

BIRDNESTING CO-PARENTING: A COMPARATIVE STUDY IN SLOVENIA AND EUROPEAN UNION COUNTRIES

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This paper provides a comprehensive overview of birdnesting co-parenting arrangements within the legal and cultural context of the European Union (EU). Birdnesting, a unique cohabitation arrangement where divorced or separated parents rotate in and out of a shared residence while the children remain in a stable environment, has gained attention for its potential benefits and challenges. The paper explores the legal frameworks, cultural acceptance, and practical implications of birdnesting in various EU member states. Additionally, it discusses the impact of birdnesting on children's well-being and the potential for its inclusion in family law policies across the EU

Key words: birdnesting; children's well-being; custody; parental responsibility; family law

1. INTRODUCTION

Nesting or birdnesting co-parenting is a common practice used in domestic settings to bolster children's well-being. It refers to a contemporary approach to shared parenting post-divorce or separation that involves maintaining a single

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residence for children while parents take turns residing in the family home.^{1, 2} This arrangement prioritizes stability for children by minimizing disruptions to their living environment.^{3, 4} It facilitates a shared financial responsibility for housing-related costs and a cooperative parenting approach that attempts to provide a safe, nurturing environment for affected children. This paper aims to explore and compare the prevalence of nesting co-parenting in Slovenia and the wider EU, examining its significance for parents, children, and the broader family dynamics. Furthermore, it delves into the diverse strategies employed by different EU countries, providing a comprehensive analysis of their strengths and weaknesses. The study aims to determine which approaches are the most successful, offering significant perspectives to the current discussion on co-parenting behaviors in the EU. The analysis shows that Slovenia and other European countries have non-uniform statutes that guide co-parenting, with no country clearly regulating the birdnesting approach.

2. PREVALENCE OF DIVORCE AND SEPARATION IN SLOVENIA AND THE EU

2.1. Divorce and its Correlation with Bird Nesting Co-Parenting in Slovenia

Examining the broader landscape of divorces in Slovenia is essential to contextualize the prevalence of nesting co-parenting in the country. Data released in 2022 indicated that 2,149 couples were divorced in that year, which was 173 (7%) fewer than in 2021.⁵ The outcome is equivalent to six divorces per day,

¹ Hakovirta, M.; Meyer, D. R.; Salin, M.; Lindroos, E.; Haapanen, M., *Joint physical custody of children in Europe: A growing phenomenon*, Demographic Research, vol. 49, 2023, pp. 479 – 492.

² Lehtme, R.; Toros, K., *Child-Centred Approach to Shared Parenting: Parents' Experiences with Bird's Nest Parenting Arrangement*, Child and Adolescent Social Work Journal, vol. 41, 2022, pp. 1 – 18.

³ Hakovirta *et al.*, *op. cit.* (fn. 1).

⁴ Lehtme, R.; Toros, K., *Bird's nest parenting as a child-centered solution in the context of shared parenting*, in: Wolfe, B. (ed.), *The child welfare system: Perspectives, challenges and future directions*, Nova Science Publishers, New York, 2022, pp. 1 – 46.

⁵ Republic of Slovenia Statistical Office, *The largest number of marriages in June, fewer divorces than a year ago*, StatWeb, 9 June 2023, <https://www.stat.si/StatWeb/en/News/Index/11126> (5 April 2024).

which is still significant.⁶ It illustrates that children from six families would have to cope with a disjointed family unless the couple is willing to enter into special arrangements like bird nesting co-parenting. In addition, the average lifespan of marriages at divorce was 14.6 years, probably leaving young children without a stable home if the parents decide to adopt the conventional custodial approach.⁷ The 2022 report by the Republic of Slovenia Statistical Office also highlighted that 1,015 (47%) of the divorces were without dependent children.⁸ The remaining 53% involved 1,847 dependent children. 60%, 5%, and 34% of the children were assigned to mothers, fathers, and both parents, respectively.⁹ This information illustrates the skewed nature of Slovenia's and global custodial systems in which mothers are most likely favored. Thus, the probability of having joint custody in Slovenia, which is a prerequisite for bird nesting co-parenting, is average or slim. Nevertheless, it would be prudent for the country to adopt this system more to ensure stability in the children's lives.

The number of marriages and the rate of divorce in Slovenia has been changing annually. As per the 2020 report by the Statistical Office of the Republic of Slovenia, the COVID-19 measures led to a notable decrease in the number of marriages. There were 5,214 married couples in 2020, a 22% decline from 2019.¹⁰ The crude marriage rate, which measures the number of new marital unions per 1,000 people, was 2.5, the lowest since monitoring started in 1954.¹¹ With 1,774 divorces in 2020, there was also a notable decline of 28% from 2019.¹² The Eurostat also mentioned that Slovenia is among the EU countries with the lowest crude marriage rates – 3.2 marriages per 1,000 persons.¹³ In addition, the Statistical Office of the Republic of Slovenia¹⁴ report shows that about 33% of annual divorces occur in the first year of marriage, highlighting the difficulties that may arise in the early stages of the relationship. In addition, the data highlights that 53% of divorces in 2020 did not involve any dependent

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Lehtme, Toros, *op. cit.* (fn. 2).

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Eurostat, *Marriage and divorce statistics*, Europa.eu, 21 March 2024, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Marriage_and_divorce_statistic (5 April 2024).

¹⁴ Lehtme, Toros, *op. cit.* (fn. 2).

children, while the remaining 47% of divorces involved 1,389 dependent children.¹⁵ Nonetheless, 63.6% and 36.6% of the joint custody were awarded to the mothers and fathers, respectively. Thus, despite the growing opportunity for bird nesting, the custody ruling, which restricts certain parents from accessing their children full-time, limits its application.

Data shows that the parent's gender affects the custody hearing, limiting bird-nesting co-parenting in Slovenia. Specifically, when couples with children divorce, the Statistical Office of the Republic of Slovenia¹⁶ reports that mothers receive preferential treatment in custody decisions (69.4% of cases). Nonetheless, it is interesting to note that 34% of child-related divorces ended in joint custody, demonstrating a readiness to instigate alternate custody arrangements like nesting co-parenting.¹⁷ Slovenian law permits joint custody as long as the parents are fit to take care of the children and create a favorable environment for their nourishment. According to the Statistical Office of the Republic of Slovenia¹⁸, parents reached joint custody agreements in 21.2% of child-related divorces in 2018. Slovenian parents can choose to have joint custody, which adds to the adaptability of co-parenting agreements. In 2018, the percentage of divorces involving two foreign-born spouses was just 1.6%.¹⁹ This information sheds light on the demographic distribution of divorces in Slovenia that affect the conditions under which co-parenting while building a nest may occur.

2.2. Bird Nesting Co-parenting Trends in the EU

In Europe, the trend in custody arrangements has been from granting mothers sole physical custody to a growing acceptance of joint physical custody (JPC), in which the children share at least thirty percent of the allocated time with each parent. Less than 1% of children, according to a study by Bjarnason and Arnarsson²⁰, lived in JPC arrangements; however, there were significant regional differences. Across the 17 European countries examined by Hakovirta et al.²¹,

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ Bjarnason, T.; Arnarsson, A. M., *Joint physical custody and communication with parents: A cross-national study of children in 36 Western countries*, *Journal of Comparative Family Studies*, vol. 42, no. 6, 2011, pp. 871 – 890.

²¹ Hakovirta et al., *op. cit.* (fn. 1).

12.5% of children in separated families live in equal JPC arrangements, 8.2% in unequal JPC arrangements, and 79.3% in traditional sole physical custody. Drawing on data from the 2021 European Union Statistics on Income and Living Conditions (EU-SILC) survey, the paper provides a thorough analysis that spans Eastern, Northern, Southern, and Western Europe. There is a great deal of variation between the nations. According to Hakovirta et al.²², Sweden is unique in having 42.5% of its children of divorced parents in equal JPC, followed by Finland (23.8%) and Belgium (19.6%). There are also notable proportions of children in equal JPC arrangements in Slovenia, Denmark, Spain, and France. In some EU nations – the Czech Republic, Hungary, and Greece – however, only five percent or less of children are in equal JPC arrangements.²³ The analysis shows that the European nations have the frameworks to incorporate bird-nesting co-parenting as long as the legal system promotes fair custody. Fair custody refers to an arrangement that respects the rights and needs of all parties involved — primarily the children (assuming it's in the children's best interest) but also the parents. The main goal is to ensure the well-being of the children, providing them with stable, loving care, and maintaining their relationships with both parents.

2.3. The Significance of Nesting Co-parenting for Critical Stakeholders

A paradigm shift in the post-divorce experience for parents is presented by nesting co-parenting. It promotes a cooperative atmosphere and effective communication by letting the children keep a shared residence (Vanassche et al., 2017).²⁴ This arrangement gives parents a stable base as they adjust to their new roles and reduces the need for frequent relocation.²⁵ Furthermore, nesting co-parenting helps parents adjust emotionally by allowing them to be actively involved in their children's lives even as they deal with the difficulties of being apart.^{26, 27} Nonetheless, the arrangement would require the parents to have three

²² *Ibid.*

²³ *Ibid.*

²⁴ Lehtme, Toros, *op. cit.* (fn. 2).

²⁵ Buscho, A. G., *The Parent's Guide to Birdnesting: A Child-Centered Solution to Co-Parenting During Separation and Divorce*, Simon and Schuster, New York, 2020.

²⁶ Lehtme, Toros, *op. cit.* (fn. 2).

²⁷ Sumo, J. N.; Julion, W.; Henry, J.; Bounds, D., *Mothers' perspectives on co-parenting with African American non-resident fathers*, *Issues in Mental Health Nursing*, vol. 43, no. 4, 2022, pp. 365 – 375.

separate houses, making the process quite expensive.²⁸ Despite this cost, the conducive setting allows parents to jointly devote their time and effort towards their children, bolstering their overall health and well-being.

Children experience a more smooth and emotionally supportive transition through their parents' divorce under nesting co-parenting. Children's emotional health can benefit from the stability that a regular living environment provides.²⁹ As a result of the arrangement, kids can stay close to both parents and feel secure and the kids feel that their parents are consistent. According to research, kids raised in nesting co-parenting situations have better socioemotional outcomes and experience less stress.³⁰ Children benefit from having both parents involved because it gives them a sense of stability and normalcy, which helps to lessen the possible harm that divorce may do to their general development.

Nesting co-parenting enables children to maintain their social circles, contributing positively to their mental health and well-being. Iglewicz *et al.*³¹, Yen *et al.*³², and Demir-Dagdas³³ assert that friends and family provide the requisite therapy. This arrangement enables children to live in their neighborhoods, irrespective of the parents' separation. Ultimately, they will allow children to alleviate possible mental health challenges, such as increased stress and anxiety.³⁴ Moreover, nesting co-parenting enables children to stick to their routines,

²⁸ Flannery, M. T., *Is bird nesting in the best interest of children?*, Southern Methodist University Law Review, vol. 57, 2004, p. 295.

²⁹ Pla-Barber, J.; Botella-Andreu, A.; Villar, C., *Intermediate units in multinational corporations: Advancing theory on their co-parenting role, dynamics and outcomes*, International Journal of Management Reviews, vol. 23, no. 1, 2021, pp. 116 – 147.

³⁰ Pla-Barber *et al.*, *op. cit.* (fn. 29).

³¹ Iglewicz, A.; Shear, M. K.; Reynolds III, C. F.; Simon, N.; Lebowitz, B.; Zisook, S., *Complicated grief therapy for clinicians: An evidence-based protocol for mental health practice*, Depression and anxiety, vol. 37, no. 1, 2020, pp. 90 – 98.

³² Yen, H. Y.; Chi, M. J.; Huang, H. Y., *Social engagement for mental health: An international survey of older populations*, International Nursing Review, vol. 69, no. 3, 2022, pp. 359 – 368.

³³ Demir-Dagdas, T., *Childhood disadvantage, cigarette smoking, and mental health: A mediation effect of social engagement*, Vulnerable Children and Youth Studies, vol. 15, no. 1, 2020, pp. 13 – 20.

³⁴ Cooper, L. D., *Dreaming of Justice, Waking to Wisdom: Rousseau's Philosophic Life*, The University of Chicago Press, Chicago, 2023.

creating stability in their lives. Mitchell *et al.*³⁵, Cebollero *et al.*³⁶, and Kunz³⁷ note that divorce might force children to change their environments, depending on the custody verdict. Specifically, it might cause children to change homes, schools, and friends. Nesting co-parenting addresses this deficiency by ensuring that children remain in their homes, making it easier to stick to their routines. It also ensures that parents adhere to principle 5:6 of the European Family Law, which requires those who have endured a relationship for at least five years or have a common child who is dependent upon them to do whatever they can to maintain the home.³⁸ The law gives the partners the veto power to refuse any acts of the disposal of rights to the family homes. Children are the ultimate beneficiaries.

Scholars attribute the benefits of nesting co-parenting to several factors. When both parents are physically present, they bolster a child's sense of belonging. It promotes the child's meaningful and consistent relationship with each parent.^{39, 40} It also reduces the emotional toll on children when there are fewer disruptions, such as frequent moves between parental homes. Additionally, nesting co-parenting promotes collaborative parenting techniques and creates an atmosphere in which the mother and the father cooperate to make significant decisions regarding the children's lives.⁴¹ This shared responsibility may

³⁵ Mitchell, E. T.; Whittaker, A. M.; Raffaelli, M.; Hardesty, J. L., *Child adjustment after parental separation: Variations by gender, age, and maternal experiences of violence during marriage*, *Journal of Family Violence*, vol. 36, no. 8, 2021, pp. 1 – 11.

³⁶ Cebollero, A. M.; Cruise, K.; Stollak, G., *The long-term effects of divorce: Mothers and children in concurrent support groups*, in: *The Divorce Process*, Routledge, London, 2021, pp. 219 – 228.

³⁷ Kunz, J., *Parental divorce and children's interpersonal relationships: A meta-analysis*, in: *Divorce and the Next Generation*, Routledge, London, 2001 (2018), pp. 19 – 47.

³⁸ Hayward, A., *Review: Principles of European Family Law Regarding Property, Maintenance and Succession Rights of Couples in de facto Unions*, edited by Katharina Boele-Woelki, Frédérique Ferrand, Cristina González Beilfuss, Maarit Jänterä-Jareborg, Nigel Lowe, Dieter Martiny and Velina Todorova, *International Journal of Law, Policy and the Family*, vol. 35, no. 1, 2020, ebaa014, doi.org/10.1093/lawfam/ebaa014.

³⁹ Miller, A. L.; Stein, S. F.; Sokol, R.; Varisco, R.; Trout, P.; Julian, M. M.; Rosenblum, K. L., *From zero to thrive: A model of cross-system and cross-sector relational health to promote early childhood development across the child-serving ecosystem*, *Infant Mental Health Journal*, vol. 43, no. 4, 2022, pp. 624 – 637.

⁴⁰ Nielsen, L., *Joint versus sole physical custody: Children's outcomes independent of parent-child relationships, income, and conflict in 60 studies*, *Journal of Divorce and Remarriage*, vol. 59, no. 4, 2018, pp. 247 – 281.

⁴¹ Miller *et al.*, *op. cit.* (fn. 39).

make the post-divorce relationship between parents more cordial and foster a supportive environment for the whole family.

Despite the merits mentioned above, birdnesting co-parenting has its deficiencies. The arrangement can be confusing to the kids, especially those who do not understand the marriage and divorce mechanisms.⁴² They would not comprehend why the parents have other homes other than the family residence. It can also be harder for kids to process, accept, and evolve due to their parents' separation or divorce. In addition, as highlighted by Flannery *et al.*, the arrangement is costly as it requires the parents to have separate residences.⁴³ Despite these concerns, the arrangement is worth trying because it creates a more stable home for the children.

2.4. Strategies of Bird Nesting (Joint Physical Custody) Co-parenting Implemented in Slovenia and EU Countries

It is evident from case studies conducted throughout the European Union that nesting co-parenting lacks a standardized method. Members' legal systems differ slightly or greatly from one another, which makes it difficult for separated or divorced parents to find consistency. Although some countries' progressive family laws encourage nesting co-parenting, the absence of unified regulations creates legal ambiguities and inconsistencies.⁴⁴ Practicality and feasibility are frequently weighed against the potential advantages for kids in judgments, making the policies progressive to enhance the children's welfare.

The legal system in Germany exhibits a comparatively progressive approach to nesting co-parenting. Courts recognize the possible advantages of shared residence in preserving stability for children.⁴⁵ Legal professionals emphasize the importance of psychological health and child welfare as major determining factors in rulings.⁴⁶ Notably, in family law, under the parental responsibility and custody provision, married couples in Germany automatically have joint

⁴² Flannery, *op. cit.* (fn. 28), p. 295.

⁴³ *Ibid.*

⁴⁴ Dailey, A. C.; Rosenbury, L. A., *The New Parental Rights*, Duke Law Journal, vol. 71, 2021, pp. 75.

⁴⁵ Meysen, T., *Amicable solutions as the norm in German family court proceedings after separation and divorce*, in: Maclean, M.; Treloar, R. (eds.), *Research Handbook on Family Justice Systems*, Edward Elgar, Cheltenham, 2023, pp. 367 – 379.

⁴⁶ Kovaček Stanić, G., *Parental Autonomy v. Child Autonomy v. State Authority Powers*, Law, Identity and Values, vol. 2, no. 2, 2022, pp. 65 – 82.

custody of their children.^{47, 48} Thus, in case of a separation, the parents can easily execute the nesting co-parenting approach, which aligns with the joint custody provision of the country's family law. Nevertheless, Germany's family law requires unmarried or divorced parents to agree to joint custody before the youth welfare office.^{49, 50} If they do not do so, the mother gets the sole custody of the children, which shows the system is unjust, especially to the fathers. These provisions create a favorable setting to implement nesting co-parenting in Germany. Despite the positivity, Germany has no legal regulation that specifically facilitates shared physical custody (SPC) or nesting co-parenting, which eliminates the idea from its legal scope. However, the increasing paternal involvement in children's lives after divorce places pressure on the existing legal system to consider and incorporate nesting co-parenting in the near future.

Germany's legal system has certain strengths and weaknesses that determine its efficacy in actualizing nesting co-parenting. Most importantly, the automatic joint custody for married couples makes it easier for parents to devise mechanisms that would ensure that they prioritize the children's welfare even after divorce. Even after the divorce or separation, the joint custody continues, reducing the number of court cases that may lead to ugly separation and denial of custody to one of the parents.^{51, 52, 53} The German courts give both parents equal time and responsibility unless the presence of one of the parents hinders the children's health, safety, and well-being. The law sets a base that parents can use to enact bird-nesting co-parenting to keep children in a familiar and comfortable setting to bolster their growth and development. Despite the aforementioned merit, Germany's joint physical custody law does not apply to unmarried couples, where the mother holds sole custody by default. Hence, this complicates the arrangement for nesting co-parenting.

⁴⁷ Dethloff, N., *Changing family forms: Challenges for German law*, Victoria University of Wellington Law Review, vol. 46, no. 3, 2015, pp. 671 – 682.

⁴⁸ O'Halloran, K., *Children, the Law and the Welfare Principle: Civil Law Perspectives from France and Germany*, Taylor & Francis, Abingdon, 2024.

⁴⁹ Dethloff, *op. cit.* (fn. 47).

⁵⁰ O'Halloran, *op. cit.* (fn. 48).

⁵¹ Walper, S.; Entleitner-Phleps, C.; Langmeyer, A.N., *Shared physical custody after parental separation: Evidence from Germany*, in: Bernardi, L.; Mortelmans, D. (eds.), *Shared Physical Custody*, Springer, Cham, 2021, p. 285.

⁵² Steinbach, A; Augustijn, L., *Post-separation parenting time schedules in joint physical custody arrangements*, Journal of Marriage and Family, vol. 83, no. 2, 2021, pp. 595 – 607.

⁵³ Steinbach, A., *Children's and parents' well-being in joint physical custody: A literature review*, Family Process, vol. 58, no. 2, 2019, pp. 353 – 369.

Sweden is a notable EU state that incorporates principles in its legal framework that align with nesting co-parenting to ensure that divorces and separations do not disorient children's lives. Savage⁵⁴ wrote a comprehensive report on BBC highlighting the increasing prevalence of shared child custody in Sweden. The assertion aligns with Sweden's joint custody laws, which make it easy for parents to implement nesting co-parenting for the sake of their children. According to the nation's statute, married parents automatically have joint custody of their children (Fransson et al., 2018).^{55, 56} If the parents are unmarried, however, the mother has custody of the children. Nevertheless, the Government Offices of Sweden⁵⁷ and Blomqvist and Heimer⁵⁸ note that it is easy for Swedish parents to get joint custody by notifying the nation's Tax Agency while coordinating with the Social Welfare Committee. This action permits joint custody even after divorce without requiring special permission from any authority. The aforementioned legal system creates an environment that nurtures bird nesting in Sweden. Concisely, joint custody mandates parents to develop viable surroundings to ensure the welfare and stability of the children despite the divorce. Hence, after the divorce, parents could easily opt to maintain a single home for the children and alternate their presence while caring for them. Savage⁵⁹ presents a testimonial issued by Niklas Bjorling, a Swedish man who had been in a bird-nesting arrangement for eight months. He said that the parents agreed to incorporate the nesting co-parenting approach to maintain stability for their kids and not just tear everything all at once. He states that the arrangement allowed the kids

⁵⁴ Savage, M., *Millennial divorcees are increasingly keeping their kids in their former family home, while rotating in and out of the property themselves*, 6 August 2021, <https://www.bbc.com/worklife/article/20210804-birdnesting-the-divorce-trend-in-which-parents-rotate-homes> (29 December 2023).

⁵⁵ Government Offices of Sweden, *Parents and children – Brief information about current legislation*, <https://www.government.se/contentassets/b43cb5785f0a4bdfb7ca-8c8850dcb2dc/parents-and-children---brief-information-about-current-legislation> (26 December 2023).

⁵⁶ Singer, A., *Out-of-court Custody Dispute Resolution in Sweden—A Journey Without Destination*, in: Kaldal, A.; Hellner, A.; Mattsson, T. (eds.), *Children in Custody Disputes: Matching Legal Proceedings to Problems*, Springer Nature Switzerland, Cham, 2023, pp. 129 – 145.

⁵⁷ Government Offices of Sweden, *op. cit.* (fn. 55).

⁵⁸ Blomqvist, P.; Heimer, M., *Equal Parenting when Families Break Apart: Alternating Residence and the Best Interests of the Child in Sweden*, *Social Policy & Administration*, vol. 50, no. 7, 2016, pp. 787 – 804.

⁵⁹ Savage, *op. cit.* (fn. 54).

to keep their familiar environment, including the home, school, and friends. Their case shows that bird nesting is a viable option in Europe.

Sweden's joint physical custody statutes have strengths and limitations that affect bird-nesting co-parenting. Married parents have an automatic path to joint custody.⁶⁰ The law also has a provision that makes it easy for unmarried couples to get joint custody: informing Sweden's Tax Agency and Social Welfare Committee about the decision. This favorable system allows parents to adopt a culture of joint custody with minimal disputes, creating the foundation for nesting co-parenting. Nonetheless, Sweden does not have a specific law that guides nesting co-parenting. The law would give the guidelines for the arrangement, cultivating the culture, which ultimately ensures that children are stable and happy.

Similar to Sweden, Belgium has favorable policies that promote nesting co-parenting. Articles 371 to 387 and 203 of Belgium's Civil Code allow fathers and mothers to implement parental responsibility jointly, irrespective of whether they live together or are unmarried.^{61, 62} Nevertheless, if disagreements between the parents jeopardize the children's well-being, the family court (*tribunal de la famille*) can give one of them the sole authority of custody.^{63, 64} Still, the other parent will retain the right of supervision and contact. Belgium's Civil Code allows parents to craft viable arrangements for exercising parental authority as long as they promote the children's interests. This provision insinuates that Belgian parents can easily implement bird-nesting co-parenting because of the favorable family laws that promote joint custody. They can let the children stay in the family house and create an alternating schedule that allows them to co-parent. In addition, Maxwell⁶⁵ notes that the joint physical custody law introduced in Belgium in 2006 created co-parenting clarity that has largely reduced civil conflicts and litigations in the country's court system. The parents understand the law and realize that they can solve issues outside the court as long as the children remain happy and stable. The law requires judges to consider equal

⁶⁰ Government Offices of Sweden, *op. cit.* (fn. 55).

⁶¹ European Justice, *Parental responsibility – Child custody and contact rights: Belgium*, https://e-justice.europa.eu/content_parental_responsibility-302-be-en.do?init=true (26 December 2023).

⁶² Taelman, P.; Van Severen, C., *Civil procedure in Belgium*, Kluwer Law International BV, Aalphen an den Rijn, 2021.

⁶³ European Justice, *op. cit.* (fn. 61).

⁶⁴ Taelman, Van Severen, *op. cit.* (fn. 62).

⁶⁵ Maxwell, I., *Shared care law works well in Belgium. Shared Parenting Scotland*, <https://www.sharedparenting.scot/shared-care-law-works-well-in-belgium> (28 December 2023).

joint physical custody when requested by one of the parents. Consequently, the law increased the rate of joint co-parenting, which is a prerequisite for a bird-nesting arrangement. For example, 50.69% of the fathers who asked for equal custody between 2010 and 2014 obtained it in Liege.⁶⁶ This figure has increased over the past decade. Overall, this system is flexible and prioritizes the children's long-term well-being.

The Belgian statute has specific strengths and weaknesses, some of which overlap with Sweden's. Most importantly, Belgium's Civil Code is comprehensive, providing multiple options that parents can choose to implement. It has clauses that allow parents to enter joint custody arrangements without necessarily getting married. The flexibility creates a collaborative setting that allows fathers and mothers to consider birdnesting co-parenting format. In addition, the knowledge of the Civil Code's provisions allows parents to solve issues outside the court, avoiding ugly endings to relationships that can derail the children's psychological health and well-being. Nonetheless, the system still denies most men the chance to get joint custody in court hearings. Specifically, Maxwell⁶⁷ confirmed that only 50.69% of fathers who asked for equal custody between 2010 and 2014 received judgment in their favor. Despite the data, it is vital to note that the situation has improved in the previous decade. It is vital to understand that Belgium lacks a specific law that guides nesting co-parenting. It is at the discretion of the parents to decide whether the arrangement is feasible. The Belgium Civil Code only ensures that the parents' actions prioritize the health, safety, and well-being of the children. In the long term, it should be feasible and fair to create a system of nesting co-parenting regulations that promote fathers' equal access to their children after divorce unless they pose harm to them.

Denmark also has policies that favor joint parental responsibility, providing a viable setting for nesting co-parenting. The Danish Act on Parental Responsibility has clauses that prioritize children's best interests and rights.^{68, 69} The statute allows for joint custody immediately after the parents get married.^{70, 71}

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ Adolphsen, C., *Constitutional Rights for Danish Children*, in: Haugli, T.; Nylund, A.; Sigurdson, R.; Bendiksen, L. R. L. (eds.), *Children's Constitutional Rights in the Nordic Countries*, Brill Nijhoff, Leiden, 2019, pp. 120 – 130.

⁶⁹ Denmark, *The Danish Act on Parental Responsibility*, https://boernebortfoerelse.dk/Media/637608190977168495/Danish_Act_on_Parental_Responsibility_transl2021.pdf (3 January 2024).

⁷⁰ Adolphsen, *op. cit.* (fn. 68).

⁷¹ Denmark, *op. cit.* (fn. 69).

When the parents get joint custody, the law requires them to cooperate while making significant decisions that affect the children.⁷² However, when parents separate or divorce from each other, the Danish Act on Parental Responsibility gives the mother sole custody of the children. This provision somewhat hinders the implementation of birdnesting co-parenting as the outcome mainly depends on the mothers' will to accept joint custody after divorce. It would be prudent for the country, as well as other members in the EU – including Slovenia – to have a system that promotes joint custody immediately after divorce to allow optimal implementation of birdnesting co-parenting. Nevertheless, the joint custody provision in Denmark will still apply if the parents submit a declaration as per section 7(1)(I). Hence, the flexibility of the Danish Act on Parental Responsibility enables parents to incorporate nesting co-parenting in their arrangements.

The Danish Act on Parental Responsibility has its strengths and weaknesses that affect the efficacy of the statute in promoting birdnesting co-parenting. The automatic joint custody after a marriage ensures that the parents adopt a collaborative approach to enhance and sustain their children's welfare. Nonetheless, the Act does not foster equity, which might limit the time that fathers have to interact with their children after divorce. The system automatically gives mothers full custody of children after divorce. Despite this flaw, the statute allows parents to submit joint custody declarations before divorce to maintain the status even after official separation. This agreement ensures that divorcees can enter a nesting co-parenting arrangement if they wish.

Slovenia also has relevant statutes with some provisions that align with Sweden's, Denmark's, and Belgium's family law. Article 6 of the Family Code of Slovenia stipulates that parental responsibility should be performed jointly by both parents.^{73, 74, 75} Nonetheless, Slovenia courts play an instrumental role in determining the joint custody arrangement, which determines the children's permanent residence. Generally, Slovenian family law allows parents to agree to retain joint custody, give custody to one of the parents, or split the time

⁷² *Ibid.*

⁷³ European Justice, *op. cit.* (fn. 61).

⁷⁴ Kraljić, S.; Rijavec, V., *New family code of Slovenia (2017): procedural aspect*, Revista Eletrônica Direito e Sociedade-REDES, vol. 6, no. 2, 2018, pp. 219 – 233.

⁷⁵ Kraljić, S.; Križnik, A., *New Regulation on Guardianship for Adults in Slovenia*, International Survey of Family Law, 2020, p. 251.

equally.^{76, 77} They might turn to Social Services Centers and other non-judicial mediators if they disagree.⁷⁸ The law also allows parents to formalize their solutions in courts to create legally binding agreements. The courts establish whether the arrangements foster children's welfare. In case of an indication of harm to the children, the Slovenian courts have the power and obligation to reject the proposal. In that case, the court will use the provisions of Slovenian Family Law to decide on other measures that safeguard the children's short-term and long-term interests. The parents can also resolve their disagreements about joint custody in court, where the judges will weigh the competency and risks of each partner and determine the suitable person to take care of the children. Articles 138 and 98 of the Family Code allow Slovenian courts to issue new decisions on custody when deemed necessary to support the children's overall well-being.⁷⁹ These formal arrangements enable the Slovenian parents to determine whether they can adopt nesting co-parenting.

The Slovenian regulation has its merits and demerits that affect the efficacy of nesting co-parenting. Most importantly, the system allows out-of-court settlements to establish viable co-parenting frameworks that promote the children's interests. Nonetheless, potential disputes between the parents may lead to lengthy court cases in Slovenia. Despite the bureaucratic nature of the court system, the institution holds the children's welfare paramount.

Contrary to Denmark, Belgium, and Sweden, the Polish courts play an instrumental role in determining the co-parenting arrangements after divorce or separation. They resolve the question of parental responsibility while issuing the final judgment unless the case at hand is beyond their jurisdictions.⁸⁰ If available, the courts in Poland analyze the feasibility of the written co-parenting agreement to ensure that it prioritizes the children's interests.^{81, 82} If the parents fail to come to an amicable solution, the court, in pursuit of the children's

⁷⁶ European Justice, *Parental responsibility – child custody and contact rights: Slovenia*, https://e-justice.europa.eu/content_parental_responsibility-302-si-en.do?member=1 (3 January 2024).

⁷⁷ European Justice, *op. cit.* (fn. 61).

⁷⁸ Kraljić, Križnik, *op. cit.* (fn. 75).

⁷⁹ European Justice, *op. cit.* (fn. 76).

⁸⁰ European Justice, *op. cit.* (fn. 61).

⁸¹ *Ibid.*

⁸² Kamińska, K., *Joint Physical Custody After Parental Separation: A Polish Perspective*, *Eastern European Journal of Transnational Relations*, vol. 4, no. 2, 2020, pp. 87 – 106.

long-term welfare, determines the best solution for them.⁸³ The drawback of this process is that it takes time.

The Italian system of co-parenting is dramatically different than the Swedish one, the two serving as viable case studies to compare and contrast the feasibility of the different legal frameworks. In Italy, different regions have different legal responses to nesting co-parenting. Italy has no shared legal framework for shared custody. Some courts take a more conservative stance, while others recognize the possible advantages for kids. Divorced or separated parents are unsure about the legality and viability of nesting arrangements due to the lack of consistent regulations, which leads to inconsistent rulings.⁸⁴ Italy exemplifies the challenges arising from the lack of a unified legal system within a single nation. This contrasts with Sweden's legal system, which shows the nation's willingness to change to accommodate evolving family dynamics.⁸⁵ Nesting arrangements are becoming increasingly accepted due to progressive family laws and societal acceptance of nontraditional co-parenting models.⁸⁶ Legal developments that take changing family norms into account have been made possible by court rulings that highlight children's rights to a stable and consistent environment.

2.5. Summary of the Legal Systems and Selection of the Best Strategy

The analysis of the physical joint custody laws in Slovenia and other European Union nations showed some correlations between the legal frameworks of different jurisdictions. Notably, all the states in the European Union discussed in this section give equal parental responsibility rights to the parents or guardians of the children. In addition, the parents in the countries are automatically in joint custody of their children immediately after they get married. However, the main issue that deters birdnesting co-parenting emerges after divorce or separation. Most of the European laws, including those of Italy, Slovenia, and Germany, prioritize giving custody to women, derailing birdnesting arrangements in case

⁸³ Habdas, M., *The Evolution of Joint Parenting in Poland: The Legal Perspective on Lessons Learned and Still to Be Learned*, International Journal of Law, Policy and the Family, vol. 33, no. 3, 2019, pp. 337 – 359.

⁸⁴ Giardini, F., *Joint Custody of Children on Separation and Divorce: The Current Law in Italy: An Overview of the Law and How It Is Applied*, The International Survey of Family Law, 2014, p. 227.

⁸⁵ Hobson, B.; Oláh, L. S.; Sandström, G., *Changes in family diversity in Sweden: Opportunities, constraints and challenges*, in: Adler, M. A.; Lenz, K. (eds.), *The Changing Faces of Families*, Routledge, New York, 2023, pp. 142–163.

⁸⁶ Kovaček Stanić, *op. cit.* (fn. 46).

the mothers do not subscribe to the idea. Despite the aforementioned similarities in the legal system, nations such as Sweden and Denmark have the best co-parenting framework. As discussed above, the systems of the two countries encourage out-of-court settlements that allow parents to be flexible in their co-parenting arrangements. The creativity and willingness to conform to changes create a suitable setting for parents to make the most conducive environment for children to flourish. Thus, in order to create an inclusive co-parenting system that nourishes the birdnesting layout, the European governments, including Slovenian authorities, should institute laws that increase the probability of joint custody. It should only deny the arrangement if one of the parents is unfit to care for the children, which could result in potential harm to them. In addition, the framework should encourage out-of-court settlements. These proposals, if adopted by Slovenia, will increase the feasibility of birdnesting.

2.6. Case Studies (Court Cases) Related to Nesting Co-Parenting in the European Union

2.6.1. *SUUR v. Estonia*

The case, which Tarvo Suur filed, entailed a dispute over his child's custody and contact rights. The child lived with his mother ever since the parents separated in 2009.⁸⁷ Suur could visit and interact with his child within the timeframe. However, the mother requested the court for full custody in 2015.⁸⁸ Suur is certified as partially incapacitated, limiting his work capabilities. As such, he receives monthly allowances from the state as his only income. Despite his limitations, Suur did not think that the case was viable. Thus, he filed a counterapplication that opposed the request and based his premise on Article 8 of the European Court of Human Rights.⁸⁹ The court suggested that the parents should compromise and solve the issue outside of the system. This move prompted Suur, his child, and his wife to enroll in counseling, which the therapist ultimately stopped after she noticed that the boy was under immense psychological pressure.⁹⁰ The situation was having a significant mental toll on

⁸⁷ European Court of Human Rights, *Case of Suur v. Estonia*, Hudoc, 20 October 2020, [https://hudoc.echr.coe.int/eng#%7B%22itemid%22:\[%22001-205170%22\]%7D](https://hudoc.echr.coe.int/eng#%7B%22itemid%22:[%22001-205170%22]%7D) (9 April 2024).

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*, para. 1.

⁹⁰ *Ibid.*, para. 2.

him. The hearing, which went through three levels of jurisdiction, lasted for two and a half years. Ultimately, the court decided to terminate the joint custody and transfer the full rights to the mother. The court based the final decision on two critical premises. First, the couple's effort to reinstate and improve their relationship failed, even with therapy.⁹¹ In addition, after hearing the primary parties, including the therapist, local authorities, and the child's representative, it was clear that the son did not want any contact with Suur.⁹² Thus, the court ruled out that it was not in the child's best interest because he did not wish to maintain contact with his father. Coercing him would have deteriorated his mental health, considering that he was in the midst of the drama for over two years.

This case exemplifies the criticality of prioritizing a child's welfare during court rulings. Despite co-parenting being vital, it is important to understand children's perceptions about the arrangements and how they affect their mental health. The court's judgment adheres to Estonia's Child Protection Act, which states that when assessing children's cases, judges must ascertain their best interest, which should be the primary consideration when making the final decision.⁹³ The country's Family Law Act echoes the same sentiment. This provision (priority of the children's best interest) is applicable in the European countries discussed in this analysis, including Belgium, Germany, the Netherlands, and Slovenia. In this case, the child's mental health was deteriorating because of the drama caused by his parents. In addition, the case states that the child had an excellent relationship with his stepdad. It seemed he found solace in the new family setup and did not want it to be destroyed by the toxicity that emerged from his parents' tussle. Therefore, in light of all the prevailing circumstances, the final verdict seems to be prudent.

2.6.2. *Zaunegger v. Germany*

Zaunegger had a child before marriage in 1995. They raised the child together – Zaunegger and his wife – until their official separation in August 1998. In line with Article 1626a & 2 of Germany's Civil Code, the mother automatically enjoyed sole custody of the child.⁹⁴ The law only allows joint custody for children born out of wedlock when parents agree. Nonetheless, Zaunegger's wife did

⁹¹ *Ibid.*, para. 3.

⁹² *Ibid.*, para. 4.

⁹³ *Ibid.*

⁹⁴ Human Rights Law Center, *Right to Respect for Family Life and Equal Treatment: Father's Right to Custody of a Child Born Out of Wedlock*, HRLC, 2020, <https://www.hrlc.org>.

not subscribe to the idea, necessitating him to seek justice from the European court. Zaunegger was given an annual visitation of four months, which was inadequate for him.⁹⁵ Thus, he filed a case on the premise that he could not get joint custody against the mother's will. Germany's Civil Code immensely favored mothers while alienating fathers, especially those who were not in marriage. Thus, Zaunegger argued that the force of the law excluded him from seeking judicial review and justice. His submission was indeed correct. The Cologne District Court and the Cologne Court of Appeal dismissed his application and appeal for joint custody, respectively.⁹⁶ In addition, the Federal Constitutional Court upheld the constitutionality of Article 1626a & 2 of Germany's Civil Code, declining Zaunegger's request.⁹⁷ It also did not view the clause as a factor that denies fathers the right to respect the family life. Nonetheless, Article 8 of the Convention came to his rescue.⁹⁸ According to it, the notion of family is not constrained to marriages. Thus, *de facto* families also fall into this category. In addition, the court concluded that mutual enjoyment of a parent's and child's company should be respected and conserved, even if the relationships between the father and mother have broken down. Ultimately, the European Court of Human Rights judges held six votes to one in favor of Zaunegger. They concluded that Article 1626a & 2 violated the right to respect for family under Article 8. This decision is revolutionary.

This case indicates the legislative hindrances in most EU countries that deter birdnesting co-parenting. Concisely, Germany's Civil Code places immense power on women, giving them the authority to dictate whether they will enter into joint custody or not. Thus, in cases of births outside wedlock, they might oppose birdnesting co-parenting without considering the children's long-term interests. This action violates the fundamental family law in Europe, which urges parents, local authorities, and courts to make decisions that prioritize the children's welfare. In addition, the case also shows the hope that emanates from the application of international law. It is possible to pursue birdnesting co-parenting even if the national laws make it hard. Despite the local (German) laws denying Zaunegger a chance of joint custody, the European Court reinstated it, making it possible for him to enter into birdnesting co-parenting arrangements.

au/human-rights-case-summaries/zaunegger-v-germany-2009-echr-2202804-3-december-2009 (9 April 2024).

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

2.6.3. *Nielsen v. Denmark (1988)*

In the case of *Nielsen v. Denmark* (Application no. 10929/84)⁹⁹, Jon Nielsen, a Danish citizen, initiated proceedings against Denmark, alleging violations of his rights under Articles 5(1) and 5(4) of the European Convention on Human Rights. The case involved custody disputes and the placement of Nielsen in a child psychiatric ward. The background highlighted Nielsen's evolving relationship with his father, leading to custody proceedings. The father sought custody rights, triggering legal challenges under Danish law. The situation escalated in 1979 when Nielsen refused to return to his mother after a holiday with his father. Subsequent events involved Nielsen's placement in a children's home and his disappearance from there. While the case does not explicitly emphasize shared custody, it underscores the complexities of parental rights, custody disputes, and the impact of legal changes on family dynamics.

This case is an example of how a disjointed home might derail the mental and physical health of children, calling for plausible solutions like nesting co-parenting. The rigid court system in Denmark, which favors mothers more than fathers, alienated Nielsen from his father. Nielsen resorted to disobeying the court arrangement and staying with his father despite the legal directive. The parties could have avoided the disagreement by implementing nesting co-parenting, which would have enabled Nielsen to spend enough quality time with his father. The analysis of the family laws of all the European states highlighted above converges to one rationale: the statutes should prioritize the children's interests. Thus, instead of subjecting Nielsen to psychological pressure through court proceedings or legal battles between the parents, it would be logical to create a nesting co-parenting agreement that would apportion the time between the parents fairly, irrespective of the costs associated with the arrangement.

2.6.4. *Raad v. Netherlands (1990)*

In accordance with Article 8 of the European Convention on Human Rights, the Supreme Court of the Netherlands has established a precedent emphasizing that mere biological fatherhood alone is insufficient to verify the existence of "family life". A significant ruling by the Supreme Court on 26 January 1990

⁹⁹ *Nielsen v. Denmark* (Application no. 10929/84), *European Court of Human Rights, Judgment of 28 November 1988*, [https://www.mentalhealthlaw.co.uk/Nielsen_v_Denmark_10929/84_\(1988\)_ECHR_23&ved=2ahUKEwiwgJDU9eeDAxW9TqQEHW7NAqQQFnoECA4QAQ&usg=AOvVaw1-nz2SyyEq2ezMc4QSACHe](https://www.mentalhealthlaw.co.uk/Nielsen_v_Denmark_10929/84_(1988)_ECHR_23&ved=2ahUKEwiwgJDU9eeDAxW9TqQEHW7NAqQQFnoECA4QAQ&usg=AOvVaw1-nz2SyyEq2ezMc4QSACHe) (3 January 2024).

(NJ 1990, no. 630)¹⁰⁰ clarified this principle. The court held that a relationship between a father and a child could only be considered as involving “family life” when additional circumstances exist. The court emphasized that for a tie between a father and a child to be recognized as “family life,” supplementary factors must indicate a meaningful connection. One crucial factor identified by the Supreme Court is the presence of regular contact between the father and the child. In cases where the father has consistent and ongoing interaction with the child, it contributes to establishing the existence of “family life” under Article 8.

The legal standpoint emphasizes that establishing family life under Article 8 of the European Convention on Human Rights goes beyond mere biological ties. The Supreme Court’s rulings, exemplified by the case NJ 1990, no. 630, underscore that family life recognition requires additional circumstances, with regular and meaningful contact between the father and child serving as a crucial factor. Shared custody arrangements are instrumental in meeting the criteria set forth by the Supreme Court, signifying an ongoing and substantive relationship. This legal precedent highlights the importance of consistent involvement and active participation in the child’s life for the law to recognize the father as having a family life under Article 8. The rulings reflect a nuanced understanding that the quality and continuity of the relationship, not solely by biological connections, shapes family life. Therefore, nesting co-parenting provides a conducive setting to create a family life under Article 8 of the EU convention.

3. CONCLUSION

Nesting co-parenting is not widespread in European Union countries, including Slovenia. Despite these countries having family laws that guide joint custody and co-parenting practices, they lack specific statutes that guide nesting co-parenting practices. In countries like Germany, married couples automatically have joint custody of their children. However, unmarried couples must agree to enter into a joint partnership for the arrangement to be legally binding. Unfortunately, Germany’s Civil Code gives women full custody of children in unmarried situations after separation. This provision derails the chances of joint physical custody, as the mothers have all the say in the subsequent relationships, especially with the child. Despite Sweden also having a similar principle – automatic joint custody only occurs for married couples – it has simpler steps for parents to circumvent the provision. It is easy for Swedish parents to

¹⁰⁰ Hoge Raad, *NJ 1990, no. 630 (Netherlands Supreme Court decision)*, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-61799%22%5D%7D> (3 January 2024).

get joint custody by notifying the nation's Tax Agency while coordinating with the Social Welfare Committee. This course of action eliminated possible court proceedings to validate joint physical custody. Belgium has a holistic system that would effectively fit birdnesting co-parenting. Specifically, its Civil Code gives fathers and mothers co-parenting rights without necessarily being married. Nonetheless, the system ascertains whether such arrangements prioritize the children's welfare or interests. Slovenian regulations encourage court proceedings to get legally binding court decisions that dictate joint custody. Thus, this analysis shows that Belgium is the most suitable case study with regulatory systems that would foster birdnesting co-parenting. It does not give the mothers absolute power, which some might misuse to punish their former partners to the detriment of the children. Despite countries like Sweden, Denmark, and Germany promoting joint physical custody after marriages, they fail to cater to the rights of the fathers who get children while they are unmarried. Thus, the Slovenian authority should use Belgium as a benchmark to create a holistic system that promotes birdnesting co-parenting. Immediately after a child's birth, both parents should have joint responsibility and custody, regardless of marriage. A parent should only be denied this right if it is proven that he or she is unfit and may harm the child. This setting creates a prerequisite for birdnesting co-parenting, which would benefit the children immensely.

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Sažetak

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**GNIJEŽĐENJE KAO OBLIK ZAJEDNIČKOG RODITELJSTVA:
POREDBENOPRAVNO ISTRAŽIVANJE STANJA U SLOVENIJI
I ZEMLJAMA EUROPSKE UNIJE**

Gniježđenje kao oblik zajedničkog ostvarivanja roditeljske skrbi nad djecom predstavlja netradicionalni pristup roditeljstvu nakon razvoda. Uključuje roditelje koji dijele prebivalište dok djeca ostaju u istom kućnom okruženju. Ovaj članak nudi detaljno istraživanje pravnih, kulturnih i praktičnih dimenzija gniježđenja u Sloveniji i nekim zemljama Europske unije (EU). Počevši od analize pravnih okvira kojima se uređuju razvod i roditeljska skrb u državama članicama EU-a, članak se bavi različitim stupnjevima prihvaćanja i regulacije aranžmana za gniježđenje kao oblika zajedničkog ostvarivanja roditeljske skrbi nad djecom. Također istražuje nijansirane pristupe koje su usvojile različite jurisdikcije, istražujući utjecaj kulturnih normi, društvenih stavova i promjenjivog okruženja obiteljskog prava. Nadalje, u članku se ispituju praktične implikacije gniježđenja uzimajući u obzir čimbenike kao što su financijski aspekti, logistički izazovi i utjecaj na roditeljske odnose. Istražuje se kako fleksibilnost gniježđenja može ponuditi jedinstvene prednosti u poticanju kooperativnih odnosa prigodom zajedničkog ostvarivanja roditeljske skrbi i minimiziranju poremećaja za djecu. Uzimajući u obzir sociokulturnu perspektivu, studija raspravlja o ovom obliku zajedničkog ostvarivanja roditeljske skrbi nad djecom u državama EU-a, rješavajući potencijalne izazove i koristi u vezi s ovim nekonvencionalnim modelom. Istraživanje kulturnih stavova ima za cilj rasvijetliti šire društveno prihvaćanje i potporu aranžmanima za ovaj način ostvarivanja roditeljske skrbi. Osim toga, u članku se procjenjuje ovaj način ostvarivanja roditeljske skrbi u odnosu na dobrobit djece, oslanjajući se na postojeća istraživanja i empirijske dokaze. Razmatraju se psihološki, emocionalni i razvojni aspekti, pridonoseći sveobuhvatnom razumijevanju implikacija gniježđenja za sljedeću generaciju. Zaključujući s perspektivom okrenutom budućnosti, u članku se raspravlja o izvedivosti uključivanja gniježđenja u politike obiteljskog prava na razini EU-a. Sintetizacijom pravnih, kulturnih i praktičnih uvida, članak ima za cilj pružiti vrijedan resurs kreatorima politika, pravnim stručnjacima i roditeljima koji se suočavaju sa složenošću zajedničkog ostvarivanja roditeljske skrbi nakon razvoda unutar Europske unije.

Ključne riječi: gniježđenje, dobrobit djeteta, roditeljska skrb, skrb, odgovornost roditelja obiteljsko pravo

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