Divorce occurs in both industrialized and non-industrialized cultures (Anderson 2011). Following this dissolution, the decision of who receives custody may become an issue for parents and the state. In industrialized nations, women are much more likely to be granted full custody of children (Anderson 2011). For example, in the United States, one study found that the majority of single-parent households (84%) were headed by mothers (Grall 2007). In some non-industrialized nations, the same child custody pattern occurs as well. For example, in the Hadza, a hunter-gatherer tribe, divorce is common, and when it occurs, the majority of the children live with the mother (Marlowe 2010). However, data from across 45 societies found 17.8% and 20.0% of the time children resided with mothers and fathers, respectively. From this same sample, 53.3% of those who received custody of the children were granted custody based upon a variety of factors (Frayser 1985). Factors that may play a role in who receives custody could be parental death, the role of kin as guardians, the age of the children of the parents who decide to divorce, the role that stepfamilies may play, the possibility of child abuse, and the biases inherent in the court system.

From an evolutionary theory perspective, it is not surprising that mothers are granted custody more often. Mothers more often receive custody due to relative parental investment. The relative time one parent may invest begins before conception given the vast difference in sex cells (Trivers 1972). Furthermore, given that fertilization and gestation are internal and that breastfeeding typically occurs after birth for 3–4 years, there is a greater duration of parental investment for women than for men. If a child needs to continuously breastfeed, it would be adaptive for the child to spend much more time with his or her mother than with his or her father. Due to the adaptive nature of spending more time with the mother, cross-cultural research shows that fathers do not spend the same amount of time or care for children to the same capacity that mothers do (Geary 2000). Additionally, women may also be more likely to receive custody because they are better able than men on average to control their emotional responses. Women on average can delay their own gratification and control aggression better than men (Kochanska et al. 1996), which are adaptive skills to have when raising offspring. Taken together, these differences in parental investment and in women’s behavior may contribute to why mothers may be awarded custody more often.

However, while women may receive custody more often due to the extended childhood of
humans (Bjorklund and Shackelford 1999), fathers may also receive partial custody. This can also be explained from an evolutionary perspective. Men can engage in a flexible mating strategy in order to increase their own fitness by investing time in a limited amount of offspring (Buss and Schmitt 1993). Therefore in some cases, men may want to increase their fitness by caring for their child.

To conclude, while using evolutionary theory to explain child custody is useful in understanding typical scenarios, a further examination of other factors must be considered in real-life custody situations to determine the best outcome for children.

References


