

Scenario 2: Esther & Sylvia

Sylvia and Esther have been together for 10 years as domestic partners, and legally married in 2014. Together they decided to become parents, and Esther became pregnant through donor insemination with an anonymous donor. Their son, Jason, is now almost 3 years old.

Both parents had time off from work during Jason's first three months and provided a great deal of direct care for him. When their son was four months old, Esther started working an afternoon and evening shift and cared for Jason in the mornings. Sylvia began working a morning and afternoon shift and cared for Jason in the afternoon and evenings. Jason currently is in day care from 12:00 until 3:00 pm each weekday. On the weekends, they continue this shared care schedule. Sylvia is responsible for Jason's evening routine (dinner, bath and bedtime), while Esther is responsible for Jason's morning routine (wake up, dressing and breakfast).

Esther's work, often and unpredictably, requires her to work overtime and when this happens Esther does not get home until early in the morning. Frequently, Esther "winds down" when she comes home by having several drinks. Sylvia reports she has had to care for Jason in the mornings on more than a few occasions, and that has made her late for work. She is concerned that when they are living separately, Esther will not be reliable to care for Jason in the mornings.

Both parents provide day-to-day care for their son, and he is bonded to them. When both are present, Jason prefers Esther to comfort him when he is upset. In parenting style, Sylvia tends to be somewhat rigid and Esther more nurturing. Sylvia is in a new relationship, and her girlfriend is not comfortable around children. A few times, Sylvia has asked Esther to care for Jason during her scheduled time so that Jason is not around her girlfriend. While Esther is fine with this, she wonders how Sylvia will handle it when they are living separately.

To save money, Esther and Sylvia continue to live in their joint house, and plan to do so until it is sold. It is on the market and expected to sell quickly and they need to make arrangements for their separation and create a parenting plan, especially since tensions between them are rising. When Esther drinks, Sylvia confronts her and the parties argue intensely, with accusations, tears, yelling, and slammed doors.