The Anomaly of Custody in Israeli Family Law

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ABSTRACT: A principal conflict in Israeli family law concerns the notion of custody. Parents and the public at large perceive custody as a primary factor in the regulation of post-divorce families. According to current Israeli law, mothers tend to receive custody of children almost automatically. The recommendation of the Schnitt Committee to abolish the term ‘custody’ is thus perceived by many as a threat to mothers. This article shows, however, that the Israeli discourse over the concept of custody is fueled by a fundamental misunderstanding of the ramifications of this concept. The article explains the difference between the minor effects of the notion of custody in practice and the disproportional significance that is associated with this term in the public discourse. The article also discusses the reasons why public discourse has produced this gap.

KEYWORDS: custody, divorce, family law, fatherhood, guardianship, parental responsibility, parental time, post-separation parenthood

A principal conflict in Israeli family law revolves around the notion of ‘custody’ (mishmoret). Parents and the public at large perceive custody as a concept of primary importance in the regulation of post-divorce families that determines which parent has the children and parental responsibility for them. As a result, divorce struggles often focus on the issue of custody, with both parents fighting for it and courts spending a considerable part of their time dealing with this matter. In the present article, I show that, contrary to the common belief, custody is far from having the implications that people believe it does.1

The key concept that regulates parent-child relationships in Israeli law is ‘guardianship’ (apotropsut) and not custody. The legislation that regulates
post-separation parent-child relationships does not even mention custody, let alone define it. Perhaps part of the misunderstanding about custody may be associated with the ‘tender years presumption’. Section 25 of the Legal Capacity and Guardianship Act of 1962 (hereinafter, the Act), states that if the divorcing parents cannot reach consent regarding the possession of their children, “the court is entitled to determine the matter as it see fits according to the child’s best interests, and in the absence of exceptional reasons to rule otherwise, children until the age of six shall be with their mother” (emphasis added). This has been interpreted by the courts as giving mothers custody of the children until the age of six, and as several studies have found, the maternal preference does not stop at that age (Schnitt 1994; Shifman 1995).

However, the statement that children “shall be with their mother” is equivocal as it does not specify what being with the mother means. Section 25 does not mention or define custody, as do all the other sections of the Act. The basis on which have the courts have created the notion of custody is therefore not clear. Moreover, the rights and duties associated with being a custodial parent are not set out, leaving the concept of custody vague and elusive.

The result is puzzling. On the one hand, custody is not mentioned in the Act and certainly does not have the signification attributed to it by the public. On the other hand, because the public assigns great importance to it, people fight over custody in court. The court contributes to this dynamics by playing along with the litigants and handing down custody judgments. In a recent development, Israel is joining several other jurisdictions that have called for a re-examination of the terminology used in family law due to the growing involvement of fathers (Chisholm 1996; Family Law Council 1992; Rhoades et al. 1999). However, Israel’s approach to this matter is unique because of the special function of custody within Israeli family law.

In examining this function, the article shows that the Israeli discourse on the concept of custody is fueled by a fundamental misunderstanding of its implications. The article demonstrates the difference between the minor ramifications of the concept in practice and the disproportional significance ascribed to it in the public discourse. The discussion then turns to the reasons for this discrepancy.

Mapping the Terms: Parent-Child Relationships in Israeli Family Law

Guardianship

As noted, the primary term that regulates the parent-child relationship in Israel is ‘guardianship’. Section 14 of the Act states that both parents are
the natural guardians of their minor children, a status that is revoked only in extreme and rare circumstances (Section 27 of the Act). Guardianship is defined in Section 15 of the Act in very broad terms that include satisfying the child’s needs and all other parental responsibilities such as education, employment, maintaining and developing the child’s assets, determining the child’s place of residence, and representing the child and the child’s interests in legal and other forums.

Section 18 of the Act states that both parents, as guardians, must act by mutual consent, implying that the custodial parent, if there is one, has no greater authority than the non-custodial parent. Guardianship is rather similar to what is regarded in the US as ‘legal custody’ (Albiston et al. 1990; Pasto 2000). In American terms, the Israeli Act is implying that both parents are natural legal custodians and that, in any matter relevant to the legal custodianship, both parents must act in mutual consent.

**Parental Time**

Another important concept that affects the post-separation parent-child relationship is that of ‘parental time’. When parents stop residing together, one of the first things that the court determines is the time that the children stay with each parent—in other words, the parental time for each parent. Courts in Israel tend to use 14-day cycles and divide these into periods in which the children stay with each parent. Normally, within a 14-day cycle each parent has a weekend (Friday–Saturday) and the same weekdays every week (Hacker 2008: 105, 280). The common arrangement is that children stay with their mother on Sunday, Tuesday, Thursday, and every other weekend, and with their father on Monday, Wednesday, and every other weekend. Usually, the stays include overnights even for children who are very young, such as three years old and younger. With regard to school holidays, the typical arrangement is that each parent has the children for half of the time.

This arrangement is quite different from the norm in most countries. In some countries, fathers tend to spend significantly less time with their children (Mandel 2007). In others, parental time arrangements tend to set longer slots of time at each home, reducing the number and frequency of shifts that children must go through.

Parental time is a highly important factor in post-separation parenthood, and studies have shown that the role of a parent in the child’s life is determined to a great extent by the amount of time the child spends at that parent’s home (Kelly and Lamb 2000; McGavin 1995). Naturally, parental time is not the sole indicator of how meaningful the parent is to the child, and personal attributes of the parent, such as emotional availability and
support, are not less important in this context (Frishtik and Yagelnic 2007). Yet all personal characteristics being roughly equal, the amount of parental time is probably one the most influential factors affecting the quality of relationship between parents and their children (Menning 2002).

The Role of Custody in Israeli Family Law

Guardianship and parental time are thus the factors that most affect the parent-child relationship in Israeli family law. Neither of these factors, however, is determined by custody. Guardianship, as we have seen, provides parents with the right to determine any matter regarding their child, including medical care, place of residence, the child’s financial affairs, summer camp, and extra-curricular activities. This status is shared by both parents, irrespective of their custodianship.

Parental time affects the time that the child spends with each of the parents, but in Israel the amount of parental time of each parent is not determined by whether he or she is a custodial parent. In the Israeli legal system, parental time and custody are separate and distinct issues. First and foremost, chronologically, parental time is usually determined long before the court decides on the identity of the custodial parent; therefore, the claim that custody affects the amount of parental time is problematic. Second, in cases in which the courts have modified their judgment regarding custody, these changes did not usually affect parental time arrangements. Conversely, when courts alter the parental time arrangements, it does not follow that they also make a change in custody.

Nevertheless, most child-related family disputes in Israel are not about guardianship and parental time. Guardianship is hardly ever in dispute because the Act explicitly states that both parents are guardians of their minor children. Parental time is often disputed, but in many instances, owing to employment restrictions and other considerations, parents find some agreeable arrangement. Otherwise, the court often appoints a social worker who makes recommendations about parental time arrangements, so that in most cases this issue is not a significant one and is usually settled early in the process.

Most child-related disputes in Israeli divorce proceedings are over custody. This is somewhat surprising, given that the term is not mentioned in the Act but was created by case law without specifying its implications. Custody does not even designate which of the parents is more significant to the child in one way or another. Frishtik and Yagelnic (2007: 21–26) found that custody decisions in Israel are highly gender-biased and do not reflect the primary place of residence of the child, the primary
caregiver, the parent with whom the child has a stronger bond, and other such considerations.

Nevertheless, given that case law has created the vague notion of custody, and because the unfounded perception of the public is that custody has a significant effect on post-separation parenthood, parents feel compelled to fight over it. As a result, custody disputes take up a significant amount of the court’s time and may last for years, costing a great deal of money. They can also cause much harm to the children, especially when the parents try to get them involved in the battle (Firestone and Weinstein 2004; Inbar et al. 2008; Saayman and Saayman 1989). What is the meaning of custody, and why are parents fighting over it?

**Welfare Benefits**

The first consequences of custody are certain social benefits to which the custodial parent may be entitled. Israeli law defines a parent who has no partner and who has possession (hachzaka) over his or her children as a “single parent.” The Hebrew term for ‘single parent’ is ‘sole parent’, the same status that applies to widows or to mothers who conceived through donor insemination. In an offensive way, the term implies that the sole parent is the only parent. Although the law does not use the word ‘custody’ but rather uses ‘possession’ over the children, the term is interpreted as synonymous with custody, implying that it qualifies the custodial parent for ‘sole parent’ welfare benefits. But the value of these benefits is not always significant, and for middle- and upper-class families they do not justify the custody battle. Moreover, parents could come to an agreement about of which of them will receive these benefits, eliminating the need to fight over custody for this purpose.

**Child Support**

A second possible consequence of custody that must be examined regards child support. According to Israeli law, the parents’ liability or eligibility for child support is determined by the religious law applicable to the parties. Although the Israeli system operates both civil and religious family courts (such as the Rabbinical Court, the Shari’a Court, etc.), all courts must apply the religious law of the parties in matters of child support. But religious law does not take into account the concept of custody, and therefore custody does not affect the liability for child support. Jewish law, which applies to the majority of people in Israel, states that fathers have the core financial responsibility for their children (Bazaq 1977; Shiber 2011), and therefore family courts in Israel hold that Jewish fathers are liable for child support,
irrespective of custody. Other religious laws also determine the liability for child support based on several factors, none of which is custody. Consequently, in various cases the courts had charged the father with a certain amount for child support when, at the time, the mother had sole custody of the children, and if the custody was later changed, the courts have refused to amend the amount of child support the father was liable for, claiming that custody does not determine the amount that is due.

In November 2012, the Committee for the Examination of Child Support in Israel published its recommendations for reform in the law of child support (Shifman Committee 2012). But even according to these recommendations, custody would not play any role in the determination of child support, and the liability or eligibility for child support would be determined based on parental time and income. Thus, according to both the current law and the proposed reform, custody has no significant role in determining child support.

Unlawful Interference with Parental Time

It appears that the two primary areas in which custody has implications are with regard to unlawful interference with parental time and relocation. A primary effect of labeling parents as non-custodial is that they often perceive the label as an exemption from parental responsibilities, including their parental time, rendering their involvement with the children optional and at their discretion. This can severely affect the well-being of the children and the burdens shouldered by the custodial parent.

However, unlawful interference with parental time refers to a completely different matter, specifically to cases in which one parent prevents the other from using his or her parental time. In other words, it is when one parent refuses to allow the other access to the children according to the parental time arrangement. In a separate study, I have shown that the enforcement authorities in Israel (the police, the prosecution, and the courts) treat the case of a custodial parent who unlawfully interferes with the parental time of the non-custodial parent differently than they treat the opposite case (Mazeh 2011). When the non-custodial parent unlawfully interferes with the parental time of the custodial parent, it is regarded as a severe criminal offense. The police promptly arrive at the non-custodial parent’s residence and physically enforce the transfer of the children to the custodial parent. Moreover, the non-custodial parent is likely to face prosecution for infringement of a lawful order and, in certain cases, even for abduction. By contrast, when the custodial parent takes the same action, the police generally refuse to intervene, claiming that it is a family matter that should be dealt with in family court. The study (ibid.) also found that
it is only on rare occasions that family courts take any measures against the custodial parent for such conduct.\textsuperscript{16}

Custody, therefore, has two negative effects. It signals to non-custodial parents that their involvement is voluntary, encouraging many of them to stop contributing to the care of their children. And in other instances, when non-custodial parents are keen to take part in the upbringing of their children, the notion of custody allows the custodial parent to deny the non-custodial parent access to their children.

\textit{Relocation}

The other situation in which custody can become important is relocation. Both custodial and non-custodial parents are entitled to relocate without the children, who are left in the care of the other parent. But if parents wish to relocate \textit{with} the children, custody may become an important factor. In several judgments, the courts have granted custodial parents permission to relocate with the children based on the claim that custody allows the custodial parent to do so.\textsuperscript{17} Note, however, that the case law in this matter is not consistent. Although there is some dissent,\textsuperscript{18} it has been argued that custody should carry considerable weight with respect to relocation.

It follows that, aside from some social benefits, custody is not an important factor in Israeli family law if neither parent intends to unlawfully interfere with the parental time of the other or to relocate with the children. The strongest effect of custody is in the unofficial message it conveys to parents in marginalizing the non-custodial parent. Moreover, the unnecessary link between custody and the concept of sole parenthood is interpreted by many as nullifying the role of the non-custodial parent and denying him or her any parental role. Beyond this, from a narrow legal standpoint, custody does not provide the custodial parent with any additional privileges in caring for the children and does not define his or her duties.

\textbf{Potential Gainers and Losers from the Abolition of Custody}

In 2011, the Committee for Examination of the Legal Aspects of Parental Responsibility in Divorce, published its final report (Schnitt Committee 2011), in which it recommended that the concept of custody be abolished altogether. The deliberations of the committee had been conducted under constant public pressure from various lobbying groups. As the concept of custody does not appear in Israeli law, abolishing it means instructing the courts to stop using the term and to no longer allow litigation over it.
Since current Israeli practice tends to allow mothers to receive custody of the children almost automatically, the Schnitt Committee recommendation is perceived by many as a threat to mothers (Hacker and Halperin-Kaddari 2012; Meisels 2010; Schnitt Committee 2008: 49–60). Naturally, this has led to a heated public debate (Mazeh and Miron, forthcoming), which would benefit from a proper understanding of who stands to lose and who stands to gain from the potential abolition of the concept of custody.

**Children**

First and foremost, it is argued that the main beneficiaries of the abolition of custody would be the children. There is no dispute regarding the destructive nature of custody battles and the toll that they exact on children. Joels and Sagi-Schwartz (2012), as well as others (Amato and Fowler 2002; Hetherington et al. 1985; Smith and Gollop 2001), have noted that the child’s psychological well-being is best served when the message to the child is that both parents retain their parental roles. This, Joels and Sagi-Schwartz argue, is achieved when no hierarchy of custodial versus non-custodial statuses is imposed, and therefore they strongly favor abolition of the concept of custody (cf. Main et al. 2011; Wallerstein and Blakeslee 1996).

**Current Non-custodial Parents**

Also affected by the abolition of custody would be those currently labeled as non-custodial parents, generally the fathers. Various studies have found that, according to the current law, the term ‘custody’ does not reflect the level of involvement of the parents (Frishtik and Yagelnic 2007; Sharon 2007). We have seen that although custodial parents do not generally have more rights than non-custodials, custodials are in a better position to jeopardize non-custodial parents’ relationship with the children by violating their parental time and/or by relocating. Moreover, because custody is perceived by the public as having a prominent effect on post-separation parenthood, studies have shown that labeling a parent as non-custodial signals to all parties, including the children, that the non-custodial parent can be marginalized.

These studies have also shown that after being labeled as non-custodial, many fathers have reduced their involvement with the child, not because they do not wish to be involved but because the institutional attitude toward their parental involvement signals to them that such involvement is discouraged (Galin 2008; Mandel 2007). Abolition of the concept of custody
would eliminate this marginalizing message and encourage these parents to be more involved with the children, to their benefit (Amato and Fowler 2002; Kelly 2006).

**Current Custodial Parents**

Finally, the question remains whether parents who are currently labeled as custodial, primarily mothers, would be worse off if the concept of custody were abolished. First, it must be made clear that abolition of the concept of custody would not reduce welfare benefits and/or child support to which current custodial parents are entitled. According to present practice, the courts determine which parent is custodial, a decision that provides, among other things, the relevant social benefits. In the absence of custody, the courts would still provide the same parent with the same social benefits, without using the custody label.

We have seen that, in Israeli law, child support is not determined by custody, neither in current law nor according to the proposed reform, and child support is therefore also unlikely to change as a result of the abolition of custody. Thus, in my opinion, parents (typically mothers) who are currently labeled as custodial would not be worse off as a result of the abolition of custody.

We have also seen that the authority and responsibilities of the parents follow from guardianship, and parental time is not determined by the custody label. It follows that unless the custodial parent intends to interfere unlawfully with the parental time of the other parent or wishes to relocate with the children, the abolition of custody is not likely to affect the custodial parent. Indeed, even with respect to relocation, recent cases have shown a tendency on the part of the courts to consider the best interests of the child, irrespective of custody.19

I argue, therefore, that abolition of custody would not harm anyone. It would reduce litigation, it would signal both to the child and to the parents that both parents have parental responsibilities, and it would encourage the parent who had been marginalized to increase his or her involvement, without depriving the formerly custodial parent of any right or privilege.

**Reflecting the Public Discourse**

Why has the Schnitt Committee’s recommendation to abolish custody created such strong opposition from feminist and women’s organizations?20 To answer this, we must examine the three main arguments that have been raised against the abolition of custody.
Increase of Litigation

The first argument is that abolition of custody would lead to more litigation (Schnitt Committee 2008: 49–60). That argument maintains that custody enables the custodial parent to decide many issues on his or her own. Therefore, abolition of custody is likely to increase dramatically the amount of litigation, as each matter would have to be determined jointly by the parents, and in the absence of agreement it would have to be determined by the courts.

This argument is based on a misunderstanding of the current law, which stipulates that the custodial parent has no authority to make decisions regarding the children without the consent of the other parent (Section 18 of the Act). Currently, parents fight over custody in court, and after custody has been determined, they must still go to court over every disputed matter. Abolition of custody would therefore serve to decrease litigation and prevent the emotional battle over the title of custodian. Wise parents will reach consensual arrangements about the upbringing of their children. Others would still have to go to court, but they would be no worse off than they are today.

Weakness of Women

The second argument is that women in Israel are in a position of weakness relative to men in many respects, particularly because of the effect of religious law on family law (Halperin-Kaddari 2007). A key factor is the get, the religious divorce document, which, according to Jewish law, must be granted freely by the husband and which therefore enables men to manipulate women during the divorce process in return for their consent to divorce. According to this argument, because women are in a weakened position in their negotiations with their ex-spouses, custody provides women with another bargaining tool in an unfair negotiation process (Kamir 2006). This argument, however, does not differentiate between husbands who have granted a get and those who have not done so and may use it as a bargaining chip. In theory, civil marriage could resolve this matter, but such a change is not politically feasible in Israel. I suggest that, irrespective of whether civil or religious marriage is in effect, the objection to the abolition of custody on this basis has two serious flaws.

The first is a moral one. The subtext of the argument is that children’s custody is a means to compensate women for their weakness and therefore should remain as a source of power in a potential conflict with their partners. I argue, however, that children are not a means to compensate anyone. Whether custody should be retained or abolished must be determined by
how it advances the best interests of the children, not by how it empowers their mothers in their bargaining with their partners.

Second, the claim that custody empowers women in their negotiations with their ex-spouses assumes that custody has wide ramifications. But we have seen that, apart from its effect on unlawful interference with parental time and potentially on relocation, custody is almost an empty label. Accordingly, most fathers would not be willing to pay for custody.

This is not to say that women should not be compensated for their position of weakness, in cases when it is applicable. But if the argument is that measures must be taken in this regard, why not provide women with real tools that would actually compensate them for their weakness, as opposed to providing them with a label that is mainly counterfeit and has hardly any practical implications? Such tools could include, for example, legal aid to women who are unable to afford an attorney, fining husbands who withhold the get and imposing significant compensation payments on them, increasing welfare benefits to single mothers, and enacting labor laws that protect single working mothers. Giving custody to mothers because they are perceived to be weak has the opposite effect because custody accomplishes little except to marginalize the non-custodial parent, which further increases the parental role of the mother, which in turn further weakens her (Hacker 2008: 52).

**Reflection of Reality**

The third argument is that custody reflects reality, which is that mothers are usually the primary caretakers of the children (Hacker and Halperin-Kaddari 2012). The weakness of this argument is threefold. First, as we have seen, custody in the Israeli social and legal system does not reflect the real involvement of the parents. Frishtik and Yagelnic (2007: 21–26) have shown that there is a clear bias in favor of mothers in the determination of custody, even if the father has been the primary caretaker and has been the primary parent emotionally and otherwise. We have also seen that even if the father remains the primary caretaker after the divorce, the courts often refuse to reflect this involvement in the custody arrangement.21 Custody therefore does not always reflect reality.

Second, even if custody did reflect reality at the time of the judgment, it is naive to assume that the concept of custody does so without also having a formative effect on reality (Galin 2008; Mandel 2007). Thus, even if custody judgments accurately reflect the roles parents played until the time of the judgment, after it is issued, the custody judgment shapes the parents’ roles from that point onward. Mandel (2007) and Galin (2008) found that fathers who had been involved in the upbringing of their children felt that
their labeling as non-custodial undermined their parenthood and as a result they significantly reduced their level of involvement, up to complete detachment in certain cases. Although the optimal level of involvement of the parents after they divorce is debatable (Kipp 2003; Main et al. 2011; Wallerstein and Blakeslee 1996), studies have shown that the well-being of the children requires that both parents be actively involved in their upbringing after the divorce, even if this was not so before the divorce (Kelly and Lamb 2000; McGavin 1995; Menning 2002). It follows that the concept of custody, which marginalizes one of the parents, does not promote the best interests of the child.

Finally, as discussed above, primary caretakers are not worse off as a result of the abolition of custody. The parents’ authority and responsibilities are the result of their guardianship, not of their custodianship; therefore, parents who are currently labeled as custodians would not lose any of their authority or responsibilities by the cancellation of this label. Thus, even if custody reflected reality and even if it did not have the significant formative role that it has, its abolition would not result in injury to the primary caretakers.

Conclusions

We have seen that the concept of custody does not enhance the role of the custodial parent. The effect that parents have on their child is determined primarily by guardianship, which in Israel is shared by both parents, and by the division of parental time, which is independent of custody. Custody does not regulate the post-divorce relationship between parents and their children or the relationship between the parents, for that matter. Moreover, the concept of custody does not reduce the conflict between the parents but, rather, increases the level of conflict significantly.

Although custody hardly denies the non-custodial parent any substantive parental right, due to the public perception of this term, the primary function of the concept of custody, in practice, is the marginalizing message that it sends to the non-custodial parent, resulting in a reduction in the involvement of that parent. As many studies have shown, the active involvement of the non-custodial parent in the upbringing of the children is of great importance to their development, and the well-being of the children requires that both parents play an active role in their day-to-day care (Amato and Fowler 2002; Fabricius 2003; Kelly 2006; Smith and Gollop 2001).

In sum, the concept of custody does not regulate post-divorce parenting, does not reduce conflict and litigation, and does not promote the welfare
of the child. Indeed, it does not even promote the welfare of the custodial parents, generally the mothers. This article has shown that parents who are currently labeled as custodial would not be worse off if the concept of custody were abolished.

The article has also demonstrated that the arguments against the abolition of custody are flawed. Although certain lobbying groups strongly oppose the abolition of custody, contending that it would be harmful to women, we have found no support for this argument. Perhaps a better explanation of the opposition of women’s and feminist groups to the abolition of custody is the natural fear that those who have enjoyed a certain status or privilege have of what may or may not happen if that status or privilege were to be revoked. For almost four decades, women have become accustomed to receiving custody almost automatically. The fear of some of them of the change in the status quo and in the symbolic capital of this label is natural. But we have not heard any persuasive argument regarding a risk or a threat to women as a result of the abolition of custody. On the contrary, we have seen that because the notion of custody marginalizes the parent labeled as non-custodial, usually the father, custody causes damage to the mother because it signals to the father that he has no caretaking obligations.

Given the vast change in fatherhood patterns in recent years in Israel, illustrated by the substantial growth in the involvement of fathers in the upbringing of children, the abolition of custody seems a necessary step that reflects the growing role of fathers and encourages others to join in this trend, without causing damage to the status of women.

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NOTES

1. Parts of this article are based on a larger study that analyzes this matter (Mazeh 2013).
2. The Hebrew term hachzaka may be translated as ‘holding’, ‘maintenance’, or even ‘possession’. We will use ‘possession’ in this article.
3. See also HJC 181/68 Florsheim v. Haifa Rabbinical Court (1968) IsrSC 32(2) 723.
4. See, for example, FMC (Hadera) 3521/04 Jane Doe v. John Doe (26 July 2006); FMC (Jerusalem) 27170/06 V.A. v. V.A. (25 January 2009); FMC (Ramat Gan) 20543-09 John Doe v. Jane Doe (17 April 2012).
8. FMC (Jerusalem) 23723/05 H.S. v. R.S. (22 February 2011); FMC (Kfar Saba) 11657/03 A.A.Y. v. A.B. (16 June 2011); FMC (Rishon Le-Zion) 29024/06 T.L. v. A.L. (23 February 2012).
9. FMA 1886/04 A.L. v. P.L. (8 August 2006); FMC (Eilat) 1724/00 K.D. v. K.Y. (20 March 2008). In FMA (Jerusalem) 1099/06 John Doe v. Jane Doe (10 April 2007), the court held that the mother had shared custody of her three daughters, even though the girls were unwilling to have any contact with her.
11. See the Family Law Amendment (Maintenance) Act of 1959, Section 3(a).
12. LFMA 2561/08 John Does v. John Roe (20 July 2008) holds that a custodial father needs to pay child support to the non-custodial mother.
14. FMC 17120/07 Jane Doe v. John Doe (22 August 2010); FMC 1181/04 Jane Doe v. John Doe (16 October 2005). In one case, however, a District Court held that joint custody could in certain circumstances lead to up to a 25 percent reduction in the amount of child support that the father is liable to pay, but at the same time the court held that the overall effect of joint custody is that the father’s financial responsibility should increase, rather than decrease. See FMA (Haifa) 318/05 John Doe v. Jane Doe (30 January 2006).
17. LCA 4575/00 Jane Doe v. John Doe (8 January 2001); FMC (Eilat) 1724/00 K.D. v. K.Y. (20 March 2008).
18. For cases that have rejected the custodial parent application to relocate, see FMA (Jerusalem) 12820/06 G.K. v. G.K. (16 August 2006); MC (Jerusalem) 54727/09 M. v. A. (3 September 2009); FMC (Jerusalem) 3838-12-10 G.H. v. A.M. (17 August 2011).
19. Ibid.

REFERENCES


Sharon, Dan. 2007. “Guiding Considerations in Matters of Custody and Visitation.” [In Hebrew.] *Collection of Essays to Welfare Officials (Ministry of Labor and Social Affairs)* 4: 86.


