

Codebook

Functional Parent Doctrine Database Case-level data file

Dataset name:	fp_cases
Dataset size:	256.3 Kb
Column count:	26
Row count:	669
Updated date:	2023-03-06

Description:

This dataset contains hand-coded, case-level information drawn from every electronically-available functional parent decision issued between 1980 and 2021 from every US jurisdiction with a functional parent doctrine.

Citation:

Courtney G. Joslin and Douglas NeJaime, Functional Parent Doctrines Database, version 1.0 (2023), <http://documents.law.yale.edu/functional-parent-doctrines>

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Keywords:

Caregiving; Case law; De facto caregiver; De facto parent; Empirical legal research; Equitable caregiver; Equitable parent; Family law; Functional parent; Functional parenthood; Holding out; In loco parentis; Legal parenthood; Parentage; Presumed parent; Primary caregiver; Psychological parent

Column Attributes:

1	Column name:	state
	Column description:	State
	Data type:	Character
	Unique non-missing value count:	32
	Missing value count:	0

2	Column name:	case_year
	Column description:	Year
	Data type:	Numeric
	Unique non-missing value count:	40
	Missing value count:	0

3	Column name:	case_citation
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Column description:	Case citation
Data type:	Character
Unique non-missing value count:	668
Missing value count:	0

4	Column name:	case_name
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Column description:	Case name
Data type:	Character
Unique non-missing value count:	662
Missing value count:	0

5	Column name:	case_published
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Column description:	Published or unpublished case
Data type:	Factor
Unique non-missing value count:	2
Missing value count:	0
Value labels:	P = Published U = Unpublished

6	Column name:	case_outcome
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Column description:	Outcome of case
Data type:	Factor
Unique non-missing value count:	9
Missing value count:	0
Value labels:	Affirmed = The trial court decision was affirmed with respect to the functional parent determination (including if the appellate court reversed and/or remanded, and the Supreme Court reversed and/or remanded, thereby affirming the original decision of the trial court). Reversed = The trial court decision was reversed with respect to the functional parent determination OR the

trial court decision was reversed and remanded, but the remand was not on the specific question of whether the alleged FP should be treated as a FP and the reversal was on the specific question of whether the alleged FP should be treated as a FP.

Affirmed/Reversed = The trial court decision was affirmed with respect to the functional parent determination for one of the minor children but reversed with respect to the functional parent determination for the other minor child (per the definitions of affirmed and reversed above).

Reversed and Remanded = The trial court decision was reversed and remanded AND the remand was on the specific question of whether the alleged FP should be treated as a FP (e.g., the appellate court found that the trial court had jurisdiction to decide this question and reversed the granting of a motion to dismiss).

Vacated and Remanded = The trial court decision with respect to whether the alleged FP should be treated as a FP was vacated and the court remanded with instructions regarding the question of whether the alleged FP should be treated as a FP.

Vacated = The trial court decision with respect to whether the alleged FP should be treated as a FP was vacated.

Remanded = The appellate court only remanded on the specific question of whether the alleged FP should be treated as a FP.

Other = The appellate court only remanded, without making a determination about the FP holding at the trial court (e.g., might be vacating the ruling without saying anything about the merits).

N/A = This is a trial court opinion.

7	Column name:	fp_determine
	Column description:	Functional parent determination
	Data type:	Factor
	Unique non-missing value count:	5
	Missing value count:	0
	Value labels:	Y = Alleged FP is found to be a FP (regardless of whether custody/visitation was actually awarded) N1 = Alleged FP is not found to be a FP on the merits (regardless of whether custody/visitation was actually

awarded, perhaps on some other ground, such as a third-party custody statute)

N2 = Alleged FP is not found to be a FP but the decision was based on non-merits grounds (regardless of whether custody/visitation was actually awarded, perhaps on some other ground, such as a third-party custody statute)

U = Court doesn't decide FP question or remands for trial court to decide

S = Split determination (if multiple alleged FPs); see fp_determine_split for specifics

8	Column name:	fp_determine_split
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Column description:	Additional details if split functional parent determination
Data type:	Factor
Unique non-missing value count:	2
Missing value count:	667
Skip pattern:	Only non-missing in cases where FP determination varies across multiple alleged FPs (fp_determine = S)

9	Column name:	claim_by
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Column description:	Party making the claim
Data type:	Factor
Unique non-missing value count:	4
Missing value count:	0
Value labels:	AFP = Alleged functional parent BLP = Biological or legal parent CHLD = Child CT = Court (sua sponte) raises functional parent issue

10	Column name:	claim_type
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Column description:	Type of affirmative or defensive claims being made
Data type:	Factor

Unique non-missing value count: 5

Missing value count: 0

Value labels:

AFP seeking rights = Alleged functional parent is seeking custody/visitation/rights

AFP seeking to avoid obligations = Alleged functional parent seeking to avoid paying child support

BLP seeking to include = Bio/Legal parent bringing action to include alleged functional parent in custody arrangement

CHLD seeking to include = Child(ren)'s attorney raises claim that alleged functional parent should be adjudicated

CT raises issue = Court raises FP issue sua sponte

11	Column name:	claim_legal_basis
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Column description: Legal basis for claim

Data type: Factor

Unique non-missing value count: 3

Missing value count: 0

Value labels:

Equitable parenthood = De facto, equitable, in loco parentis, psychological parenthood, or analogous doctrine

Presumption = Presumed parenthood other than "holding out" (i.e., Kansas's presumed parent status)

Holding out presumption = Presumed parenthood based on "holding out"

12	Column name:	vlnc_flag
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Column description: Allegations of domestic violence against any party

Data type: Factor

Unique non-missing value count: 2

Missing value count: 0

Value labels:

Y = Yes

N = No

U = Unclear

13	Column name:	abuse_flag
	Column description:	Allegations of child abuse/neglect against any party
	Data type:	Factor
	Unique non-missing value count:	2
	Missing value count:	0
	Value labels:	Y = Yes N = No U = Unclear

14	Column name:	afp_relationship
	Column description:	Relationship of alleged functional parent to child(ren) or to biological/legal parent
	Data type:	Factor
	Unique non-missing value count:	20
	Missing value count:	0
	Value labels:	Biological parent = Biological parent of child(ren) Spouse (different-sex) = Current or former different-sex spouse of bio/legal parent Partner (different-sex) = Current or former different-sex unmarried partner of bio/legal parent Spouse (same-sex) = Current or former same-sex spouse of bio/legal parent Partner (same-sex) = Current or former same-sex unmarried partner of bio/legal parent Grandparent(s) = Grandparent(s) of child(ren) Other relative(s) = Uncles, aunts, great-grandparents, etc., of child(ren) Foster parent(s) = Foster parent(s) of child(ren) Gestational surrogate = Gestational surrogate who gave birth to child(ren) Paid caregiver = Paid caregiver of child(ren)

Non-relative(s) = No legal or biological relationship with child(ren) or bio/legal parent

Unclear = It is very unclear what relationship the alleged FP has to the child(ren) or to bio/legal parent

15	Column name:	afp_involvement
Column description:		Alleged functional parent's involvement in child's life
Data type:		Factor
Unique non-missing value count:		10
Missing value count:		0
Value labels:		<p>Primary caregiver = Cases in which the functional parent was serving as the primary caregiver for the child or two functional parents as co-primary caregivers (e.g., aunt/uncle, grandparents), and unclear whether a more specific code would apply</p> <p>Co-primary caregiver with bio/legal parent = Cases in which the functional parent(s) served as co-primary caregiver alongside a bio/legal parent (i.e., functional parent and bio/legal parent were both primary caregivers)</p> <p>Primary caregiver; bio/legal parent primary caregiver at different time = Cases in which the functional parent(s) served as primary caregiver and a bio/legal parent also served as primary caregiver at another time (either before or after functional parent was primary caregiver)</p> <p>Primary caregiver; bio/legal parent inconsistent care = Cases in which the functional parent served as primary caregiver and no bio/legal parent was a consistent caretaker (e.g., bio/legal parent is involved, but not consistently/not taking on parenting responsibilities)</p> <p>Primary caregiver; no bio/legal parent involved = Cases in which the functional parent served as primary caregiver and no bio/legal parent was involved in the child's life (e.g., no visitation, no relationship)</p> <p>Never = Cases in which the alleged functional parent was never a primary or co-primary caregiver (but may live with child)</p> <p>Never, lived sporadically with child = Cases in which the alleged functional parent lived with child only sporadically and was never a primary or co-primary caregiver</p> <p>Never, had sporadic relationship with child = Cases in</p>

which the alleged functional parent never lived with child and had only a sporadic relationship with child

Unclear, lived with child = Unclear what caregiving role the alleged functional parent played, but the alleged functional parent lived with the child

Unclear = Unclear what involvement the alleged functional parent had

16	Column name:	blp_involvement
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Column description: Biological or legal parent's involvement in child's life

Data type: Factor

Unique non-missing value count: 5

Missing value count: 0

Value labels: Primary caregiver = A bio/legal parent was a primary caregiver at the time of the action

Former primary caregiver = A bio/legal parent was a primary caregiver at some point before the action, but is no longer serving as primary caregiver

Involved, but not primary caregiver = A bio/legal parent was involved in child's life but not a primary caregiver

No involvement = No bio/legal parent was ever actively involved in child's life

Unclear = Unclear what involvement any bio/legal parent had

17	Column name:	parental_death
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Column description: Case involves death of a biological/legal parent

Data type: Factor

Unique non-missing value count: 2

Missing value count: 0

Value labels: Y = Yes, one or both bio/legal parent(s) have died

N = No

18	Column name:	child_welfare
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Column description: Case involves involvement of child welfare authorities

Data type: Factor
 Unique non-missing value count: 2
 Missing value count: 0
 Value labels: Y = Yes
 N = No

19	Column name:	intended_parents
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Column description: Case involves intended parents

Data type: Factor

Unique non-missing value count: 5

Missing value count: 0

Value labels: Adoption = Child was adopted by legal parent and not alleged FP and there is allegation that alleged FP was an intended parent

Assisted reproduction = Child was conceived through assisted reproduction and there is allegation that alleged FP was an intended parent

Sexual intercourse = Conception occurs via sexual intercourse and there is allegation that alleged FP is an intended parent

No = Alleged FP was not alleged to be an intended parent

20	Column name:	proc_posture
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Column description: Procedural posture

Data type: Factor

Unique non-missing value count: 4

Missing value count: 0

Value labels: Custody/Visitation (lived together) = Cases involving former intimate partners who lived together with the child, broke up, and now there is a custody/visitation dispute

Custody/Visitation (lived apart) = Cases involving former intimate partners who did NOT live together with the child, broke up, and now there is a custody/visitation dispute

Child support = Cases involving conflict over child support obligations

N/A = Custody/visitation disputes that don't involve former intimate partners

21	Column name:	vlnc_afp
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Column description:	Domestic violence allegations against alleged functional parent
Data type:	Factor
Unique non-missing value count:	2
Missing value count:	0
Value labels:	Y = Yes N = No U = Unclear

22	Column name:	vlnc_blp
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Column description:	Domestic violence allegations against biological/legal parent
Data type:	Factor
Unique non-missing value count:	2
Missing value count:	0
Value labels:	Y = Yes N = No U = Unclear

23	Column name:	vlnc_oth
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Column description:	Domestic violence allegations against third party
Data type:	Factor
Unique non-missing value count:	2
Missing value count:	0
Value labels:	Y = Yes

N = No

U = Unclear

24	Column name:	abuse_afp
	Column description:	Child abuse/neglect allegations against alleged functional parent
	Data type:	Factor
	Unique non-missing value count:	2
	Missing value count:	0
	Value labels:	Y = Yes N = No U = Unclear

25	Column name:	abuse_blp
	Column description:	Child abuse/neglect allegations against biological/legal parent
	Data type:	Factor
	Unique non-missing value count:	3
	Missing value count:	0
	Value labels:	Y = Yes N = No U = Unclear

26	Column name:	abuse_oth
	Column description:	Child abuse/neglect allegations against third party
	Data type:	Factor
	Unique non-missing value count:	2
	Missing value count:	0
	Value labels:	Y = Yes N = No

U = Unclear