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U.S. | LAW

Divorce Plunged in Kentucky. Equal Custody for Fathers Is a Big Reason Why.

A law setting 50-50 shared custody as the state's standard was hailed as a victory for fathers, but critics say it puts mothers and children at risk



Rob Holdsworth moved to Bowling Green, Ky., to be near his children after his divorce, and lobbied for the state law that divides custody equally between parents. PHOTO: WILLIAM DESHAZER FOR WSJ

By [Rachel Wolfe](#) [Follow](#)

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BOWLING GREEN, Ky.—The dads were not all right.

It was 2017, and across Kentucky, divorced fathers were coming together against a common enemy: a custody system they felt favored their ex-wives.

Although custody laws in Kentucky and elsewhere granted judges discretion to decide what split was in a child's best interest, aggrieved fathers claimed that this typically meant relegating them to the role of every-other-weekend “Disneyland dads,” forced to cram two days of fun into what mothers had two weeks to create.

“You become like ‘Uncle Dad’ instead of a parent,” said Rob Holdsworth, 53. In 2014, he reluctantly uprooted his life and civil-service career in Dayton, Ohio, to relocate to Bowling Green, where his ex-wife had moved with their two sons. He took the only job he could find—working nights in a soap factory—to see the boys just a few times a month.

“It was very depressing to be here, a couple of miles away from my kids, and be told I’m not going to get to see them more than that,” Holdsworth said.



Rob Holdsworth’s son’s room in his Bowling Green home. PHOTO: WILLIAM DESHAZER FOR WSJ

Alone in the house near his sons’ elementary school—wandering in and out of their empty bedrooms, staring at the “Daddy you are our superhero” crayon poster they gave him for Father’s Day—Holdsworth had more time than he knew how to fill. He resolved to spend it lobbying for legislation granting dads like him more rights in a divorce or separation.

Around the country, the fathers’ rights movement was gaining momentum. Dividing time and decision-making equally between parents, advocates argued, reduced children’s feelings of abandonment, promoted gender equality and lowered tensions between feuding couples.

“There is no law that affects more people other than taxes or traffic,” said Matt Hale, vice chair of the National Parents Organization, an advocacy group formerly known as Fathers and Families. “Giving kids equal access to both their parents is just common sense.” Dads like Hale and Holdsworth found a sympathetic ear in lawmakers including Jason Nemes, a Kentucky state representative whose own father was his primary guardian after his parents divorced.

In 2018, Kentucky became the first state to pass a law making equally shared custody the default arrangement in divorces and separations. Four other states—Arkansas, West Virginia, Florida and Missouri—have since passed their own versions of Kentucky’s custody bill. Around 20 more are considering or close to passing similar laws, according to an analysis by the National Parents Organization.

The law has become a model for other states, not least because Kentucky’s divorce rate has plummeted. Between 2016 and 2023 it fell 25%, compared with a nationwide decline of 18%, according to an analysis by the National Center for Family & Marriage Research at Bowling Green State University.

Hale calls the drop in the divorce rate an unintended bonus of the custody law. He suggested that parents are increasingly likely to stay together because they realize they’ll be in regular touch regardless, so “they might

as well work it out.” He added that he’s heard stories of couples who decided not to break up because of the presumption of shared custody, and years later are glad they stayed together.



Kentucky State Representative Jason Nemes was a supporter of the equal custody law. PHOTO: CLARE GRANT/COURIER JOURNAL/USA TODAY NETWORK

Yet some argue that these impressive numbers hide a far more complicated story.

“People think divorce rates going down is a good thing and that it indicates stability in marriages, when that’s not always the case,” said Bowling Green family and marriage center assistant director Krista Westrick-Payne. She explained that the divorce rate typically goes down when couples believe the costs of leaving outweigh the benefits.

Some people are staying married to abusive partners, critics of the law say, because they are terrified of leaving their children alone with a parent with a history of violence. “They know their kids are safer if they stay,” said Elizabeth Martin, chief executive of the Louisville-based Center for Women and Family, which provides services to victims of domestic violence (most but not all of whom are women). “Even if it means taking some beatings.”

‘In Harm’s Way’

Many of the Kentucky law’s detractors are quick to acknowledge that dads often struggled in custody hearings before the new mandate took effect. They agree that a more equitable division of parenting labor is a noble goal. They’re just not sure a presumption of shared custody is the best way to do it. They worry, too, about the dire cases that seem to be slipping through the cracks.

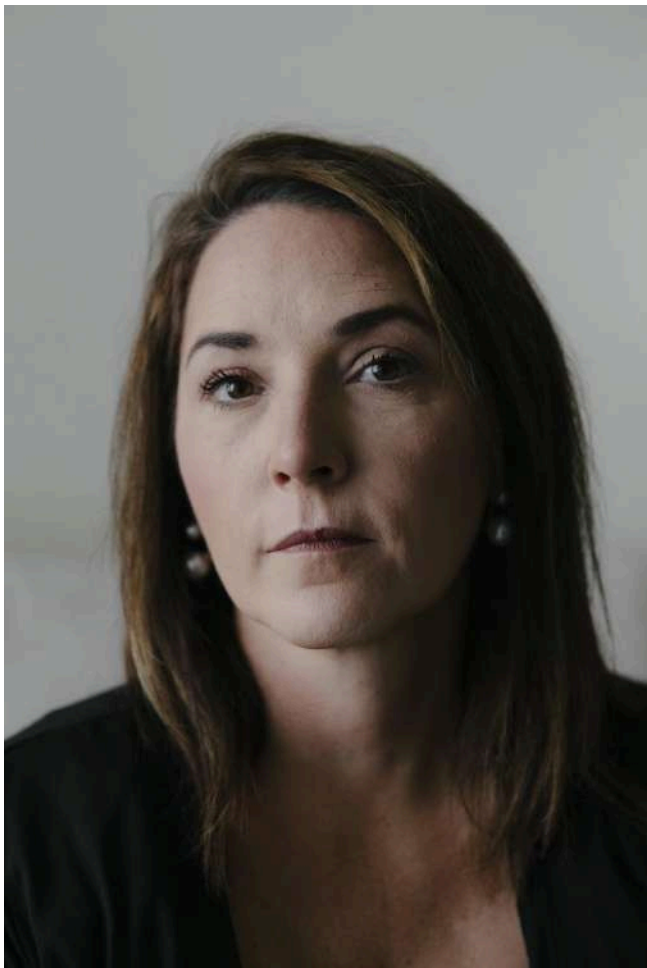
“We have seen this law put kids in harm’s way,” said Darlene Thomas, who runs GreenHouse17, one of the state’s largest domestic violence programs. She explains that judges are wary of trampling on parents’ rights,

which places a hefty burden on any who hope to prove that a fellow parent is abusive or that splitting custody evenly is not in the best interest of the children. “It makes it harder for judges to consider the whole picture.”

GreenHouse17’s 42-bed shelter for domestic violence survivors sits amid horse pastures, rows of carefully tended flowers and a grove of apple trees 20 minutes outside of downtown Lexington. Thomas says Kentucky’s shared parenting law has upended the nature of her work. Before 2018, she said she helped her clients legally, physically and emotionally separate from their abusers. Now, she said she is often helping them figure out how to stay.

“What the presumption says to many survivors is, ‘Why fight it?’ Why tell your story if it’s already presumed there will be a 50-50 time share?” said Thomas.

Women file into her office one by one, each of their stories more disturbing than the last. One mother who shares custody with her ex-husband said her son has returned to her with a dislocated shoulder and admits he doesn’t feel safe with his father. Both her son and daughter, she said, have recently come back distraught after their dad started throwing rocks at cats and wanted them to join in.



Kimberly Rummage took out a protective order against her husband, but a judge still ordered them to share custody. PHOTO: MADELEINE HORDINSKI FOR WSJ

Another mother of two young boys said she worked up the courage to leave her husband over two years ago, after years of being hit and strangled, but was horrified when a judge awarded her ex 50% custody. She pulled up photos on her phone showing how her sons have returned from their dad’s house with fingerprint-size bruises on both sides of their ears and hematomas on their arms. She now wonders if her boys would have been better off if she had stayed with her ex.

Hale, who wrote the first draft of the shared-custody legislation, says “There are lots of safeguards in Kentucky’s law that protect children from being placed in a dangerous situation.” He notes, for example, that if one parent is subject to a domestic-violence order, the presumption of 50-50 custody is automatically overturned.

For Kimberly Rummage, 39, dozens of phone recordings of her husband’s abuse weren’t enough to persuade a Kentucky judge to override the custody split. She said that after her husband nearly killed her in 2023, she applied for an emergency protection order and filed criminal charges. When he was arrested, she assumed the worst was over.

But “just a few weeks” after her husband’s parents bailed him out of jail, Rummage said, he was granted 50% custody of their son. She said the judge indicated his abuse wasn’t a factor since he didn’t lay hands on their son and was contesting the domestic violence protective order. A few months later, Rummage said, “I got the domestic violence order, and nothing changed.” Rummage’s ex didn’t reply to a request for comment.

Three Christmases

“We have all been watching Kentucky,” said Emma Johnson, a divorced shared-parenting advocate and author of “The 50/50 Solution.” She said she believes her kids are best served by spending as much time with their father as they do with her. Johnson argues that the expectation that kids belong with their mothers holds women back. “I can’t get ahead at work if I am always taking time off to pick up a sick kid,” said Johnson, who lives in Richmond, Va.

Mica Wood Pence, a family court judge in Kentucky whose office is full of stuffed animals for children to take home, spends hours on the phone discussing the law with judges in other states. She reassures them that a 50-50 custody standard won’t limit their ability to rule as they see fit in individual cases. The law is meant to be a helpful starting point, Pence tells them, not an order to be followed blindly.

To reinforce her point, she reads out snippets of Kentucky’s amended law: “The court will start with the assumption that both parents should have equal rights and responsibilities regarding their child’s upbringing.” This, she explains, is exactly the kind of fairness she had hoped for during her years representing fathers as a family lawyer before becoming a judge in 2018.



Stuffed animals fill a bookcase in Judge Mica Wood Pence’s Glasgow, Kentucky office.

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“There are always going to be concerns,” said Pence. “The way to counter concerns is not to make bad laws for everyone else. You can’t set up laws for all families that are based upon the worst circumstances.”

But Douglas NeJaime, a family law professor at Yale Law School, is not convinced that the law adequately accounts for what could go wrong. “We know many people experiencing domestic violence, for good reasons, don’t necessarily get an order of protection,” said NeJaime, explaining that many women are too afraid of retribution or of not being believed to pursue a formal order. “Now there’s a presumption of equality that they need to overcome.”

Fathers’ rights advocates take heart in the example set by Holdsworth in Bowling Green, who credits the law with allowing him to play a more meaningful role in the lives of his sons. His devotion to his children is evident throughout his home. Fruit and granola bars are laid out neatly on kitchen countertops and framed high-school report cards decorate the walls, alongside a chart listing the dollar value of each A. “I started paying them for their grades because I say that’s their job,” Holdsworth said.

He can afford \$30 for straight As, he added, because the custody judge ruled that Holdsworth no longer had to pay child support. Recently, Kentucky’s legislature decided that parents who spend more time caring for their children should pay less in child support. His ex-wife didn’t respond to a request for comment.

But some legal scholars worry that financial incentives muddy what's in the best interest of children. "A big concern with this law is that a lot of dads are going to say they want 50-50 custody when what they really want is to reduce their child support," said Ralph Richard Banks, a family law professor at Stanford.

Holdsworth says that of the men he's met through the fathers' rights movement, for "maybe a third it was obvious to me that all they cared about was money." But, he added, "most dads want their kids for the right reason."



Jordan Pyles with two of his children: 'Every day I wasn't with my daughter was one less day of her childhood.' PHOTO: JORDAN PYLES

In Henderson, Ky., Jordan Pyles, 32, and his ex-girlfriend Ashlyn Harrell, 29, broke up when she was still pregnant with their daughter, Brileigh. Pyles said he didn't get to spend nearly as much time with Brileigh until Kentucky's legislature began debating the 50-50 law, when she was three years old. He explained that his ex became more amenable to joint custody when she knew it was going to become law. "Every day I wasn't with my daughter was one less day of her childhood, and one less day I can make a positive influence on her life," said Pyles, who works in construction sales.

Harrell said she's been surprised by how well the equal parenting split has worked out. Knowing that she and Pyles each have an equal stake in Brileigh's life, she said, has allowed them to work together better.

"When we first started, I was scared, nervous, all of the things," said Harrell, a homemaker. "Jordan and I are two very different people, so it was worrisome. But it has really worked out smoothly for the most part."

Briliegh Locke-Pyles, 11, now can't remember a time when she wasn't spending equal time with her mom and dad, as well as her stepparents and half-siblings on each side. Dancing around her dad's kitchen, snacking on a bag of popcorn, she said she feels bad for her friends who don't get to spend as much time with each of their divorced parents.

“The best part is definitely having three Christmases,” she said, listing off her mom’s, dad’s and grandparents’.

“But on a real note, it’s probably not having to miss out on seeing one side of my family for so long.”

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