# Success Factors in the Joint Custody Process to Guarantee the Well-being of the Minor

**Carmen Marina Méndez Cabrita[1], Cesar Eduardo Ochoa Díaz[2], Leonardo Toapanta Jiménez[3], And Mónica Alexandra Salame Ortiz[4]**

[1] Universidad Regional Autónoma de Los Andes, Sede Tulcán. Ecuador. E-mail: ut.carmenmmc56@uniandes.edu.ec

[2] Universidad Regional Autónoma de Los Andes, Sede Riobamba. Ecuador. E-mail: ur.cesarochoa@uniandes.edu.ec

[3] Universidad Regional Autónoma de Los Andes, Sede Santo Domingo. Ecuador. E-mail: us.leonardotoapanta@uniandes.edu.ec

[4] Universidad Regional Autónoma de Los Andes, Matriz Ambato. Ecuador. E-mail: ua.monicasalame@uniandes.edu.ec

**Abstract**. Joint or shared custody is a process that arises from divorce when there are children in common. This process is channeled by lawyers and judges, who are the deciding figure in the process. This pursues as its main objective, the superior well-being of the minor, granting equal responsibilities to both parents. In the case of Ecuador itself, the preponderant power is granted to the mother, as legal guardian. In the present investigation, the implications that this process could have on the emotional stability of the minor, as well as the role of the psychologist in the process is analyzed. A survey was applied to a group of parents. Then, possible solutions were proposed that intend to favor the well-being of the minor during the custody process to which they will be subjected. These proposals were handled through expert consultation and processed using the CRITIC multi-criteria decision method with RATIO.

**Keywords:** joint custody, superior well-being of the minor, emotional stability, CRITIC with RATIO.

## 1 Introduction

Joint custody arises for the first time, in the state of California in the United States in the year 1979, however, by 1967 in the state of North Carolina a statute on the custody regime was approved that applied the "joint custody" [1]. In effect, for purposes of regulating what is also called "tenure", after the divorce joint custody could be chosen if in this way the interest of the child was better ensured. It is through this legal figure that minors could maintain coexistence with both parents, through alternate or successive periods, a time within which the obligations and attributions that arise from paternity are exercised. Under this scheme, it was only discussed which parent the child would live with and which one would be in charge of the minor's care on a daily basis. [2]. The Ecuadorian State guarantees and recognizes that the right to care exists from the very moment of conception, in this sense, children have the right to enjoy family life, as stated in Article 45 of the Magna Carta of Ecuador where, logically, further development is required regarding the scope of this right and its content in the infra-constitutional regulations to optimize its practical application [3].

This is the case of the Code of Childhood and Adolescence, (CONA in Spanish), which, despite starting to ratify the principles, rights, and guarantees established in the Constitution related to the complementarity in parental activities, later promotes the maternal preference for tenure, establishing roles of care and attention to the mother and relegating fathers in the upbringing of children as a simple provider of resources. This aspect was of recent attention by the Constitutional Court that ordered the declaration of unconstitutionality of numerals 2 and 4 of Article 106 of the CONA through Judgment No. 28-15-IN since it is not consistent with the distribution of obligations towards the children as stated in Article 69, numeral 1 of the Constitution, where it is indicated that parents must ensure the upbringing, care, education, promotion and protection of the rights of their offspring together [3][4].

It can be considered that the general interest of the minor is to achieve evolutionary development from childhood to adulthood, and it must be taken into account by all those who intervene in any act or circumstance during this period. The idea is that all the measures that are adopted with respect to the minor are oriented to the protection of his interest, which of course supposes that with these measures the minor reaches an integral development. To achieve these objectives, it must be taken into account that the decision adopted may affect him or her and that it must be assumed, taking into account these purposes, with preference over other particular interests of the parents [5].

The criteria that are usually considered when establishing the best interests of the minor are the wishes, opinions, and feelings of the minor himself according to his maturity. It is about the satisfaction of their basic or vital needs, whether psychic, emotional, or through material goods, as well as those that affect their education and training, and all those alterations of the environment that may affect the development and the formation of the minor. In turn, his identity, religion, orientation, and sexual identity or language will be preserved, in addition to non-discrimination for any condition [6].

It is significant to note that there have been frequent cases in which parental authority has been granted to the mother, for thinking that the minor may be better off with her, a situation that has not been much debated since in high percentages this idea relies on being true. However, the possibility that the father may also be optimal and qualified to exercise that right is not taken into consideration, thus questioning the effectiveness of the law against the legal approach, and whether it should improve its equitable perception [7].

Along with rights, parents share obligations by having the same level of responsibilities, for this reason, it is convenient to assess in conditions of equivalence who is conferred parental authority over the minor. The criteria outlined in article 106 of the CONA are questioned in Judgment 28-15-IN/21 of the Constitutional Court, debating the need to consider equal conditions with respect to both parents, without giving preference to the mother so that she obtains parental authority. Meanwhile, it is discussed whether custody in favor of the mother violates the principle of parental co-responsibility regarding the fact that both parents are suitable for the care of the child. [8].

Within this procedure, parental authority has been immersed under the assumption of the best interests of the child, understanding that it integrates the stability of the minor. In turn, justice operators are called upon to assess the positive or negative impact of whoever is going to obtain parental authority. Certainly, "there is no room for any kind of supposition, nor, on the contrary, any kind of custom that the parents personally have ingrained, so they must leave the child in total dedication and freedom to guarantee his well-being" [9].

A great responsibility falls on the competent judge since it is in their hands to give priority to the best interests of the minor. Relevant aspects of parental authority denote the correlation to the family to ensure a sense of union that provides for both parents to share time with the minor. In this way, it is possible to balance the harmony that the minor needs to ensure his emotional stability. It is of the utmost importance that what is expressed before the family must be "effective for the minor since it is their first school based on learning where the son or daughter will be able to give way to the full development of what is being analyzed about the personality" [10, 11].

Shared custody is positive for the child's life, but it will depend a lot on the relationship between the parents. If the relationship is peaceful without measuring violence, the psychological formation of the child will be positive. If the relationship is bad, the psychological effects on the minor will be negative, then they will be positive as long as the parents have a good relationship focusing clearly on the well-being of the minor since it is a Constitutional right to safeguard the best interests of the child [12].

For positive effects to be obtained from shared custody, the parents must have a good relationship, transmitting this to their children, if this is not the case, the parents together with the children have to carry out psychological therapies so that they can establish a healthy environment that will favor the family. The parents must go through psychological therapy even if they have reached a conciliatory agreement in an extrajudicial conciliation center since by not being evaluated they fail to comply with what was agreed, that is why when evaluating the parents it will be known what is the purpose of wanting the possession of their children. It is also necessary that the children receive therapies so that they live in a healthy environment with food protection and affection; there is a constitutional right that protects them in the best interests of the child [13, 22, 23].

Analyzing the revised texts to carry out the present investigation, it is important to remark on the need for the inclusion of the figure of the psychologist in the legal process of joint custody. The work of accompanying and advising him in the process could prevent future alterations in minors. Therefore, for this research we set the following objectives:

## 1.1 General objective

Highlight the importance of the work of the psychologist during the joint custody process as a possible success factor in the process.

## 1.2 Specific objectives

1. Evaluate the parents' perception of the process to obtain joint custody.
2. Know the work of the psychologist in the process to ensure the emotional well-being of the minor.
3. Propose solutions regarding the issue to guarantee emotional stability and the superior well-being of the minor.

## 2 Materials and methods

The study responds to a non-experimental correlational design because the research will be carried out without manipulating the variables; which implies the collection of data at a specific and unique time [14, 17, 18, 19]. The current research work is characterized by a holistic approach since basic statistics and legal hermeneutics will be used. To determine the sample to be studied, the following operation was performed:

Sample:

$$n = \frac{Z^2 pqN}{E^2(N-1) + Z^2 pq} \tag{1}$$

## Expert validation

For the selection of the group of experts, a competency validation survey was applied which is executed through self-assessments, on a scale ascending from 1 to 10:
- ✓ Degree of knowledge that the potential expert possesses about the subject
- ✓ Degree of influence that each of the sources of argumentation

The processing of the form was based on the calculation of the rating factor of the experts through the following mathematical expression:

$$K = \frac{FA + GC}{2} = \frac{\left(\frac{SI + EP + IR + FB}{4} + GC\right)}{2} \tag{2}$$

Where:
Si= Intuition
PS= Practical experience
IR= Research conducted
FB= Consultation of bibliographic sources
    CG: Degree of knowledge (1-10)

## 2.1 Data Processing

Descriptive statistics for data processing, with graphs and statistical tables as instruments.

### CRITIC valuation model with RATIO

The valuation model proposed is made up of the CRITIC (Criteria Importance Through Intercriteria Correlation) methods [15] and the Valuation Ratio [16, 20, 21] and consists of the following steps:
- ✓ First step. Selection of comparable alternatives
- ✓ Second step. Selection of the explanatory criteria of the value
- ✓ Third step. Weighting of criteria using CRITIC
- ✓ Fourth step. Weighting of alternatives
- ✓ Fifth step. Valuation Ratio Calculation
- ✓ Sixth Step. Calculation of the value of the target alternative

Each of the steps that make up the valuation process is described in greater detail below.
1. First step. Selection of comparable alternatives: Once the alternative to be valued has been selected, the first point is to determine the comparable alternatives, which must be similar and, therefore, comparable to the alternative to be valued.
2. Second step. Selection of the explanatory criteria of the value: The criteria to be used in the comparison process are selected and the database is created. As mentioned, the proposed assessment methodology is based on the comparison of alternatives.
3. Third step. Weighting of criteria using CRITIC: The weight or importance of the different criteria is weighted, by applying CRITIC. It does not seem reasonable to think that all the selected variables or criteria have the same importance or influence when determining the value of the alternatives. It is therefore necessary to objectively assign a weight to each of the criteria selected in the previous step. CRITIC [16] is a criteria weighting method that defines their importance utilizing (3), based on their values normalized by the range.

$$w_i = S_i * \rangle \ \rangle \ (1 - r_{ik}) \tag{3}$$

    Where:

$w_j$ = weight or weighting of criterion $j$

$s_j$ = standard deviation of criterion $j$

$r_{j,k}$ = Correlation coefficient between criteria $j$ and $k$

The obtained weights ($w_j$) are normalized by the sum. Applying CRITIC, a criterion has greater weight the greater its standard deviation and the lesser correlation it maintains with the other criteria.

4.  Fourth step. Weighting of alternatives: Once the weight $w_j$ of each of the criteria is obtained, the weighting of the different alternatives is calculated using (4):

$$x_i = \sum_{j=1}^{n} w_j * c_{ij} \tag{4}$$

Where

$x_i$ is the weight of alternative $\underline{i}$,

$w_j$ is the weight of criterion $j$,

$c_{ij}$ is the value of criterion $j$ for alternative $i$

5.  Fifth step. Valuation Ratio Calculation: The Valuation Ratio is a methodology proposed in the International Valuation Standards (1997) whose mathematical expression is (5). In our case, the numerator is the sum of the values of the comparable alternatives, or another type of parameter linked to it and the denominator is the sum of the weights of the comparable alternatives obtained in the previous step (fourth step).

$$RV = \frac{\sum_{i=!}^{n} V_i}{\sum_{i=!}^{n} x_i} \tag{5}$$

Where

$RV$=Valuation Ratio

$V_i$=Value of the alternative $i$

$x_i$ = Weight of the alternative $i$ obtained with CRITIC

The Valuation Ratio indicates the value of the alternatives per weighting unit.

6.  Sixth Step. Calculation of the value of the target alternative: The value of the target alternative is calculated through the product of the ratio obtained in (5) by the weighting to be valued obtained by applying (4).

## 2.2 Description of the methodology

1. Data entry. The sources of information used in the study were:

✓  Surveys: a survey with closed questions was developed, and then applied to the parents to obtain information about their perception of the process of joint custody and to evaluate aspects concerning the importance of the figure of the psychologist in the process. In addition, they were applied to the experts, for the selection of the group that will be part of the decision-making process.

✓  Documentary review: theses, documents, and statutes referring to the subject were reviewed to provide relevant data to the investigation.

2. Information processing:

✓  The calculation was made for the selection of the sample

✓  Then the survey was applied to the selected sample

✓  For the processing of the information, the professional statistical processing system and its qualitative analysis were used.

✓  Selection of the group of experts

✓  Application of the CRITIC method with RATIO to the results expressed by the selected experts

3. State results

4. Recommend possible solutions to the issue addressed

## 3 Results and Discussion

The investigation was carried out in the city of Cuenca, to calculate the sample size the following exercise was

carried out.

## Calculation of sample size

(For the estimation of proportions, under the assumption that p=q=50%)
- ✓ Maximum allowed margin of error: 10.0%
- ✓ Population size: 25
- ✓ Size for a confidence level of 95%: 20

A survey was developed and applied to 20 parents who participated in the shared custody process, to assess their perception of the process. The sample was selected from the total number of cases treated in Cuenca, in 10 months. The results obtained from this survey are listed below.
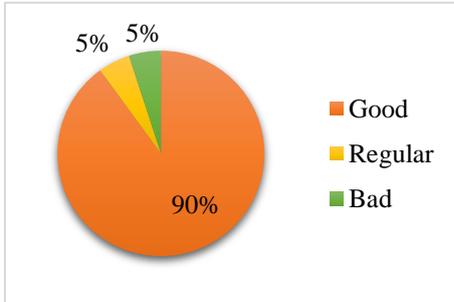


**Figure 1:** Question 1. What do you think about joint custody? Source: own elaboration.
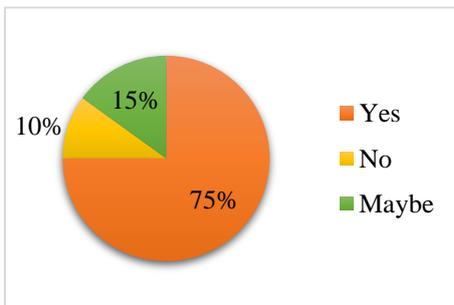


**Figure 2:** Question 2. Did both parents have the same rights in the process? Source: own elaboration
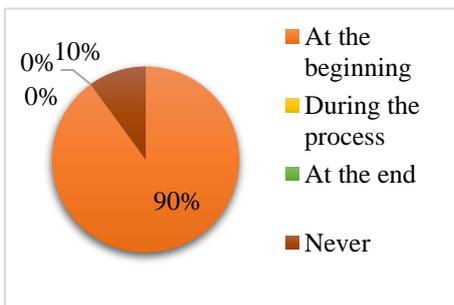


**Figure 3:** Question 3. Was your child evaluated by a psychologist in the process? Source: own elaboration
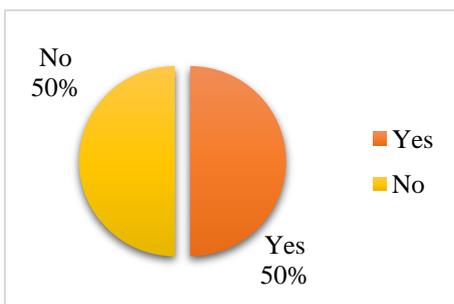


**Figure 4:** Question 4. The lawyer in his decision process took into account the diagnosis issued by the psychologist. Source: own elaboration
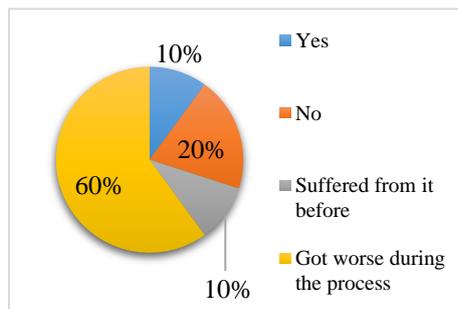
**Figure 5:** Question 5. Did your child suffer from any emotional disturbance before the process? Source: own elaboration

The results of the analysis of the graphs show that:

&#10003;   90% of the surveyed sample considers that joint custody is generally good.

&#10003;   Regarding figure 2, which answers the second question of the questionnaire, 75% of the parents state that do not have equal rights during the process and in the judge's decision-making.

&#10003;   In 90% of the cases, the psychologist evaluated the minor only at the beginning of the process, having a single contact with the minor, for evaluative purposes, data that was obtained from question 3.

&#10003;   Figure 4, corresponding to question 4, reflects that in 50% of the cases the lawyer took into account the opinion of the psychologist for the process.

&#10003;   Figure 5 shows that of the minors in question, 60% presented aggravation of emotional disturbances caused by the divorce of their parents, 10% had it before, 20% of the cases did not suffer from them and 10% reported that they did.

When jointly analyzing the results of the parents' survey, it can be affirmed that the parents consider that the process, in general, is good, but equal rights are not granted to both parents. The results also show the need for the work of the psychologist during the process, where social workers could also be included. After carrying out the surveys to the parents, possible solutions to the analyzed topic were proposed, for which it was necessary to consult a group of experts. The results of the expert selection process and the consultation carried out are presented below. [24, 25]

**Processing of the survey for the selection of experts**

For this procedure, there are 12 experts, from 4 different specialties: social workers, family lawyers, judges, and psychologists. It began with the tabulation of the results in the Microsoft Excel 2019 tool, where the average results of the qualifications given by the respondents are exposed. See table 1.

| Sources of argumentation (FA) | Degree of influence of the sources of argumentation | | |
| --- | --- | --- | --- |
| | High | Medium | Low |
| Intuition (Si) | 10 | 5 | 1 |
| Practical Experience (PE) | 10 | 5 | 1 |
| Research conducted (IR) | 10 | 5 | 1 |
| Consultation of bibliographic sources (FB) | 10 | 5 | 1 |

**Table 1:** Degree of knowledge. Source: own elaboration

| K-value | Classification |
| --- | --- |
| 8-10 | High |
| 5-7 | Medium |
| 1-4 | Low |

**Table 2:** CG (degree of knowledge). Source: own elaboration. Note: It will be graded from 1-10.

| Experts | CG | SI | EP | IR | FB | K | Qualification |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Expert 1 | 7 | 10 | 10 | 5 | 10 | 7,875 | Medium |
| Expert 2 | 6 | 5 | 10 | 5 | 5 | 6,125 | Medium |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Expert 3 | 5 | 5 | 5 | 1 | 5 | 4.5 | Medium |
| Expert 4 | 8 | 10 | 10 | 5 | 10 | 8,375 | High |
| Expert 5 | 9 | 10 | 10 | 5 | 10 | 8,875 | High |
| Expert 6 | 6 | 5 | 5 | 1 | 5 | 5 | Medium |
| Expert 7 | 9 | 10 | 10 | 10 | 10 | 9.5 | High |
| Expert 8 | 10 | 10 | 10 | 5 | 10 | 9,375 | High |
| Expert 9 | 8 | 10 | 10 | 5 | 10 | 8,375 | High |
| Expert 10 | 10 | 10 | 10 | 10 | 10 | 10 | High |
| Expert 11 | 10 | 10 | 10 | 10 | 10 | 10 | High |
| Expert 12 | 9 | 10 | 10 | 5 | 10 | 8,875 | High |

**Table 3:** Result of the qualification of experts according to their degree of knowledge. Source: own elaboration

For the calculation, the mathematical expression number (3) was used. As can be seen from the proposed experts, they are all at a medium and high level. Of these, 30% of the candidates have medium competence and 70% high, choosing these for the application, so it can be stated that in general the coefficient of competence presented high values. Therefore, they are validated as decision-makers in the investigation. The group of selected experts was presented with the following alternatives to consider, those that seek to achieve the superior well-being of the minor during and after the shared custody process: [28, 29]

1) Give equal importance in granting custody to both parents.
2) Provide follow-up by a psychologist during the joint custody process and later if the case requires so.
3) For the granting of custody, consider the person closest to the child emotionally.
4) Establish with both parents the need for consistency in educational methods in both homes.
5) Provide the minor with the possibility of choosing the person with whom they want to live if they can decide.
6) If the parents do not meet the requirements for the custody of the minor, grant it to a trained close relative.
7) Establish schedules for visits, outings, and meetings with the other parent.
8) Guarantee the economic stability of the minor by both parents.

Which will be evaluated according to the following criteria:

1. Emotional stability
2. Affective well-being
3. Consistency of educational methods
4. Security
5. Satisfaction of basic needs
6. School stability

This procedure was performed using the CRITIC with RATIO method. The results of the decision-making process, which was carried out by consulting each of the 4 groups of experts separately, are presented in the tables below. Then take the preferred alternative for each group and define the possible solutions.

| Alternatives | Criterion 1 | Criterion 2 | Criterion 3 | Criterion 4 | Criterion 5 | Criterion 6 |
|---|---|---|---|---|---|---|
| Alternative 1 | 15.3 | 1.08 | 4.33 | 1.5 | 14 | 1 |
| Alternative 2 | 19 | 20 | 18 | 6.78 | 19 | 17.9 |
| Alternative 3 | 8.7 | 1.98 | 2.53 | 5.6 | 2 | 4.5 |
| Alternative 4 | 9 | 4.6 | 1.65 | 1 | 1 | 1 |
| Alternative 5 | 5.4 | 7.1 | 2.33 | 18.9 | 1 | 23 |
| Alternative 6 | 3.2 | 4.12 | 1.21 | 11.8 | 1 | 2 |
| Alternative 7 | 7.1 | 3.52 | 2.1 | 7.9 | 1 | 8.9 |
| Alternative 8 | 10 | 3.24 | 0.98 | 17 | 1 | 1 |

**Table 4:** Decision matrix. Source: own elaboration

| Alternatives | Criterion 1 | Criterion 2 | Criterion 3 | Criterion 4 | Criterion 5 | Criterion 6 |
|---|---|---|---|---|---|---|
| Alternative 1 | 0.7658228 | 0.0000000 | 0.1968273 | 0.0279330 | 0.7222222 | 0.0000000 |
| Alternative 2 | 1,0000000 | 1,0000000 | 1,0000000 | 0.3229050 | 1,0000000 | 1,0000000 |
| Alternative 3 | 0.3481013 | 0.0475687 | 0.0910693 | 0.2569832 | 0.0555556 | 0.2071006 |
| Alternative 4 | 0.3670886 | 0.1860465 | 0.0393655 | 0.0000000 | 0.0000000 | 0.0000000 |
| Alternative 5 | 0.1392405 | 0.3181818 | 0.0793184 | 1,0000000 | 0.0000000 | 0.0769231 |
| Alternative 6 | 0.0000000 | 0.1606765 | 0.0135135 | 0.6033520 | 0.0000000 | 0.0591716 |
| Alternative 7 | 0.2468354 | 0.1289641 | 0.0658049 | 0.3854749 | 0.0000000 | 0.4674556 |
| Alternative 8 | 0.4303797 | 0.1141649 | 0.0000000 | 0.8938547 | 0.0000000 | 0.0000000 |

**Table 5:** Normalization matrix by range. Source: own elaboration

| Alternatives | Criterion 1 | Criterion 2 | Criterion 3 | Criterion 4 | Criterion 5 | Criterion 6 |
|---|---|---|---|---|---|---|
| Deviation | 0.306 | 0.299 | 0.313 | 0.346362858 | 0.37577081 | 0.32806569 |

**Table 6:** Deviation. Source: own elaboration

| | Criterion 1 | Criterion 2 | Criterion 3 | Criterion 4 | Criterion 5 | Criterion 6 |
|---|---|---|---|---|---|---|
| **Criterion 1** | 1 | 0.552 | 0.799 | -0.455 | 0.913 | 0.563 |
| **Criterion 2** | 0.552 | 1 | 0.914 | 0.058839798 | 0.63184331 | 0.84276679 |
| **Criterion 3** | 0.799 | 0.914 | 1 | -0.211824227 | 0.86849741 | 0.87693071 |
| **Criterion 4** | -0.455202482 | 0.058839798 | -0.211824227 | 1 | -0.40174971 | -0.13318151 |
| **Criterion 5** | 0.912968364 | 0.631843315 | 0.868497405 | -0.401749708 | 1 | 0.61764989 |
| **Criterion 6** | 0.562760701 | 0.842766794 | 0.87693071 | -0.133181507 | 0.61764989 | 1 |

**Table 7:** Correlation matrix. Source: own elaboration

| | Weight | Normalized weight |
|---|---|---|
| Criterion 1 | 0.8043 | 0.1410 |
| Criterion 2 | 0.5983 | 0.1049 |
| Criterion 3 | 0.5488 | 0.0962 |
| Criterion 4 | 2.1277 | 0.3731 |
| Criterion 5 | 0.8909 | 0.1562 |
| Criterion 6 | 0.7326 | 0.1285 |
| Total | 5,7026 | 1,0000 |

**Table 8:** Weights of each criterion. Source: own elaboration

| | Criterion 1 | Criterion 2 | Criterion 3 | Criterion 4 | Criterion 5 | Criterion 6 |
|---|---|---|---|---|---|---|
| **Alternative 1** | 0.7658 | 0.0000 | 0.1968 | 0.0279 | 0.7222 | 0.0000 |
| **Alternative 2** | 1,0000 | 1,0000 | 1,0000 | 0.3229 | 1,0000 | 1,0000 |
| **Alternative 3** | 0.3481 | 0.0476 | 0.0911 | 0.2570 | 0.0556 | 0.2071 |
| **Alternative 4** | 0.3671 | 0.1860 | 0.0394 | 0.0000 | 0.0000 | 0.0000 |
| **Alternative 5** | 0.1392 | 0.3182 | 0.0793 | 1,0000 | 0.0000 | 0.0769 |
| **Alternative 6** | 0.0000 | 0.1607 | 0.0135 | 0.6034 | 0.0000 | 0.0592 |
| **Alternative 7** | 0.2468 | 0.1290 | 0.0658 | 0.3855 | 0.0000 | 0.4675 |
| **Alternative 8** | 0.4304 | 0.1142 | 0.0000 | 0.8939 | 0.0000 | 0.0000 |

**Table 9:** Weighting of variables. Source: own elaboration

|  | Weighing | Normalized Weighting | Ranking of the alternatives |
|---|---|---|---|
| **Alternative 1** | 0.2502 | 0.0953 | 6 |
| **Alternative 2** | 0.7474 | 0.2846 | 1 |
| **Alternative 3** | 0.1940 | 0.0739 | 7 |
| **Alternative 4** | 0.0751 | 0.0286 | 8 |
| **Alternative 5** | 0.4437 | 0.1690 | 2 |
| **Alternative 6** | 0.2509 | 0.0955 | 5 |
| **Alternative 7** | 0.2586 | 0.0985 | 4 |
| **Alternative 8** | 0.4062 | 0.1547 | 3 |

**Table 10:** Ranking of the alternatives. Source: own elaboration

The first group of experts consulted, made up of social workers, and selected alternative 2: provide follow-up by a psychologist during the joint custody process, and later if the case requires so. Taking into consideration this proposal, the fact that the separation process of the parents could, to some extent, cause psychological alterations in the minor in question. The results of the consultation with the second group of experts, made up of lawyers, are set out below. In this case, the table corresponding to the weighting of the variables and ranking of the alternatives, described in Step 6 of the applied method, will be presented. [26, 27]

|  | Criterion 1 | Criterion 2 | Criterion 3 | Criterion 4 | Criterion 5 | Criterion 6 |
|---|---|---|---|---|---|---|
| **Alternative 1** | 0.5455 | 0.0750 | 0.3750 | 0.3889 | 0.0722 | 0.0000 |
| **Alternative 2** | 0.2727 | 0.8333 | 0.6591 | 0.5556 | 0.5000 | 0.0556 |
| **Alternative 3** | 0.2455 | 0.4500 | 0.3864 | 0.0000 | 0.0000 | 0.0000 |
| **Alternative 4** | 0.0182 | 0.3333 | 0.3693 | 0.5556 | 0.2944 | 0.0000 |
| **Alternative 5** | 0.0000 | 0.3333 | 0.1193 | 0.5000 | 0.5000 | 0.5000 |
| **Alternative 6** | 1,0000 | 1,0000 | 1,0000 | 1,0000 | 1,0000 | 1,0000 |
| **Alternative 7** | 0.5455 | 0.0000 | 0.3864 | 0.3222 | 0.3889 | 0.0833 |
| **Alternative 8** | 0.1818 | 0.1667 | 0.0000 | 0.2000 | 0.2778 | 0.0000 |

**Table 11**: Weighting of variables. Group of experts 2. Source: own elaboration

|  | Weighing | Normalized Weighting | Ranking of the alternatives |
|---|---|---|---|
| **Alternative 1** | 0.2521 | 0.0876 | 4 |
| **Alternative 2** | 0.4699 | 0.1633 | 2 |
| **Alternative 3** | 0.2014 | 0.0700 | 7 |
| **Alternative 4** | 0.2342 | 0.0814 | 6 |
| **Alternative 5** | 0.2989 | 0.1038 | 3 |
| **Alternative 6** | 1,0000 | 0.3475 | 1 |
| **Alternative 7** | 0.2849 | 0.0990 | 5 |
| **Alternative 8** | 0.1367 | 0.0475 | 8 |

**Table 12:** Ranking of the alternatives. Source: own elaboration

For the second group of experts, the appropriate alternative is 6, in case the parents do not meet the requirements, for the care and custody of the minor, give it to a trained close relative. The consultation of the third group of experts: made up of judges, shows the following results:

|  | Criterion 1 | Criterion 2 | Criterion 3 | Criterion 4 | Criterion 5 | Criterion 6 |
|---|---|---|---|---|---|---|
| **Alternative 1** | 1,0000 | 1,0000 | 0.7778 | 1,0000 | 1,0000 | 1,0000 |
| **Alternative 2** | 0.9306 | 1,0000 | 1,0000 | 0.7368 | 0.5202 | 0.6278 |
| **Alternative 3** | 0.0000 | 0.0556 | 0.1389 | 0.0000 | 0.0636 | 0.0611 |
| **Alternative 4** | 0.8611 | 1,0000 | 0.9444 | 0.8526 | 0.0000 | 0.0000 |
| **Alternative 5** | 0.2778 | 0.4056 | 0.0667 | 0.7368 | 0.0000 | 0.0000 |
| **Alternative 6** | 0.4514 | 0.4444 | 0.0167 | 0.1842 | 0.0000 | 0.0000 |

| | | | | | | |
|---|---|---|---|---|---|---|
| **Alternative 7** | 0.2361 | 0.0000 | 0.1389 | 0.0000 | 0.0809 | 0.0000 |
| **Alternative 8** | 0.3750 | 0.5611 | 0.0000 | 0.4158 | 0.8671 | 0.0000 |

**Table 13:** Weighting of variables. Group of experts 3. Source: own elaboration

| | Weighing | Normalized Weighting | Ranking of the alternatives |
|---|---|---|---|
| **Alternative 1** | 0.9593 | 0.3079 | 1 |
| **Alternative 2** | 0.7615 | 0.2444 | 2 |
| **Alternative 3** | 0.0596 | 0.0191 | 8 |
| **Alternative 4** | 0.5175 | 0.1661 | 4 |
| **Alternative 5** | 0.2038 | 0.0654 | 6 |
| **Alternative 6** | 0.1339 | 0.0430 | 7 |
| **Alternative 7** | 0.0723 | 0.0232 | 3 |
| **Alternative 8** | 0.4077 | 0.1309 | 5 |

**Table 14:** Ranking of the alternatives. Source: own elaboration

For the third group of experts, alternative 1 was selected: give equal importance to granting custody to both parents. They allege that the state protects the mother as the legal guardian of the children, but sometimes she does not adequately fulfill her role and therefore does not favor the psychological well-being of the minor. Thus, it is necessary to grant the same possibility to the father figure.

| | Criterion 1 | Criterion 2 | Criterion 3 | Criterion 4 | Criterion 5 | Criterion 6 |
|---|---|---|---|---|---|---|
| **Alternative 1** | 0.5000 | 0.2200 | 0.5455 | 0.6154 | 1,0000 | 0.6059 |
| **Alternative 2** | 1,0000 | 1,0000 | 1,0000 | 1,0000 | 0.6000 | 1,0000 |
| **Alternative 3** | 0.1700 | 0.3400 | 0.3864 | 0.0000 | 0.0000 | 0.0000 |
| **Alternative 4** | 0.0000 | 0.2000 | 0.3750 | 0.5385 | 0.5333 | 0.4647 |
| **Alternative 5** | 0.0000 | 0.5000 | 0.0000 | 0.6923 | 0.6000 | 0.5294 |
| **Alternative 6** | 0.0000 | 0.6000 | 0.4318 | 0.5538 | 0.5333 | 0.3000 |
| **Alternative 7** | 0.2400 | 0.0000 | 0.3182 | 0.4615 | 0.4667 | 0.0882 |
| **Alternative 8** | 0.6000 | 0.0000 | 0.2614 | 0.3846 | 0.4000 | 0.3882 |

**Table 15:** Weighting of variables. Group of experts 4 made up of psychologists. Source: own elaboration.

| | Weighing | Normalized Weighting | Ranking of the alternatives |
|---|---|---|---|
| **Alternative 1** | 0.5711 | 0.1718 | 2 |
| **Alternative 2** | 0.9231 | 0.2776 | 1 |
| **Alternative 3** | 0.1659 | 0.0499 | 6 |
| **Alternative 4** | 0.3190 | 0.0959 | 5 |
| **Alternative 5** | 0.3620 | 0.1089 | 8 |
| **Alternative 6** | 0.3934 | 0.1183 | 4 |
| **Alternative 7** | 0.2550 | 0.0767 | 7 |
| **Alternative 8** | 0.3355 | 0.1009 | 3 |

**Table 16:** Ranking of alternatives

In this case, the experts from the fourth group considered that the second alternative could be a success factor in the joint custody process since the advice of a mental health professional could contribute to improving the child's alterations. Many times, these alterations are derived from the process itself, other times they are happening and are aggravated in the process. Therefore, in addition to taking into account the criteria and measures taken by a lawyer, the help of a psychologist are important in all cases. They unanimously considered that there are few social workers in multidisciplinary groups to psychologically assess parents due to the discrepancy or lack of communication they have.

Our National Legislation in force must incorporate requirements, procedures, and mechanisms for joint custody with the objective that citizens know what type of tenure is appropriate for their family environment. In addition, the parents must know what to do to achieve shared custody, forgetting about the judicial provisions and focusing on improving relations between them. These parameters will allow the magistrates to evaluate the parents in psychological therapies and determine how they are physically, psychologically, and economically with the

purpose that they do not breach the judicial mandate. Thus promoting understanding and harmony in both parents so that they do not affect their children and they maintain a healthy relationship hand in hand with their parents. [13].

Among the important measures to keep in mind in the joint custody process, are the psychological therapies that both parents and children must receive, as well as their physical and mental evaluation. In addition to determining the mental, physical and economic conditions of both parents who will share custody. Therefore, a multidisciplinary team must participate together with psychologists so that parents are constantly evaluated. It is important to highlight, according to the results obtained in the investigation, the need for the active participation of the figure of a psychologist, not only as an evaluator of the process but also as a professional who accompanies the process. Making it possible for both parents to receive relevant guidance on the management of their children in this new stage that begins for everyone. The work of this professional is not only diagnostic but guidance and advice, in addition to providing the relevant treatments if necessary.

## Conclusions

The parents who participated in the study expressed dissatisfaction with the joint custody process. In most cases, they state that the minor was not given care by specialists. Through the application of the CRITIC method with RATIO, it was possible to obtain that the possible success factors in the joint custody process could be: involve the psychologist in the process and provide follow-up by this professional after it is concluded, so that their guidance and contributions can be valid in the process, pursuing the superior well-being of the minor and their emotional balance.

At the same level of decision, alternative 1 was selected: give equal importance to granting custody to both parents. Sometimes, because it is stipulated that the mother be the one who takes care of the children, her inability to do so is not considered. Depriving the father of the right to legal guardianship could be a failure of justice, considering that in many cases the father figure has a better capacity to assume the role. Therefore, it is recommended to consider these results to guarantee success in the process. More in-depth research is needed to define and be able to make the right decision for the judge.

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