

Report of cases of having custody with other than mothers

Jordanian Women's Union

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Preamble:

This report presents figures and analyses of cases of mothers' visitations to their children in the Child Guest House of the Jordanian Women's Union for the years 2019 and 2020. The report aims to identify the reasons why mothers waive the right to have custody of their children. This report comes as a result of the increase in the number of cases in which the mother is not a custodian, and hence The Union decided to highlight these numbers in an attempt to understand the reasons for the waiver to have the children's custody, and to identify the main obstacles and factors that make the mother unable to have the custody of the children. Hence, the report attempts to link the factors such as the woman's marriage age, education, work, place of residence, and whether the mother has an independent housing or not, with the mothers' visitations to the children as well as the custody status. The report starts by presenting a picture of the status of custody and visiting children, indicating the direct causes as mentioned by women who are not custodians of children. The report also provides an analysis of the numbers related to the factors of education, work, and age of marriage to understand the phenomenon, and then it links the cases of divorce and separation, the method of divorce, the existence of cases and disputes and their relation to the decision of women not to assume custody of her children.

The custody in 2020 and 2019: Table (1) indicates that the total number of children's visitations in the years 2019 and 2020 reached 887 cases, distributed among 419 cases in 2019 and 396 in 2020. The rate of cases of mothers visiting their children was about 18% of the total number of cases for the two years, distributed between 19.8% in 2019 and 15.5% in 2020. On the other hand, the rate of cases of fathers visiting their children was 72% of the total visitations, distributed over 70% in 2019 and 74% in 2020. These figures show that the percentage of visitations, generally, is mostly done by the father. There is a decrease in the mothers' visitations rate in 2020, and this is due to the fact that the number of cases that were registered in 2020 was lower as a result of the closure conditions resulting from the epidemic. The paternal grandmother came third in terms of the percentage of visitors, accounting for 8.6% of the total, followed by the maternal grandmother (1.5%) and the aunt (father's or mother's sister) (.5%).

Cross tabulation
The visitation * date of visitation based on visitations' registrations
Table (1)

			Date of visitations' registrations		Total
			2019	2020	
Visitation	The mother	Count	97	62	159
		% within the date of visitations' registrations	19.8%	15.7%	17.9%
	The father	Count	346	293	639
		% within the date of visitations' registrations	70.5%	74.0%	72.0%
	The maternal grandmother	Count	5	6	11
		% within the date of visitations' registrations	1.0%	1.5%	1.2%
	The paternal grandmother	Count	43	33	76
		% within the date of visitations' registrations	8.8%	8.3%	8.6%
	The aunt (father's or mother's sister)	Count	0	2	2
		% within the date of visitations' registrations	0.0%	0.5%	0.2%
	Total	Count	491	396	887
		% within the date of visitations' registrations	100.0%	100.0%	100.0%

The direct reasons for the mother's lack of custody of the children from the point of view of the non-custodial mother: One of the reasons that caused women to give up their custody is marrying for another time, which constituted the largest factor, with a percentage of 35.6%. This factor is linked to the discrimination that occurs in the law, as the mother's custody of her children is dropped once she remarries, and the woman cannot keep the children. The custody here passes to the maternal grandmother, the paternal grandmother, and then to the father. The factor of not having an independent housing for the mother with her children constituted the second factor in terms of the percentage, which constituted 16.5% of the total mothers who can see their children at home. This factor is directly related to a number of reasons, including the economic status of women, and her financial ability to open independent house and bear the financial burdens. It is also linked to social factors related to the perception of divorced women and the stigma inflicted on them as a result of divorce. The other factor is related to the woman's ability to make her own decisions independently after divorce, where her parents' decision and their unwillingness to make the children live with them constituted 12% of all these cases.

As we can see in Table (2), the vast majority of women return to live at the family home, with a rate of 85.5% of the total number of cases that waived the right of custody. Therefore, the decision to have the custody of children is usually not made by the mother alone, and there are factors related to the desire of the mother's parents, or to the possibility of accommodating children at the family home, where there is no possibility in terms of the availability of space and financial capabilities. In addition, the unwillingness to take responsibility constituted 12.2% of the percentage of the mothers who gave up custody, and this factor will be looked at in the subsequent sections as an attempt to understand the circumstances that make women unwilling to take responsibility for their children.

Another reason that was mentioned is the lack of a financial source, as this factor constituted 8% of the total number of the mothers who come to visit their children. This factor was followed by having legal disputes (5%), among which there were disputes over child custody, which means that the mother did not waive or waived the custody, but she retracted the decision.

Reasons for not having the custody of children			
Table (2)			
		Frequency	Valid Percent
Valid	Father's lack of commitment to pay alimony	3	1.6
	Not having a financial source	15	8.0
	Remarrying	67	35.6
	Not having an independent house	31	16.5
	Existence of legal disputes (3 cases of custody of the mother)	11	5.9
	Being forced to waive	3	1.6
	Travelling	6	3.2
	Parents refusal to receive children	23	12.2
	Unwillingness to take responsibility	23	12.2
	Children's desire to stay with the father	4	2.1
	Mother's death	2	1.1
	Total	188	100.0

Age of Marriage and Waiver of Custody: Table (3) shows that there is a direct relationship between the age of marriage and mothers' waive of custody, as it constituted the largest percentage of the visiting mothers who are married under the age of 22, and 64% of the total number of the visiting mothers. This percentage was broken down over 30 % for ages between 19-22 years, 26.7% for ages 16-18, and 7.6% for ages less than 16 years. These figures show that marriage for ages less than 18, which is the legal age for marriage, is still widely practiced. It was also found that the ability of mothers who can have custody of their children are for those who were married at older ages, while the percentage of mothers' visitations who are over 27 years old decreases (7.6% for the age of 27 -30, and 3.2% for ages over 30 years old).

Cross tabulation									
Visitations * Mother's first marriage age									
Table (3)									
			Mother's first marriage age					Total	
			16-	16-18	19-22	23-26	27-30	30+	
Visitation	The mother	Count	12	42	47	40	12	5	158
		% within the visitation	7.6%	26.6%	29.7%	25.3%	7.6%	3.2%	100.0%
		% within mother's first marriage age	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
		% of Total	7.6%	26.6%	29.7%	25.3%	7.6%	3.2%	100.0%

The educational level of the visiting mothers: the highest percentage of mothers who gave up their children was between secondary education and reached 40.5% of the total, followed by primary education with 21%, and university education with 20%, and Elementary education with 13%. This means that about 75% of mothers who waived the custody have a high school education or less. If we look at the percentage of each category, illiterate women constitute the highest percentage, as it reached 100% (number 2) among mothers, followed by middle and high school (29.6%, 22.4%, respectively, and from the total of each category). This factor is linked to the work factor, as will be discussed below, since the work of women in Jordan is linked to their educational attainment and having university degrees or higher, according to the reports of the Department of Statistics. Therefore, the relationship between work and education for women constitutes the major factor in family-related decision-making processes, including child custody.

Visitation * Mother's educational level										
Cross tabulation										
Table (7)										
			Mother's educational level						Total	
			Illiterate	knowledgeable	Elementary education	Primary education	Secondary school	University education	Higher education	
The visitation	The mother	Count	2	0	21	33	64	32	6	158
		% within the visitation	1.3%	0.0%	13.3%	20.9%	40.5%	20.3%	3.8%	100.0%
		% within mother's educational level	100.0%	0.0%	29.6%	22.4%	18.1%	11.7%	17.6%	17.9%
		% of Total	0.2%	0.0%	2.4%	3.7%	7.3%	3.6%	0.7%	17.9%

Work Status and Waiving Custody: Table (5) shows that there is a direct relationship between a woman's work and her waiving the right of custody, as the percentage of non-working mothers was nearly double the percentage of those who waived custody, and about 64% of the total number of those who renounced custody, compared to 35% for non-working women. If we consider that the percentage of working women is lower than the non-working ones, this percentage has greater indications and an important indicator that women's work helps them making the custody decision, as approximately 13% out of about 18% of the percentage of the visiting mothers are non-working, which is about only 6% of female workers waived custody of their children.

Cross tabulation						
Visitations * Mother's Work Status						
Table (5)						
			Mother's Work Status			Total
			working women	non-working	Looking for a job	
The visitation	The mother	Count	56	101	1	158
		% within the visitation	35.4%	63.9%	0.6%	100.0%
		% of the total number of visitations	6.4%	11.5%	0.1%	18.0%

Work status and reasons for waiving custody: If we link the work status to the reasons for waiving custody that were mentioned in Table (2), we can more clearly link the relationship between work and waiving children’s custody. As Table (6) shows, 95% of the women who mentioned that waiving custody was due to lacking a financial source, were not working, and the reason for the lack of commitment of father’s to pay alimony was 66% among the non-working women out of the total of those who mentioned that this was the main reason for giving up their children, compared to 33% for the female workers. The percentage of non-working women who mentioned the reason for the parents' refusal to receive children constituted 77% of the total of those who mentioned this reason, and these percentages show that there is a direct relationship between a woman's work and the existence of a financial source for her and her ability to keep children in her custody.

Cross tabulation
Reasons for the mother's waiver of custody * Mother’s Work Status
Table (6)

			Mother’s Work Status			Total
			working women	non-working	Looking for a job	
Reasons for the mother's waiver of custody	Father's lack of commitment to pay alimony	% within reasons for the mother's waiver of custody	33.3%	66.7%	0.0%	100.0%
	Not having a financial source	% within reasons for the mother's waiver of custody	6.7%	93.3%	0.0%	100.0%
	Remarrying	% within reasons for the mother's waiver of custody	28.8%	69.7%	1.5%	100.0%
	Not having an independent house	% within reasons for the mother's waiver of custody	41.9%	54.8%	3.2%	100.0%
	Existence of legal disputes (3 cases of custody of the mother)	% within reasons for the mother's waiver of custody	27.3%	72.7%	0.0%	100.0%
	Being forced to waive	% within reasons for the mother's waiver of custody	33.3%	66.7%	0.0%	100.0%
	Travelling	% within reasons for the mother's waiver of custody	66.7%	33.3%	0.0%	100.0%
	Parents refusal to receive children	% within reasons for the mother's waiver of custody	22.7%	77.3%	0.0%	100.0%
	Unwillingness to take responsibility	% within reasons for the mother's waiver of custody	47.8%	47.8%	4.3%	100.0%
	Children's desire to stay with the father	% within reasons for the mother's waiver of custody	50.0%	50.0%	0.0%	100.0%
Total		% within reasons for the mother's waiver of custody	32.6%	65.8%	1.6%	100.0%
			100.0%	100.0%	100.0%	100.0%
			32.6%	65.8%	1.6%	100.0%

Work status and place of residence for the mother after divorce: Table (7) shows that there is a direct relationship between the woman's work and the nature of housing (independent, family home, residency in the former marital home), and this is directly related to child custody, as about 50% of female workers live in an independent house, 32% were able to keep the house after divorce or separation, which means that they did not return to the family home. Hence, the percentage of those who work and live independently with their children constitutes 80% of the total number of working women and those who live independently, compared to 30.5% of working women who do not have independent housing. On the other hand, the percentage of non-working women who live independently with their children in a new house constituted 5.5%, and those who remained in the marital home after the divorce was 2%, compared to 58.6% who returned to the family home out of the total category of the working women, which constituted about 66.6% of the total number of visiting mothers.

Cross tabulation						
Mother's work status * and her place of residence after separation						
Table (7)						
			Mother's residence after separation			Total
			Family's house	An independent house	Without leaving the marital home	
Mother's work status	working women	Count	229	47	10	286
		% within mother's residence after separation	30.5%	49.0%	32.3%	32.5%
	non-working	Count	515	49	21	585
		% within mother's residence after separation	58.6%	5.6%	2.4%	66.6%
	Looking for a job	Count	8	0	0	8
		% within mother's residence after separation	1.1%	0.0%	0.0%	0.9%
Total	Count		752	96	31	879
			85.6%	10.9%	3.5%	100.0%
	% within mother's residence after separation		100.0%	100.0%	100.0%	100.0%
			85.6%	10.9%	3.5%	100.0%

As for the mothers who mentioned that not having a house is the main factor of the lack of custody,

Table (8) shows that the parents' refusal constituted about 90% of the total of this category, compared to about 10% who mentioned that the fear from the society's view was the main reason. The first reason, which is the parents' refusal, is directly

		Frequency	Valid Percent
Valid	Parents' refusal	28	90.3
	Fear of societal view	3	9.7
	Total	31	100.0

related to the second, as the divorced woman still suffers from the societal view that blames her for being divorced, determines the responsibility of divorce, and links it to causes that the woman is usually responsible for, which makes her feel social stigma. Thus, women try not to put themselves in circumstances that may increase this stigma, having the society mistrusting her, and exposing it to further social isolation.

Separation factors, type of divorce, and their relationship to mothers' waiving child custody: The figures of The Guest House showed that the vast majority of mothers who waived child custody did it after divorce and constituted about 85% of the total number of the cases of visiting mothers. In contrast, in the cases that were still considered as separation, the percentage of not having the children with the mother constituted a small percentage, about 15%. And if we look at this percentage in comparison with the percentage of total separation and divorce cases in the program, the vast majority of cases of visiting children are mainly after divorce. So, the decision to waive custody or having visitation-related cases is closely related to the occurrence of divorce, where the conflict over children occurs after divorce in most cases and not before it, as well as having cases of conflict over children during the procedures of divorce or separation; but here, the percentage is less.

Type of divorce and child custody: The data of The Guest House showed that most of the cases in which the mother did not take custody of her children are between the parents who resorted to discord and conflict. The factor of having long and complex procedures in discord and conflict cases may be a contributing factor to the intensification of disputes, which reflects itself on the relationship with the children, or it may result in using children as a means of pressure on the other parent. Therefore, these numbers give an indication that the decision on the custody of the children is more difficult in the cases when the mother does not agree on the divorce, and where the court procedures may have a contributing factor to cause more interference by the mother's family. This puts more pressure on the mother's decision on her children's custody.

Cross tabulation The visitation * Type of divorce Table (8)								
			Type of divorce					Total
			Arbitrary divorce	Discord and conflict	Khul' divorce (the case when the wife does not want her husband anymore)	Divorce by mutual consent	Divorce in absentia	
Visitation	The mother	% within the visitation	5.3%	65.9%	4.5%	20.5%	3.8%	100.0%

Violence against the wife and the status of custody of the mother:

The percentage of mothers who mentioned that violence was one of the reasons for divorce constituted 75% of the percentage of mothers who waived custody of their children, compared to 25% who said that violence was not the direct cause

Cross tabulation The visitation * Was the separation because of violence? Table (9)				
		Was the separation because of violence?		Total
		Yes	No	
The visitation	The mother	76.7%	23.3%	100.0%

of divorce. This indicates that violence against the wife is a major factor to cause divorce, and it also affects the woman's decision to have custody of the children. The factor of violence is one of the important factors that must be taken into consideration with regard to the mother's decision to have custody, as the psychological and physical effects that violence leaves on women may limit their ability to make their own decisions, and may also have an impact on the relationship with the children.

Existence of legal cases and disputes and its relationship to child custody:

The percentage of issues related to children's alimony constituted the largest percentage of mothers who waived having custody of their children, at a rate of 36.5%, followed by the presence of

Cross tabulation The mother waiving custody * The nature of the case Table (10)						
	The nature of the case					Total
	Children's alimony	Wife's alimony	Discord and conflict	Violence	Custody	
Total	36.5%	3.8%	32.7%	21.2%	5.8%	100.0%

discord and strife cases, at a rate of 32.7%, and cases of violence against the wife accounted for the percentage 21.2% confirming that violence against women may be an important and direct factor on the mother's inability to have custody of her children as a result of its psychological and physical effects on women. As Table (10) shows, there are 5.8% of cases in which the right of custody of the mother has not been resolved, and therefore the mother is not considered a waiver of the custody of the children, but not having the children with the mother is result of custody cases continuing in court.

Coercion and waiving child custody:

In addition to the reasons discussed, there were other direct methods of coercion mentioned by a small number of mothers, but it is important to include them in this report. For example, one of the visiting mothers said that waiving

		Frequency	Valid Percent
Valid	Threatening to defame the mother's reputation	1	33.3
	Legal procedures	1	33.3
	Incitement of the children	1	33.3
	Total	3	100.0

custody was due to the threat of defamation if she kept the children with her. This forced her to waive custody, because she feared for her reputation. This, as previously mentioned, may be easy for the other party to use in light of the social stigma and mistrust of divorced women. The other method that was mentioned was the incitement of the children to their mother, so children were used as a tool to put pressure on mothers. The third method, which was mentioned by one of the mothers, was the long and complicated legal procedures, which the woman usually cannot cover their costs, or may expose her to great psychological pressure that forces her to give up the children.

Conclusion:

The report indicates that the largest percentage of women who waived custody were forced to do so, whether as a result of direct or indirect pressure. The lowest percentage of custodial mothers indicated that they gave up their children due to an unwillingness to take responsibility (12%), and even within this category, as indicated in the report, the unwillingness to take responsibility was related to social factors that view children as the father's direct responsibility, not the mother's. Therefore, some women may be afraid to be blamed if any problem or accident happened to the children, so they prefer not to take direct responsibility for them. In addition, there is the factor of fear, and it is one of the important factors that affect women's decisions, as the woman's fear of society's view may make her return to live in the family's house or to live with her older brother. This affects her custody-related decisions and other decisions regarding her life's issues after her divorce.

As the report indicated, taking responsibility for the children is related to the mother's age. The older the mother is, the more ability she has to make a decision. As the report also showed, the mother's giving up her children was the largest among early marriages of 18 or less, accounting for about 34% of the total cases of visiting mothers for children.

It is worth mentioning here that any women-related phenomenon cannot be understood without considering the factors related to education, work and the economic status in general, and the connection of all of this with societal values and laws that still practice the discrimination against women and put different obstacles in front of them, such as the case of having women giving up their right to have custody, which lead them to relinquish their rights, and accept the status quo in many cases. Although this report's aim is to show some numbers regarding the status of mothers waiving custody, the data and the case study conducted by the Guest House confirm that the vast majority of mothers, despite the circumstances to which they are exposed, are able to retain custody of their children despite all the mentioned obstacles, whether they were legal obstacles or obstacles related to societal views or values.