, it can be noted that the situation where the child’s parents are not living together concerns a significantly large and growing group of children and their parents.

housework and childcare. (Huttunen 2001; Kääriäinen 2008.) Shared parenting can be thought, for example, to prevent the overcharging of one parent, and to give the child a model of a working cooperation within the family. The ideology of shared parenting also gains its meaning as part of a larger discussion about fatherhood and its changes, where the importance of an emotional relation between parent and child comes up (Huttunen 2001; Rantalaiho 2003).

Shared parenting also often refers to the parenthood after parental break-up, where the care of children is shared equally between both parents (Kuronen 2003; Kääriäinen 2008). After break-up, shared parenting develops a special characteristic of sharing parenthood between the parents living in different households, and a central framework of preserving the relationship of the child with both parents. According to Kuronen (2003, 114), parents' separation or divorce makes visible the different fields of parenting, such as emotional relations, care work, upbringing and economic responsibility. In the context of separation or divorce, the parent's role and the spouse's role are clearly distinguished from each other.

In principle, the reorganising of parental relations after separation or divorce leans to the right of child to build up and maintain a relation and to get maintenance also from the parent with whom the child is not sharing his/her everyday life, or who he/she cannot meet without special arrangements. From the parental point of view, it is a legal responsibility of both parents to take charge of the child's care, upbringing and maintenance. Thus the parenting after break-up can be divided in social, psychological and economic parenting (Amato & Gilbreth 1999; Bradshaw, Stimson, Skinner & Williams 1999, 85). Social and psychological parenting include everyday care and proximity, and one of their concrete indicators is having regular appointments with the child. When it comes to economic parenting, it practically means taking care of the child's material needs or maintenance. Both parents are responsible for the child's maintenance in accordance to their abilities, regardless if the child is taken care of by both parents or by one of them (Gottberg 1995; Millar & Warman 1996).

Finland took an ideological turn towards shared parenting in 1984, when a law concerning child custody and visiting rights (HTL 361/1983) came into operation. The new law provided for joint custody, that is, the guardianship of the child remaining with both parents, also after separation. With the law modification, ensuring the contact between the

child and the non-resident parent was given more importance than before. (Kuronen 2003, 110; Kurki-Suonio 1999; Gottberg 2008.) In Sweden and in Norway, corresponding law reforms pointing out the importance of and providing for joint custody were introduced earlier than in Finland. The new laws came into operation in 1977 in Sweden and five years later (1982) in Norway (Kurki-Suonio 1999). According to Kurki-Suonio (1999, 547) who has compared the development in legal regulation of child custody solutions between several different countries, the way of thinking about parental roles changed when the ideal of joint custody strengthened, and the roles started to be seen as complementary to each other.<sup>2</sup>

Most of the separating parents today settle on joint custody of the child. Joint custody was established as the most popular solution in Finland in the 1990s (Litmala 2002, 21), and today over 90 percent of the contracts validated by Social Affairs Boards are made for joint custody (Stakes 2008).<sup>3</sup> Also in Sweden, an average of 90 percent of the parents settle on the solution of joint custody (SOU 2005, 485). Joint custody has become common in Norway too, but it is still more rare than in Finland and in Sweden. In Norway, about 75 percent of the married parents getting a divorce and slightly over 40 percent of the cohabiting parents breaking-up settle on joint custody (Kitterød 2005, 33).

The legislation regulating parent-child relations after separation is made first of all to secure the continuation of the parental relationship after separation, and in every country of comparison the central aim of the legislation is that the relationship between child and parent would not end when the relationship between parents ends. The law is also made to support the forming of parental relation when a child is born to parents who live separated. Child's right to (biological) parents is seen as a child's human right, and because of that it has been wanted to ensure the child's right to meet also the parent with whom the child is not living (Smart 2003). In our countries of comparison, child visitation rights are not bound to custody solution.

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<sup>2</sup> The countries of comparison diverge from each other in possibility to order parents to joint custody by judicial authority. In Finland, this possibility was included in the law that came into operation in 1984. In Sweden, a similar practice was taken into law in 1998 (SOU 2005, 109), but in Norway the joint custody still cannot be imposed if one parent goes against it (NOU 2008).

<sup>3</sup> Kurki-Suonio (1999, 547) estimates that parents base their choices to the pictures the joint custody evokes, for the juridical base of joint custody does not itself provide means for analysing the good and the bad aspects of the joint custody solution.

When parents are not living together, the non-resident parent's parenting will practically be realised much in the way of arranged meetings. From the legal viewpoint, the number of meetings and the ways of realising them are free to be chosen by parents, but their point of departure is that child has the right to form a close relationship with both parents and to get care and attention from both parents. In Finland, clearly the most general form of visitation agreement is the one where child meets the other parent every other weekend from Friday to Sunday and about half of the holidays. An extended contract typically includes extended weekend meetings and also weekday meetings. (Panttila 2005, 11.)

Also child's dual residence, that is, the system in which the child is living in turns and as much with both parents, has started to become common, but it is still relatively rare in Finland. It has been estimated that in Finland, about 5–6 percent of the children whose parents are separated, live with both of their parents in turns. (Panttila 2005, 11; Valkama & Litmala 2006, 35.) Instead in Sweden, dual residence has quickly become general, and in the end of the year 2008, almost 30 percent of the children whose parents are not living together, spent as much time with both parents (SCB 2008). In Sweden, dual residence (*växelvis boende*) is also a child residence solution acknowledged by the authorities, for a judicial authority can validate a dual residence solution even when the other parent opposes it (Socialstyrelsen 2004, 7).<sup>4</sup> Also in Norway, dual residence (*delt bosted*) has become increasingly common during the last ten years, and taking dual residence solution as a common model for organising the family relations after separation has been plenty discussed also by the legislator. The present legislation in Norway does not make it possible to order parents to the dual residence solution (Skjørten & Barlindhaug 2007, 376). The committee working out the matter (NOU 2008) stated that dual residence performs poorly as a general solution for custody disputes concerning child's residence, but at the same time it emphasised the duty of the society to support dual residence equally with other custody and residence solutions. Also the Finnish family legislation enables to validate wide visitation rights corresponding with dual residence, and during the last years dual residence seems to have become common (Gottberg 2008, 170). In cases of dispute, parents may also be ordered to wide visitation rights. Nevertheless, the child law working group of The Helsinki Court of Appeal (*Helsingin hovioikeus* 2007, 14), for instance, states that a

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<sup>4</sup> However, parents cannot be ordered to joint custody, if both go against it (Socialstyrelsen 2004, 10), which may let us conclude that nor can shared residence be ordered when the other parent goes against it.

child cannot be ordered to live “equally” with both parents, for a child can only have one official residence.<sup>5</sup>

The ideal of shared parenting and its conceptual meaning has been and is interpreted variously in different contexts, but it does not mean child’s dual residence or percentual distribution of parenting. The research literature relating to dual residence is unanimous that dual residence can be a good solution for the child, but it cannot serve as a general solution for parenting after break-up (Socialstyrelsen 2004; McIntosh & Chisholm 2008). Besides, the core meaning of shared parenting is not to divide the child’s time equally between parents, but to preserve the child’s close relationships despite of the ending of the parents’ relationship, and to give the child the chance to experience care and common activities with both parents. However, this core meaning of shared parenting does not always come true in practice. In Finland, about a third of the children living in a lone-parent family or in a reconstituted family hardly had any contact with the non-resident parent (Hakovirta & Broberg 2007). In Sweden, the corresponding number is 13 percent, and added to that, 36 percent of the children have only a little contact with their non-resident parent (Ahlberg, Duman & Duncan 2008). As to Norway, the situation there is much like in Sweden (Kitterød 2008).

### **Family Policy Benefits and Shared Parenting**

The importance of shared parenting as an ideal of family life has shown some situations where the parents’ responsibilities and rights are divided unequally and which are often experienced as problematic. Now we go into discussing how the family policy in the countries of comparison supports sharing parenthood when parents are not living together. We will compare the three central family benefit systems that are child benefit, child support and maintenance allowance, and the legislation concerning family leaves. In addition, we examine shortly the day care system. Our estimates of how the systems enable realising shared parenthood also after divorce or separation, are based simply on examining if sharing of benefits between parents is possible or not. For readability of the text, we

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<sup>5</sup> There is a reason to point out that also in Sweden and in Norway, child can only have one official address, which is registered in population register. Yet in Sweden this has not been considered to prevent from imposing a dual residence arrangement, if the other parent wishes for it and it is to the child’s advantage.

discuss mainly the parenthood after break-up, but our study may as well concern other parents living separated.

### **Child Benefit**

Child benefit is a compensation system as part of Nordic family policy, in which the amount of benefit does not depend on family's incomes (Hiilamo 2002). The structure of the child benefit system has all the time been based on child-specificity of the allowance, and it has been aimed at sharing out the expenses on children between households with children and households without children. The child benefit systems of different countries resemble each other on their basic principles and structures, but there are also divergences between the countries (NOSOSCO 2006, Bradshaw & Finch 2002). In the case of the countries of comparison in this article, the clearest difference relates to the ending age of child benefit. In Norway, child benefit is paid up to the age of 18 (Lov om barnetrygd 2003), in Finland until the child is 17 years old (Lapsilisäläki 1992). In Sweden, paying of child benefit ends already when the child is 16 years old, but after this, the child is still entitled to so-called continued child benefit. Continued child benefit is paid until the child is 20 years old. Anyway, the prerequisite for receiving it is that the child lives at home, is unmarried and goes to comprehensive school, upper secondary school or special school. (Lag om almänna barnbidrag 1947.)

In Norway and in Finland, lone-parent families are entitled to child benefit increase. In Norway, the lone parents receive the child benefit as the other families with children, but the benefit is increased with one additional child benefit (so-called extended child benefit). Thus a lone parent of one child receives child benefit for two children, a lone parent of two children gets child benefit for three children etc. If the lone parent has a child under three years old, s/he can also be allocated a so-called small child allowance. Small child allowance is paid only for one child and it is means-tested. In Norway, lone-parent's stable relationship (marriage / cohabitation of over 12 months) abridges both the right to the additional child benefit and the right to the small child allowance. In Finland, a child-specific supplement to the child benefit is paid for each child of a lone parent. As in Norway, also in Finland the prerequisite for receiving the supplement to the child benefit is that the lone parent is not living in cohabitation or marriage. In Sweden, the child benefit

system does not include a separate addition or increase to support the living of a lone parent family (Bradshaw & Finch 2002).

### *Sharing of Child Benefit After Separation*

When it comes to the right to share child benefit after separation, the countries vary from each other. In Sweden, child benefit can be split in two and paid to both parents by the authorities. Prerequisite for the splitting, however, is that the parents have joint custody, the child spends equal time with both parents, and the parents have agreed on the sharing of child benefit (Försäkringskassan 2009c). Also in Norway it is possible to split the child allowance between parents. Precondition for the sharing is that the parents have made an official shared custody agreement and they can prove that they share the care of their child equally, that is, the child spends at least 40 % of the time with the other parent. Also the extended child benefit for lone parents applies to parents who have dual residence. Both parents have right to a half of the full allowance. The conditions for receiving allowance are controlled separately for each parent, so one of the parents can receive half of the full allowance, while the other parent can be left without it. (NOU 2008, 93.) In Finland, the sharing of child benefit by the authorities is not possible, but on parents' agreement the child benefit can be paid to the child's custodial parents in turns every year (Hiilamo 2009).

### **Child Support and Maintenance Allowance**

Child's maintenance means, generally speaking, meeting of the material and mental needs in accordance with the child's level of development, providing for the care and upbringing of the child needs, and accounting for the expenses resulting from these. Child's maintenance forms the economic base of child's care and upbringing. Maintenance systems of different countries diverge from each other in the way they define the responsibility of child's maintenance between family members and, on the other hand, between state and family. Also the organisation, aims and grounding philosophies of the systems relating to child's maintenance diverge from each other (Corden 1999). In the Nordic countries, the basis for the child support is not the compensation for possible loss of income to the lone

parent, but the duty of the non-resident parent to participate in the maintenance of their child (Millar 1996). Child support is meant for satisfying the needs of the *child* entitled to maintenance, whereas the parents are supposed to make their living themselves.

In the countries at issue, both parents are responsible for the child's maintenance according to their abilities, regardless if the child is taken care of by both parents or by one of them.<sup>6</sup> Either parent can be ordered to pay child support if the child is not living permanently with that parent. The amount of child support is defined according to the child's needs, the visitation agreement and the paying capacity of the parents. The child's needs depend on his or her age and housing, among other things. The paying capacity of the parents depends, besides on their income and property, also on other maintenance obligations. Additionally, the time the child spends with the non-resident parent is taken into account when determining the child support amount. Parents can agree on the amount of child support themselves in all our comparison countries, but in none of them a parent can resign from his or her obligation to provide maintenance. The task of the authorities is to make sure that the given sum is not exorbitant and that, in cases of dispute, the judicial authority can confirm the amount of child support. (Corden 1999.)

In Finland, the Ministry of Justice has recently published guidelines on determining the amount of child support (OM 2007). Similar guidelines have been included in family law in Sweden, where the social security authority also gives very detailed instructions to count the child support (Försäkringskassan 2009 d). The instructions include examples of the living costs for children of different ages, and they aim to facilitate the making of a child support agreement. In Norway, the first official directions for counting the child support were introduced in 1989. Nevertheless, the directions were considered to be contradictory, and their reform started already in the mid-1990s. It shows the complication of the matter that the new directions were determined in 2001 but they did not come into operation as a whole until in 2003 (Skevik & Hatland 2008, 93). The new directions are grounded on child's actual expenses, which are based on a standard calculation of the domestic expenses by SIFO (Statens Institutt for Forbruksforskning) (Skevik & Hatland 2008, 93). The maintenance capacity of each parent is taken into consideration in the calculations, and the expenses for the child are shared as fairly as possible according to the paying capacity of

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<sup>6</sup> In the condition that the child's paternity is confirmed. The responsibility of a biological parent is abolished in adoption.

each parent. If the income and expense levels of the parents are nearly similar, both are responsible for the child's maintenance in equal shares, and either of them have obligation to pay child support. Skevik and Hatland (2008, 94) note that the reform of the year 2001 was clearly driven by the assumption of a two-earner and two-guardian family model, and the starting point assumption for the law was that both parents are in gainful employment and the non-resident parent (usually the father) continues to take care of his/her child, normally within a rather wide visitation arrangement.

The average child support in Finland was about 125 euros per month, per child, in 2005 (Valkama & Litmala 2006). In Norway, the average child support in 2005 was about 200 euros<sup>7</sup> per month, per child. Only two years earlier, when the effects of the new child support law did not yet show on the amounts of child support, the average child support was about 240 euros per child. (Lyngstad 2007.)

Every comparison country has a maintenance allowance system by which the state guarantees that a lone parent receives a minimum financial support for his or her child also when the parent obliged to pay child support neglects to pay it, or the support payment is too low due to his or her low paying capacity, or there is no person liable to provide maintenance (Millar 1996; Corden 1999). In Finland, maintenance allowance can be paid up till the child is 18 years old. Furthermore, in Sweden, a child going to school or studying has the right to get maintenance allowance even till the age of 21. (Hiilamo 2009.) Unlike in Finland and Sweden, the maintenance allowance is means-tested in Norway, when it is applied because of neglect of child support. The income of the parent applying for maintenance allowance and the extent of maintenance responsibility in the family have an influence on whether he or she has the right to the allowance and what amount of maintenance allowance can be paid to him or her (NAV 2009; NOSOSCO 2006, 57). Instead when the paternity is not confirmed or the parent has adopted the child alone, she or he can receive the full maintenance allowance also in Norway (NAV 2009).

Both in Finland and in Sweden, the amount of maintenance allowance is about 130 euros per month, per child (in the year 2007). In general, the maintenance allowance is paid as full, but the payment can also be lower if the maintenance allowance is paid as a

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<sup>7</sup> When the rate of Norwegian Krone against euro is 0,125.

complement to the child support.<sup>8</sup> In Norway, the maintenance allowance is about 160 euros<sup>9</sup> per month, per child. Following the logic of means testing, the maintenance allowance can also be paid as reduced, in which case the amount is either 75 or 50 percent of the full allowance. (NAV 2009.)

### *Child Support and Maintenance Allowance After Separation*

The practices where parents living separated take actively part of the everyday life of their child and take equally care of the ordinary things and needs of the child, cause pressure for change in the organising of child maintenance. The child's dual residence or very wide visitation rights lead to the question if the parent, with whom the child spends a lot of time, must be obliged to pay child support? In Finnish legal literature it has been considered that the wide child visitation rights do not necessarily result in not having to pay child support. The obligation of a parent to pay child support can be based on the fact that a child causes constant expenses to the other parent, which do not depend on the extent of the visitation rights (Gottberg 1997, 58). Legal usages also vary. In a certain case, the Supreme Court has considered that when the child spends half of the time with the other parent, who also accounts for the child's daily living costs within the wide visitation rights, there is no requirement to pay child support. Then again, in some cases, financial child support has been ordered even if the visitation rights are so wide that the children have spent almost half of their time with the other parent. (Litmala 2002, 190-191.)

In Sweden, child support is not required if the child spends equal time with each of the parents (Hiilamo 2009). In Norway, on the contrary, the child's need for maintenance and the maintenance capacity of both parents determine the child support. In addition, the amount of time the child spends with each of the parents is taken into account when determining the maintenance responsibility of the parents. Thus in Norway, the dual residence solution does not automatically lead to a situation where a parent is not ordered to pay child support, on the contrary, a better-paid parent may be ordered to pay child support anyway. However, it should be noted that in all of the comparison countries, the parents may agree upon the child support matter themselves. In principle, the authorities do not

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<sup>8</sup> Payment and possible collection of maintenance allowance is organised differently in the comparison countries. However, a detailed analysis of the differences is not relevant for the central issue.

<sup>9</sup> 1320 Norwegian Krone.

interfere with the child support matter on their own initiative, unless it is justified from a wider social perspective – for example, when a parent applies for child maintenance allowance while the child support matter is not settled with the other parent or the fixed child support payment is too low without reason.

Also the maintenance allowance paying practice varies between the comparison countries, when studied from the perspective of shared parenting. The most substantive difference relates to the fact that in Sweden and in Norway the maintenance allowance can be paid to both parents in certain situations, whereas in Finland there is no corresponding arrangement. In Sweden, the paying of maintenance allowance to both parents is possible when the child spends equal time with each of the parents and the parents share equal responsibilities of the child's care and upbringing (Försäkringskassan 2009e). Then the maintenance allowance is means-tested. Each of the parents is individually entitled to the allowance, and it can also be paid only to the other parent. However, the amount of child maintenance allowance cannot be more than a half of the full allowance for each parent. Maintenance allowance does not involve claim for recovery when dual residence is in question. About eight percent of the children receiving maintenance allowance are entitled to it on the grounds of dual residence with parents. (Hiilamo 2009.)<sup>10</sup> Also in Norway, the parents practising dual residence have the right to apply for and receive means-tested maintenance allowance (NAV 2009).

In Norway and in Sweden, the maintenance allowance system is meant for supporting parents' opportunities to arrange child's care and housing solution in the best possible way. In Norway, a committee which examined the legislation concerning child custody and housing solutions (NOU 2008, 70) highlighted recently that "as a general starting point, the law itself should not restrict the opportunities to find a concrete solution that benefits the child." Both in Norway and in Sweden, the reason given for the opportunity to share family policy benefits has been that the benefit system would not lead parents to make an agreement where the child lives almost only with the other parent. In Finland, only one of the child's parents can receive maintenance allowance. So, in this respect, the Finnish

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<sup>10</sup> Sweden's maintenance allowance system, when a child has two juridical parents, is split in three parts: (i) full maintenance allowance that the state recovers from the person liable to provide maintenance; (ii) complementing maintenance allowance that is not recovered (iii) means-tested maintenance allowance that is applied when child has dual residence. Both parents can individually apply for means-tested allowance, which is at most half of the full maintenance allowance, and it does not involve recovering.

family policy does not recognise dual residence as a solution that should be particularly considered when it comes to family policy benefits.

### **Supporting the Reconciliation of Work and Family Life**

The Finnish parental leave system is, generally speaking, less flexible than other Nordic systems. This is also true as to what extent and how the family policy supports shared parenting when parents do not live together. In Finland, the childcare leave rights concern parents living in the same household with their child. The only exception from this rule is a temporary childcare leave, which enables the parent to be absent from work for nursing a sick child. From the beginning of 2007, the right to the temporary childcare leave applies also to the child's parent who lives elsewhere. However, in Norway and in Sweden, also the parents living separated who share child custody can also share parental leave benefits – so the determinant is not whether the parents live together but that they have joint child custody.

All the comparison countries have introduced a parental leave earmarked to child's father, which is meant to encourage men to take a childcare leave and therefore improve equality between women and men both in the family and more widely in society. In Norway and in Sweden, part of the parental leave is reserved for father, and he cannot pass his right to the child's mother. If the father does not use his quota, the family's parental leave time is shorter than if he would use his quota. In Norway and in Sweden, the father quota can be applied even if the parents live separated. Still, in both countries, a lone-parent has been guaranteed the right to have the maximum length of parental leave. In Finland, the parental leave earmarked to fathers is not introduced with the quota model as in Norway and Sweden, but a father can "earn" himself more parental leave by using a certain period of paternal leave (which was previously called father's bonus leave). Yet lone-mothers have not been "compensated" for this opportunity of the two-parent families to lengthen the parental leave – like they have been compensated in the case of father's quota in Norway and Sweden – and their parental leave period is basically always shorter than the period that the two-parent families can take (if they want) (see also Haataja 2004; 2007).

In all the comparison countries, the parental leave system has recently been developed by increasing its flexibility, the meaning of which has been, besides the importance of reconciliation of family and work, also the freedom of choice for family (Haataja 2004; Rantalaiho 2009b). At the same time, the aim has been to improve its compatibility with various needs of the families. One example of this kind of flexibility is the opportunity to part-time parental leave. In Norway, for instance, a parent can choose 100 percent or 80 percent parental benefit, the latter of which entitles to a longer parental benefit period. Added to that, a parent can make use of partial drawing of parental benefit and combine partial parental benefit to a part-time job.<sup>11</sup> The staggered parental leave has not been used a lot and in practice, the arrangement serves best the parents who can take care of their child in turns. The essential point for our examination is that the benefit system itself should not impede using part-time leave, when the parents live separately, or when the other parent alone takes the responsibility of their child's custody and upbringing. Also in Sweden, the parental leave system includes the right to combine partial parental leave with a part-time job, and the right applies to each of the custodial parents equally. However, in Finland, the parent's right to combine part-time parental leave with part-time work differs from the corresponding arrangement in Norway and Sweden. In Finland, the precondition for the part-time parental leave is that both of the parents use it and thus share the care of the child. Lone-parents are thus excluded from the system, as well as the parents who, despite living separately, share the custody and the daily care of their child practically equally.

In addition to the parental leaves, in all of our comparison countries the parents of children under 3 years old have the right to (a non-compensated) childcare leave and to an allowance for arranging private day care. In all of the countries, a prerequisite for receiving allowance is that the child is not in publicly supported day care at the same time.<sup>12</sup> In Finland, both parents have basically the same right to childcare leave, up until the child turns three years old. Wages are not paid during the childcare leave period, but the income loss can be compensated with home care allowance. Home care allowance is paid to one parent at a time, and its receiver is supposed to live permanently in the same household with the child.

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<sup>11</sup> At the same time, the parental benefit period is prolonged. Parental benefit can be used until the child turns three years old.

<sup>12</sup> In Norway, the allowance can be received partially if child is in part-time day care. By virtue of national regulations, this is *possible* in Sweden too, but municipality can always make an independent decision on the matter.

Accordingly, the Finnish childcare leave and home care allowance system recognises only the parents registered permanently in the same address with the child, and therefore it does not bend to support shared parenting after separation. Also in Norway, the leading principle of the care allowance (kontantsøtte) corresponding to Finnish home care allowance is that it is paid to the parent with whom the child is permanently living. Anyway, if parents show a written agreement concerning dual residence and agree on sharing the allowance, it can be halved and paid to both parents<sup>13</sup>. The present government of Sweden has renewed the country's child care policy, and during 2008 it put into operation, besides a gender equality bonus of the parental leave system, also an allowance corresponding to the Finnish home care allowance<sup>14</sup>. The parents living separately can share home care allowance if they want to, in which case both apply for a half of the allowance (Försäkringskassan 2009b, SFS 2008, 307).

In the family policy supporting the reconciliation of work and family, Finland differs clearly from Norway and Sweden, as in those countries the arrangements supporting shared parenting concern all the custodial parents in the same way. Parents' separated living, in Norway and in Sweden, does not forbid the parents from sharing family policy benefits and rights, on the contrary, parents are encouraged to share them in every situation. In Sweden, the present government introduced recently (2008) the parental leave system's gender-equality bonus that is a tax benefit to encourage parents to share parental leave as equally as possible. Separately living parents have equal right to receive equality bonus (Försäkringskassan 2009b).

In Finland, family leave rules recognise in prior only the parents who live in the same address with the child, in a permanent way. The only exception to this rule is the above-mentioned temporary childcare leave for nursing a sick child.<sup>15</sup> Comparing of Finnish family policy with Norway and Sweden shows clearly that its basis is on the traditional two-parent nuclear family. This may also be reflected by the fact that the discriminating effect on lone-parents has not been removed, even if it has been remarked in many contexts

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<sup>13</sup> In case of dispute, home care allowance is paid to the parent with whom the child has the same address in population register. Sharing of home care allowance requires that the child is not in a public day care while living with one or the other (Rundskriv 2009).

<sup>14</sup> Sweden's child care allowance (vårdnadsbidrag) is not a nationwide arrangement, but a municipality can decide itself whether it pays home care allowance or not.

<sup>15</sup> It can also be easily deduced from the phrasing of this section of law – *The same right applies to a parent who does not live in the same household with the child* – that the other family leaves do not apply to a parent living in another household.

(e.g. Rantalaiho 2003; Haataja 2004)<sup>16</sup>. Anyway, more flexibility has been brought also in the Finnish parental leave system in the 2000s when, most of all, the fathers have been encouraged into childcare. However, the increasing of flexibility has been started by catering only for nuclear family's different situations and parents' possible wishes, whereas lone parents' and separated parents' family situations and questions of reconciliation of work and family have been ignored.

### *Child Day Care and Its Significance After Separation*

In every country of our examination, the significance of the day care policy to family life with children is important, and day care services play a central role in family policy. Child's rights relating to day care are arranged rather similarly in the comparison countries, but there are also some interesting differences between the countries, the meaning of which should be examined from the viewpoint of shared parenting after separation.

From the viewpoint of individual rights, the Finnish day care policy guarantees parents the most extensive rights to childcare. In Finland, every family has the right to have a municipal day care place for a child under school age, and the parents do not have to give any reasons at all. Also in Sweden, the parents' right to a publicly supported day care is strong.<sup>17</sup> Anyway, the right to full-time day care applies only to the children of working and studying parents. In other cases, the law entitles to a part-time day care place (municipality has the duty to arrange a day care place at least for 15 hours a week / three hours a day). In Norway, a new day care law came into operation in the beginning of the year 2009, which guarantees to children under school age (1–5 years old) a subjective right to municipal day care, according to the Finnish model. In Norway, municipalities were liable to arrange for day care according to the needs occurring in the municipal area already before the reform, but in many municipalities the demand for services has exceeded the offer, and the working parents have had to turn to private day care solutions.

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<sup>16</sup> Anyway, the Ministry of Labour working group (TM 2005), for example, while paying attention to the matter, did not propose, for instance, extension to the family leave rights for lone mothers that are more limited for them than for other custodial parents, or possibility of sharing parental leave rights when parents are living separately.

<sup>17</sup> Swedish do not speak of day care but of pre-school (förskola). Then again, the arrangement that corresponds to Finnish pre-school is called pre-school class (förskolaklass).

None of the comparison countries' day care policy presently includes regulations that would give priority to a lone parent as an applicant for day care place, in comparison with other families. Historically speaking, every comparison country's early offer of day care services was directed especially towards lone parents. The strengthening of the rights to day care has basically made the prioritising principle unnecessary – when everyone has the right to day care, there is no need to prioritise. Every three countries regulate for maximum client payment for day care. Added to this, in every country the municipalities have been given obligating orders or directions, trying to influence on the staggering of client payment according to family's income. In Finland, the rules for client payment have been specified most clearly after the size and the income of a family, and practically all the families pay for day care according to the same directions. Also the municipalities in Sweden use the staggering of client payment following to the national guidelines. In Norway as well, the municipalities are directed to take family income into account when determining the day care fees and to stagger the fees. In practice, not many municipalities follow the staggering rule; in the end of the year 2008, about 70 percent of municipalities used only one payment category (Rognerud 2008).

From the viewpoint of shared parenting after separation, actually the client fee emerges as an interesting matter in the day care policy. Whose income affect it and how, and is it possible to share it between parents by the authorities? In this respect anyway, the collation of the information concerning day care is especially challenging, because the practices of the municipalities differ in Sweden and in Norway. A quick flick of the municipalities' own directions concerning day care shows that the dual residence arrangement is taken into account also in day care, but there are major differences in practices. In Stockholm for example, the fee is always addressed to the custodial parent with whom the child is registered, so the sharing of the fee is to be agreed between the parents (Stockholm 2009). On the contrary, in the municipality of Hallsberg, in situations of dual residence both parents account for their own half of the day care fee and the extent of the fee is determined individually for each parent (Hallsberg 2009). In Finland, the day care fee is determined by the income of the parent living officially in the same address with the child, by the income of his or her possible spouse, and by the size of the family. The day care fee cannot be shared between the judicial parents of the child.

### *Norwegian Particularity: Transitional Allowance for Lone Parents*

In contrast to Finland and Sweden, Norway uses also a special financial support, a so-called transitional allowance (*overgangstønad*), directed especially on lone parents. It is a means tested support directed especially on lone parents of small children and aimed at supporting the living of a lone parent family and also encourage the parent to participate in working life. The support can be paid for about three years, and parents of a child under 3 years old have a subjective right to the support (that is, receiving of it does not involve any obligations). Also a lone parent of a 3–7 year old child may receive support, but then the aim is to support parent's entering to working life, and the prerequisite for receiving it is either participation in labour market or studying. In addition, a lone parent can receive special support to studies and also, for a justified reason, to child care costs. (Skevik 2006; Skevik & Hatland 2008).<sup>18</sup> In all of the cases, the lone parent must live alone with the child, and a stable relationship (marriage or cohabitation of at least 12 months) declines the right to the allowance.

A committee that recently examined the Norwegian child legislation (NOU 2008, 93-94) criticised the family policy for staring blindly at custody sharing solutions and thinking that parents will share the responsibility like before and without new consequences. Another example raised was the transitional allowance, to which one cannot presently have right when dual residence is applied. The committee remarks that, from a child's viewpoint, the reconciliation of parents' work and family life and their employment are important matters that need to be supported regardless of the model of sharing custody. Thus the committee proposed that the equal sharing model of custody and housing would not decline the right to the full lone parent benefits, and as a reason for this they suggested ensuring that the child's advantage will be realised in every situation. This is interesting because, on the grounds of the committee's criticism, the current viewpoint of the family policy in Norway seems to emphasize the way of thinking where parents sharing the responsibilities cooperatively after separation are supposed to get along themselves like before – as a nuclear family.

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<sup>18</sup> If there is a child under ten years old when parents break up, the lone parent has a subjective right to support during one year right after the separation. Also, in some special cases the length of the support period can be bent (for instance, when it is necessary for the parent to continue his or her studies to make the living) (Skevik & Hatland 2008, 105).

## **Conclusions and Final Discussion**

Since the turn of the 1990s, Nordic family policy, including Finnish family policy, has focused vigorously on the questions of the reconciliation of work and family. The model family of the conversations about reconciling work and family and of the political negotiations and arm-wrestlings has been the traditional nuclear family with two parents. In this article, we have critically examined the Finnish family policy and asked how does the family policy, that aims at supporting shared parenting, take into consideration the situations where parents are not living together? From the same point of view, we also compared the Finnish family policy to the Norwegian and the Swedish family policies.

According to the results, the comparison countries have different ways of supporting the family life after separation. Swedish family policy has, as a starting point, an idea of congruent family policy for all families, in which case, different family types are not presented with special supports. In Norway, family policy has aimed at supporting the special childcare needs of lone parents and their greater need for support with the expenses resulting from the care of a child. In Finland, the aim of family policy has been to support the expenses due to the care of a child, but otherwise the needs of different family types have not been taken into consideration in family policy.

The state's viewpoint in controlling family life can be brought out also by comparing the child support and maintenance allowance systems. In every three countries, the child support paid by parent and the compensatory maintenance allowance paid from public funds are child's rights, i.e. they are meant to financially ensure the well-being of the child. In Sweden, the maintenance allowance is paid also when the child spends equal time with each of the parents (dual residence) and the parents have a low income. This means-tested maintenance allowance can be paid to both of the child's parents. This is meant to ensure the realising of child's advantage in every situation, so the state is not guiding parents but supporting shared parenting as far as possible. In Norway, the low-income parents have both the right to apply for and receive maintenance allowance. In addition, in Norway it has been discussed that also the special supports designed for lone parents should be extended to concern both of the parents when child in fact resides as much with both parents. The centermost reason for reform is to work to child's advantage. Finland differs remarkably

from Norway and Sweden. In Finland, the dual residence is still taken with a grain (Panttila 2005). In Sweden, a dual residence solution can even be ordered by a judicial authority. When widely shared parenting is supported in family law definitions, it has also consequences on sharing of family policy benefits. Reservation of benefits as only the other parent's right is not justifiable, if the society can order the parents to apply dual residence arrangement. On the other hand, the Norway's example shows that the possibility to order parents to widely shared parenting responsibilities is not a precondition for sharing benefits.

The comparative examination of family policy from the viewpoint of shared parenting shows that the family relationships after separation have been taken better into consideration in Norwegian and Swedish family policy. In Norway and in Sweden, the active role and rights of the fathers have been a subject of visible and vigorous discussion since the 1980s, and there the active fatherhood is also supported right after the birth of the child. This has brought visibility, for its part, for the primary nature of the shared parenting ideal, also when the parents are not living together. Furthermore, the highlighting of fathers' active role can contribute to both parents having a central role in the child's life also after separation. In Norway, the importance of continuing parenting after separation has been emphasized also by an obligatory family mediation for *all* divorcing and separating couples with an under 16-year-old child. The primary purpose of the family mediation is to avoid quarrelsome separation, but its central motive is to make parents notice the child's best interest, needs and wishes and the importance of preserving parental relation, also when the family relations are reorganised (Haugen & Rantalaiho 2009).

A solution for arranging the child's housing and maintenance, on which parents have agreed and which takes the child's individual needs into account, is important for the well-being of the child. There has also been progress with that, and children's security and well-being have got notably better from the times when a child of a lone-parent family was depending on one parent and the non-resident parents' possibilities to participate in their child's life were limited primarily to providing for financial support and at the most to short weekend meetings. With this article, we have wanted to take notice of how the today's common practise, where two separately living parents participate actively in their child's everyday life, taking more and more harmoniously care of the child's ordinary things and needs, causes pressure for change also in family politics. In Finland, this matter hasn't been

paid enough attention, and in this respect, the developing of families' social security is unaccomplished.

Finally, there is a reason to emphasize that examining the realisation of the idea of shared parenting on the level of family policy system gives reason to critical questions, part of which focus also on the idea of shared parenting itself. When parents have the right to share family policy benefits rather freely between themselves, does that support the continuation of the parental relation between parents or the right of both parents to independent parenting? This is a central issue that is contained in the relation between the idea and ideals of family policy and shared parenting. The only legitimate perspective to the question is a viewpoint that emphasizes child's rights and wellbeing.

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