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Sent: Friday, 8 August 2003 4:49 PM
To: Committee, FCA (REPS)
Subject: FW: Child Custody Arrangements Enquiry

House of Representatives Standing Committee
on Family and Community Affairs

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Committee Secretary
Standing Committee on Family and Community Affairs
Child Custody Arrangements Enquiry
Department of the House of Representatives
Parliament House
Canberra ACT 2600
Australia

Dear Sir/Madam

I totally support the concept of rebuttable Shared Parenting as a starting point in Family Law and commend the Prime Minister Mr John Howard in raising the issue. Shared Parenting is what most children would request, when not under parental duress, if the courts were to ask them.

The Rebuttable Presumption of Equal Shared or Joint Parenting is about **Human Rights**. It is in essence about a child's right to know and love and be loved by both parents without fear of disapproval or reprisal by one parent.

Prime Care, the default position of the **current needlessly adversarial system**, gives one parent sole custody and reduces the other parent from the role of parent to that of visitor in a child's life – and even that at the often times precarious or capricious whim of the Primary Carer, this does nothing but create a breeding ground for the worse forms of child abuse including the mental and emotional cruelty of parental alienation.

Too frequently a **Primary Carer refuses contact** between a child and the other parent usually citing false or exaggerated reasons, in the process educating children that this type of malicious and deceptive conduct is acceptable behaviour.

Primary Carer's also far too frequently set behaviour pattern's in place of consistently pointing out the other parent's fault's and folly's, as they see them, whilst strenuously ignoring any of that parent's positive characteristic's. Denigrating and poisoning a child's mind and emotion's against a parent has the unfortunate consequence of **alienating children** from what would otherwise be a continuous emotionally and intellectually fruitful loving relationship with the denigrated parent.

Shared Parenting or Joint Custody as a starting point in Family Law would mean that **children will be assured of an ongoing relationship with both parents**, excluding extreme cases, following the cataclysm of Family breakdown.

This would be of the **greatest benefit to children** as they would not then be deprived, to the same extent children are under the current system, of the **emotional and financial stability** they had been brought up with and previously enjoyed.

17/08/2003

With a **Shared Parenting** situation as the starting point parents would also be in a much better position to continue to **provide emotional and financial security for their children** rather than the current situation where children's emotional and financial futures are dashed against the rocky shores of an adversarial Family Law system.

Under the current system Family Law solicitor's are encouraged, principally by financial rewards, to treat their clients as hostile individual's with opposing interest's, rather than putting their energies and talent's into helping couples **work on** what is **best** for the post separation family.

In summing up I wish to remind members of this commission that seven years ago the Australian Federal Parliament sent a very clear message to the Family Law Court regarding a preference for the proposition of rebuttable shared parenting and that children should be cared for by both parent's. This message was and continues to be treated with contempt and soundly ignored by the court.

Sadly the main **dissenters** to this message were those who obtain the most benefit from feeding at the trough of the current adversarial divorce industry namely family law solicitors, barristers, social workers, psychologists, the Child Support Agency and the Family Law Court itself.

The principle challenge, members of this enquiry will face, will be in seeing through the arguments of the wealthy and well paid professional's with vested interests who have the most to gain in maintaining the status quo against the best interests of the ordinary men, women and children of Australia.

Attachments

1. Analytical data – Australia/Canada/USA
2. Poem outlining my relationship spanning 21 years (2 pages)

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From: Tony Howden [hfdawrwin3@internode.on.net]
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Subject: A Case for Children, Fathers and the Rebuttable Presumption of Shared Parenting - Anthony Howden GPO Box 2205 Darwin NT 0801

INTRODUCTION

Madam Justice McLachlin of the Supreme Court of Canada in *Young vs Young* 1993 (1) said that, in looking at what is in the best interest of the child, a court should be concerned with "maximizing contact between the child and each parent." The standard dictionary definition of 'maximum' is: "the most," or "the greatest quantity."

Why does this high principle and standard of "maximum contact" laid out by the Supreme Court of Canada get eviscerated daily in the lower courts? How can "every other weekend and occasional afternoons" possibly be "maximum" time? Why is there such an enormous gulf between the stated principles of the The Best Interests of The Child ie maximising contact between the child and each parent and the Family Court norm?

Most jurisdictions in the United States and Europe have presumptions of joint custody or co-parenting written into the family law. Why has Australia remained seriously out of step with modern approaches to family law?

The answer to these questions is that, despite some improvement, in the main our courts remain stuck on wrong assumptions.

It is difficult to disprove assumptions because by definition they are things that don't require proof.

Statistics Canada (July 1998 "Growing Up With Mom or Dad" No 89-566-XIE) reports that of children 0 - 11 years of age in B.C., 16.4 % live in single mom homes and only 1.5 % with single dads. That is a factor of TEN times as many mothers as dads getting the kids. The Divorce Act and the Family Relations Act are gender neutral. Judges, politicians and administrators tell an increasingly inquiring press, as they do also in Australia, that there no longer is any gender-bias in the courts. Parents - particularly fathers - and family lawyers argue otherwise.

It is the thesis of this argument that the Australian Family Law Court can do a lot better for children by putting dad back in their lives - not in the token form by making him a visitor every other weekend and a weekday supper (or even two weekday suppers) - but actual and meaningful co-parenting.

A CASE FOR FATHERS AND THE REBUTTABLE PRESUMPTION OF SHARED PARENTING

Psychologist Dr. Joan B. Kelly, one of North America's most renowned experts on the issues of child custody and access, addressed both the 1995 CLE Family Law Conference and the 1997 Family Law Conference. In 1995 she presented a paper entitled "The Determination of Child Custody," first printed as an article in the journal *Children and Divorce*, Vol. 4 No. 1, Spring 1994. In her address she recited the history of custody from Roman times to the recent trend toward recognizing "the growing interest in shared custody as a means of preserving parental status and responsibilities" and as being in the better interest of the child.

". . . after focusing almost exclusively on mothers and children for decades, the child development field began, in the early 1970's, to study the father's contributions to the development of the child. The expanding **literature suggested that fathers' contributions had been undervalued, as had been the importance of children's attachment to their fathers.**" ". . . as divorce engaged the attention of the nation, numerous studies documented the sense of loss and alienation experienced by noncustodial parents and children in traditional custody arrangements after divorce." (3)

Acknowledging that the "best interest of the child" standard focuses decision making on "children's developmental and psychological needs, rather than on parental demands, societal stereotypes, or legal tradition," Dr. Kelly pointed out that:

"The core problem of the best interests standard arises from lack of uniformity regarding which interests to consider, how to define and weigh different factors, and how to account for children's' changing developmental needs over time. . . . **Without clear guidelines, magistrates and judges often make these difficult decisions by relying upon their own subjective value judgments and life experiences, resulting in unevenness in outcomes across or within these factors.**" (4)

Donald S. Moir is a senior family law lawyer in Vancouver, now retired. In a paper he presented to The International Society of Family Law in Quebec City on June 14 1996 entitled "Putting Children First: A Reconsideration of Family Law" he said this:

"The adoption of the "best interests" standard for custody determination is a necessary concomitant of no fault divorce. The late Meyer Elkin, dean of court connected counsellors, once said that it was a phrase which came "trippingly off the tongue" and had only such meaning as the user of it implicitly or expressly chose to give it. Janet Johnston has recently said:

"From a sociologists, perspective, the "best interests of the child" standard has little to do with knowledge about psychology or child development . . . many of the (statutory) criteria within the (best interests) standard have either never been investigated by researchers, are too vaguely stated to be empirically verifiable, or have little or no consistent research support."

(Janet R. Johnston: Notes for an address to the Association of Family and Conciliation Courts, May 10, 1996.)

"The unweighted criteria for determination or statutory guidelines far from limiting discretion are no more than a vehicle to excuse the exercise of bias. The greater the number of guidelines, the more the discretionary door is open. And as Dr. Johnston has pointed out none necessarily brings to decision making, our insights on child development.

"To say, however, that the best interests standard is wanting does not suggest an alternative. For example, **the "primary caregiver" rule in our society is no more than a restatement of the maternal preference bias.** It does not tell us anything about the quality of the care nor is it predictive of the capacity of the respective parents to meet the future changing developmental needs of children."

It is frustrating in court trying to help kids see more of their father when he is just as good a parent as the mom. The courts don't demand of lawyers for mothers that they produce any evidentiary bases for their essentially emotional pleadings in support of sole custody and every other weekend visits to dad. Mother's counsel rely on the old assumptions, which as noted above, don't require proof. (Example: mothers are more important to children than fathers.) In every other field of litigation alleged facts remain alleged and not probative until they are proven by objective evidence. Material opinions are given weight only from experts. Not so in family law. **Lawyers (for mothers or fathers) can argue as "fact" what is in essence nothing more than subjective bias. The courts make daily rulings based on these judicially presumed assumptions, thus perpetuating the mystique of motherhood.** (What Dr. Kelly calls the "disguised maternal preference standard." and Donald S. Moir calls the "maternal preference rule.")

A newcomer to the practice of family law could be excused for believing that there must be a large body of empirical evidence somewhere that "once upon a time" conclusively proved women have a monopoly on nurturing and care giving. Enshrined in the case law, and one need not refer to it any further.

I set out in search of this presumed body of evidence, this Holy Grail of mother's counsel. It was a mild surprise that there indeed never seems to have been any objective, tested, evidentiary support for the "tender years" doctrine, maternal preference, primary caregiver, maternal instinct etc. **(The present assumptions seem an over reaction in correcting for the general inequalities suffered by women's denial of parental rights in the 19th century augmented with "folklore, sentiment and stereotypes.")** It was a bigger surprise to discover that for several decades there has been a growing body of research supporting the crucial role of fathers in the lives of children. Even beyond that, there is evidence that suggests, statistically, that children from single father homes do better than

children from single mother homes on some measures.

My argument is not that the best interests of children, if one has to place them with either the mum or the dad, is met by placing them with their fathers, although that is now an open argument. (The radical nature of this thesis -if it bares out- like any change of paradigm, will take some getting used to.) **I put forward the evidence here in the hope only that the pendulum can be moved away from the historical biases in favor of mothers - not just theoretically , but actually - back to the center in support of meaningful co-parenting. And I do it not because it is political fashionable, or because society "feels" it should happen, or father's groups demand it. I do it because the hard evidence supports it.**

Determining the best interest of a child on the basis of objective evidence and not hunches and subjective assumptions IS in the best interest of the child. It is rarely - if ever - done!

Dr. Kelly says:

"No empirical evidence supports the distinction between primary and secondary caretaker after age five, as children's greatly increased social, cognitive, and emotional maturity creates changes in the meaning of attachments and parent-child relationships to the child."

Data referred to in this paper suggests that there in fact is no distinction between primary and secondary caretaker even before the age of five.

Michael E. Lamb edits *The Role of the Father in Child Development*, a continuing and major text on the subject. In his introductory article in the 1976 edition (Whiley Press) he writes:

"Fourth, although full-time mothers obviously spend more time with their children than working fathers do, there is a tendency to exaggerate the extent of interaction between mothers and young children. The evidence suggests that even when mother and child are in the same room, interaction can be relatively infrequent (Clarke-Stewart, 1973). Goldberg (1972) and Leiderman and Leiderman (1974, 1975, 1977) note that little social interaction takes place in African cultures even when the infant is being carried almost continually by its mother. Much of the time involved in caretaking is taken up by activities (e.g., laundering, food preparation) that do not involve interpersonal interaction (Fitzsimmons & Rowe, 1971; Stone, 1970).

"Fifth, students of both cognitive and social development have come to realise that the amount of time adults spend with children is not linearly related - perhaps not related at all - to the amount of influence they have. Empirical and theoretical

considerations indicate that the amount of time spent with the parent is a

poor predictor of the quality of the infant's relationship either mother or father (Feldman, 1973, 1979 Pedersen & Robson, 1969; Schaffer & Emerson, 1964). **Perhaps the best evidence of this is the fact that daily separations from mothers such as those demanded by day-care attendance do not appear to disrupt the infant-mother attachment** (Belsky & Steinberg, 1978; Bronfenbrenner, 1975a; Caldwell, Wright, Honig, & Tannenbaum, 1970; Doyle, 1975; Doyle & Somers, 1975; Feldman, 1973; Ragozin, 1975; Ramey & Mills, 1975; Rieciuti & Poresky, 1973; Roopnarine & Lamb, 1978; Kagan, Kearsley, & Zelazo, 1978), **and there is no reason that the daily separations from a working father need be more disruptive.**

"The quality of the interaction and of the adult's behaviour (Ainsworth et al., 1971, 1974; Bossard & Bell, 1966; Pedersen & Robson, 1969; Schaffer & Emerson, 1964) are far more important than the quantity . . ." (7)

Psychologist Dr. Richard A. Warshak, Department of Psychiatry, University of Texas, has been studying children for over 20 years. He is one of North America's foremost authorities on the effects of divorce on children. In **THE CUSTODY REVOLUTION The Father Factor and the Motherhood Mystique** he introduces his book by putting the issue square and center:

". . . This cultural prescription dictates the same custodial arrangements for all children: After divorce, children should live with, and be the sole responsibility of, their mothers. Supporting this prescription are two related assumptions: (1) Women, by nature, make better parents than men, and (2) mothers are more important to children than are fathers. I refer to these two beliefs, collectively, as the motherhood mystique-"mystique" because there is no basis in reason for it. Part one of this book shows that such beliefs cannot be justified by appeals to instinct, historical imperative, psychological theory, or research. **Raising children should not be the exclusive prerogative of women any more than work outside the home should be the exclusive domain of men.**

"Clearly, our society regards divorced fathers as second-class parents. **We need no more vivid symbol of this than the current Family Court norm restricting a divorced father's contact with his children to every other weekend.**" **This practice uproots the father-child relationship from the fertile soil of natural,daily interaction and transplants it to the artificial turf of weekends** crowded with entertainment and gifts. But two weeks does not easily compress into two days. **In most cases, the relationship suffers.**

Dr. Warshak raises some interesting points when he says ". . . in our culture any woman who does not maintain sole custody of her children is stigmatized" and ". . . mothers are reluctant to allow their children more contact with their fathers because they are uncertain about how this will affect the children." **The irony is that the past several decades of the courts saying kids should be with moms is one of the main reasons moms think the kids should be with them. It has become circular reasoning.**

I share Dr. Warshak's sentiment that "By presenting the case for increased father involvement from the point of view of the children's best interests, I hope to initiate personal and cultural attitude changes that will permit the mother who declines sole custody to live without shame."

In the conclusion to her article, Dr. Kelly writes:

"While joint legal and physical custody statutes now allow parents to share child-rearing time and responsibilities after divorce as an alternative to awarding sole custody to one parent, the most common physical custody arrangement remains that of maternal physical custody. Despite profound societal changes in the past two decades, which have affected family functioning and parental care traditions, **it would appear that the majority of custody decisions continue to reflect, to a large degree, deeply imbedded cultural traditions and assumptions that view mothers as primarily responsible for their children, both during marriage and after divorce.**"

The history of "kids go to mom - dad visits" in Canada is succinctly summed up in an article entitled "Oh Dad, Poor Dad" by Donna Laframboise. A few of her points are:

". . . a growing number of men who have discovered that, in the event of a divorce and child custody dispute, the deck is stacked against them."

"Fathers are far less likely to be awarded custody, they are more likely to be punished for violating court orders than their ex-wives, they are more vulnerable to being falsely accused of abuse, and they are often presumed guilty once such an allegation is made."

"Complicating abuse allegations (which are usually brought by women against men) **is the fact that perjury is widespread in affidavits filed in divorce proceedings wherever courts of similar nature to the Australian Family Law Court**

operate. In a 1995 speech on ethics in family law, Ontario Judge Mary Lou Benotto said that human beings find it "far easier to lie on paper than in the witness box," and that "it is widely acknowledged [that] perjury is rampant and, moreover, goes unpunished" in affidavits, despite the fact they are signed oaths."

"Edward Kruk, a professor of social work at the University of British Columbia, conducted a two country (Britain and Canada) study in the early 1990's on how divorce affects fathers. He **concluded fathers are "judicially, culturally and legislatively disadvantaged on the bias of gender" when a marriage breaks down.**"

"Australia is years behind Canada, Britain and some US states in **acknowledging that the practice of awarding custody primarily to one parent is bad for everyone: children, fathers - and overburdened divorced mothers.**"

"Australian courts still don't differentiate between families organized along traditional lines (in which the mother cares for the children, while the father earns income) and those in which men have been doing more hands-on parenting. Even though in recent years large numbers of men have been intensely involved with their kids from birth onward, custody decisions have changed little since the early seventies."

Developmental studies of children over the past two decades are continuing to produce valuable findings on the significance of fathers in the lives of both male and female children and young adolescents. **What follows are findings from data gathered across a broad numbers of studies.** Many of the findings correspond to what has always been assumed as common sense, i.e. young boys need the influence of a father in their life. Some of the findings are more surprising, for instance the importance of fathers in girls lives. And some are going to be controversial: in some areas both sons and daughters can get more from dad than from mom.

Nothing in this argument should be interpreted to suggest that mothers aren't terribly important in the lives of children, or that one gender is "worse at" or "better than" the other. But the genders are different. The brains of men and women have evolved differently. Fathers and mothers bring different dynamics to the role of parent, complimentary and oppositional. It is experiencing the loving tension between the differences that create a healthy child and a robust adult.

I am not saying "Father knows Best!" Only that "Father knows Different!"

"They (fathers) also serve as models for their children and affect their children's lives directly through their interaction with them whether it be through play, helping with homework, or acting as their confidants. Fathers also, like mothers, serve as interpreters of community and family norms, teaching children which behaviours are acceptable and which are not. They also serve as a disciplinary backup to the mother. **In some circumstances, particularly for older children, the physical strength of the father may make a difference when it comes to enforcing rules.** In addition, fathers may be able to understand and respond to certain aspects of the child better than the mother in that **the child is a genetic combination of both parents.** The same, of course, is also true of mothers. Fathers also directly influence their children through the quality of the relationship that they have together. Children's well-being as measured by sex-role adjustment, achievement, and psychosocial adjustment is enhanced when they have a close, warm, and loving relationship with their fathers (Lamb, 1986). As noted earlier, children with such relationships with both parents benefit even more (Lamb, 1986).

"Lamb identified three components of parental involvement (applicable to mothers as well as fathers): direct interaction in which parent is actively engaged in activity with child; accessible in which parent is not directly involved with child, but is in the same room or nearby and is, therefore,

readily accessible; and responsibility in which parent ensures that the needs of child are met such as scheduling paediatric visits, making sure meals are ready, and that child has clothes to wear." (11)

"Childrearing fathers . . . (have) produced three outcomes that are specially relevant to the present investigation: increased intellectual competence, increased social-emotional maturity, and greater sex role flexibility."

WHAT HAPPENS TO KIDS IN DIVORCE

A) "Ironically, one of the strongest determinants of a child's healthy adjustment to divorce is the extent of the father's continued participation as a parent. Children of divorce suffer socially, emotionally and intellectually when their fathers are not actively involved as parents. **They appear to internalize responsibility for the father's departure and suffer a precipitous loss of self esteem and initiative that is reflected in depression, poor school performance and failure in peer relationships.** Adolescent girls offer an especially poignant example: when their fathers are not around they are more likely than a girl with an available father to become sexually promiscuous. They have sex at an earlier age with more partners and they are more likely to marry young, to find their own marriages unsatisfactory and eventually to divorce themselves."

"Furthermore, boys at every age suffer more from divorce than do girls - in part because they usually live with their mothers and little time with their same sex parent. Divorce is also more problematic for boys because mothers tend to be more critical and anger toward their sons than their daughters, and when the father is absent mothers discipline daughters more effectively than sons. Research also suggests that when shared parenting arrangements are not working, boys adjust better in the custody of their father, girls better in their mother's custody. The best adjusted children of divorce, however, have frequent access, without conflict, to both parents." (14)

B) **"We symbolize this decline by labeling the contacts children have with their father after divorce, as visits. They live with their mother, they visit their father.** What sort of contacts do we label as visits? When children go to school, we don't call it a visit, unless they happen to be visiting a teacher from the past, in a school they no longer attend. They practice with their soccer team, we don't call it a visit. When they attend their dance class, we don't call it a visit. **But, if they are observing a something that is not their own, then we say they're just visiting.** You all belong here. I'm just visiting. **Visit is a term we use when we set a person apart in some fundamental way from others at the same location.** A visitor is a guest in the home, and without thinking about it, every time we use this term to denote the time our children spend with their father, we're endorsing a destructive idea. **We're telling the children that after the divorce, their association with their father must be transformed into something less than a normal parent-child relationship. So, rather than**

reassure children that they have not lost a parent as a result of the divorce, we give them the message that the father is devalued. He's no longer essential in their eyes. He's no longer a parent, in the same sense as he was before the divorce. When we restrict their contact with their father to every other weekend, then we remove the relationship from a natural daily interaction and we transplant it to the artificial turf of the weekends that are crowded with entertainment and gifts, for when his children become guests, it follows that the father must now be a host. He must entertain the guest, and, of course, this is what many divorced fathers do. In fact, so many fathers do it that the phrase, "Disneyland Dad," is commonly used to describe the altered relationship. Divorced fathers become recreational directors. The research shows that homework and chores are no longer their concern. Conflict is minimized. Fun time is maximized. But, eventually, the visiting relationship wears thin. Everyone senses that something has been lost. The father-child relationship is no longer as rich. It is no longer as comfortable. It is no longer as gratifying as before the divorce. Two weeks worth of living do not compress easily into two days. And, this is one reason why so many divorced fathers who dearly love their children and work hard to support them during the marriage, gradually drift out of their lives." (15)

"Fathers who have sole custody echo the complaints of mothers with sole custody. They feel overburdened, just as the mothers do, but the evidence indicates contrary to the stereo type that divorced men can rear and nurture their children competently and are equally capable of managing the responsibilities of custody, with the possible exception that the fathers have been found more effective when it comes to matters like discipline, enforcing limits, and that's particularly with boys." (16)

"The bottom line, of course, is how the children do when the father has custodial responsibilities and the results of studies in Texas, as well as ten independent studies conducted throughout the United States, indicate that we cannot predict anything about how well a child will function merely by knowing the gender of that custodial parent. **That type of consensus, in my field, really suggests a reform is needed in custody policy, both to discrimination against fathers who want to share custody, as well as against mothers, who suffer stigmas when they elect to share custody.**" (17)

C) **"Numerous studies have established beyond a doubt that infants form close attachment bonds with their fathers and that this occurs at the same time that they form attachments to their mothers. Although father and mother usually play different roles in their child's life, "different" does not mean more or less important."** (18)

". . . a warm, involved, caring father does mitigate against antisocial behavior, and an inadequate father does increase the probability of delinquency. As in the case of intellectual development and social development, a father can be a predominantly positive or negative influence with regard to his children's moral development. And this runs counter to our cultural prejudice, which consistently devalues the father's

contribution to his children's psychological development. . . . **for the better part of this century, our society and its institutions have overlooked all but the father's economic contribution to his children.**" (19)

". . . stereotypes about the nature of men, women, and children have dictated custody decisions throughout history. In earlier times, it was assumed that men, by nature, are better suited to protect and provide for children. Since 1920, it has been assumed that women, by nature, are better suited to love and care for children. . . . As guidelines for custody dispositions, **folklore, sentiment, and stereotypes are poor substitutes for factual information.**" (20)

D) "Recent studies of primary-caretaking fathers show that fathers can be perfectly adequate primary caretakers and that there are both similarities to and differences from caretaking patterns of mother. The differences are as important as the similarities, because they provide a wider spectrum of formative and growth triggering responses in infants as well as children of older ages. **The difference in parental styles complement one another, constituting one of the key reasons why children need both a father and mother.**" (21)

E) "The absence of fathers from their families is often associated with a decrease in quantitative skills and inadequate development of sex-typed behavior in children, especially in boys. Such effects have also been reported in instances where the father lives with the family but is to some degree unavailable to the child because of his work schedule. The explanation most frequently offered for the effects of paternal absence is the loss of the father as a model to the child. Although the potency of the father as a model is in part a function of his status in the family and his relationship with the child, the amount of direct contact between father and child apparently also plays an independent role." (22)

". . . it appears that parental harmony is less important for most outcome variables than are the affective relationships that are maintained after divorce between the child and his or her parents." (23)

F) **Fathers describing themselves as relatively highly involved with their children pre-divorce were more likely to lose contact with their children** than fathers describing themselves on the periphery of their children" lives pre-divorce. These latter often got closer. (24)

The first six to twelve months of separation between the parents were found to be the most critical in defining the post-divorce father-child relationship. p 21 This extremely important fact is one of the first victims of the policy of our courts to grant interim orders of custody or principle residence typically to the mother, set in place a bare minimum "visitation" schedule with dad, and wait two years for trial to have a proper hearing. Then, according to Kruk, Wallerstein and Kelly the damage could be done. (25)

G) "The absence of fathers from their families is often associated with a decrease in quantitative skills and inadequate development of sex-typed behavior in children, especially in boys. Such effects have also been reported in instances where the father lives with the family but is to some degree unavailable to the child because of his work schedule. The explanation most frequently offered for the effects of paternal absence is the loss of the father as a model to the child. Although the potency of the father as a model is in part a function of his status in the family and his relationship with the child, the amount of direct contact between father and child apparently also plays an independent role." (26)

RESEARCH RESULTS

Following are data and citations from professional articles and books demonstrating the tested effects of father-absence and father-presence in the lives of their children. The general categories are:

Learning - Health - Crime - Suicide - Drugs - Abuse - Relationships - General Development - Missing mum - Empathy - Play style - Gatekeeper - Professional bias - Father nurturing - Gender identification - Socialization - Parental alienation - Co-parenting

LEARNING

1. Children from father-absent homes score dramatically lower on IQ and every achievement test than children from father-present homes. (27)
2. Children with absent fathers perform consistently worse on intellectual ability. Children with actively involved fathers were on average seven months ahead on math and reading than those without. (28)

"All the authors noted that these families (of lower performing children) contained a distant, uninvolved, unsupportive, or angry noncustodial father and/or a chronically embittered, angry, vengeful custodial mother." (29)

- 3) An article in the Harvard Educational Review says that a boy's aptitude for math and science is impacted negatively by father absence, as is a girls to a lesser extent - mathematics reflecting "a typical masculine way of thinking or 'conceptual approach.'" The detriment is greater the longer the separations in the first few years after birth. (30)

- 4) Both boys and girls do worse on math with girls even more. (31)

5) One study was surprised to discover "that father's reading time discriminated highly in favor of high verbal ability only for girls and not for boys" and that "mother's reading time did not differentiate between the groups." Thus girls, whose verbal skills are superior to boys generally, get much of that skill from their father. (32)

6) "Regardless of which survey we look at, children from one parent families are about twice as likely to drop out of (high) school as children from two parent families." And if they do make it through high school males remain 1.5 times as likely to be unemployed as males from intact families.

(33)

7) "Family disruption reduces a child's chances of enrolling in college/university by about 5 percentage points . . . and reduces chances of graduating by about 7 percentage points . . . the effects of family disruption on college graduation are larger for children of advantaged families as compared to children from the average family and there is some evidence that they are larger for young women than young men." (34)

8) Father absence causes a "dramatic" reduction in college/university aptitude entrance exams "with the greatest effects during the early and middle years; boys without brothers are more effected than those with brothers, girls with a younger brother more effected than other girls, and only girls more effected more than only boys." "Father absence does have negative influence on cognitive activity . . ." (35)

9) Henry B. Biller in Paternal Deprivation wrote:

"Significantly more boys in the underachieving (school) group had poor relationships with their fathers."

There was a positive relationship between paternal interest and encouragement and academic achievement - "the fathers behavior appeared to be a much more important factor than did the mother's behavior."

". . . quality and quantity of father-son interactions strongly associated with four-year-old boys' intellectual functioning."

"Father absence since the age of five was the only family background variable which was consistently related to subtest scores."

"Father absence, for both boys and girls, was associated with relatively low ability in perceptual-motor and manipulative-spatial task." (36)

10) "The one parent children showed substantially more absenteeism, truancy, discipline problems, suspensions, expulsions and dropouts." (37)

11) David From writing in the Financial Post (US):

"Children who grow up with only one of their biological parents are twice as likely to drop out of high school, 2 ½ times as likely to become teen mothers, and 1 ½ times as likely to be idle - out of school and out of work - as children who grow up with both parents."

"Children in one-parent families have lower marks in school, lower college/university aspirations and poor attendance records."

"Strikingly, children of divorced mothers fare as badly as children of mothers never married. Nor does it help for a divorced mother to remarry. Despite significantly higher family income and the presence of two parents, the average child in a stepfamily has about the same chance of dropping out of high school as the average child in a one parent family."

"Australian□s often dismiss U.S. data on single-parent families because they think the American single-motherhood problem is confined to blacks and therefore irrelevant to us. The American Prospect article, though, breaks the data out for U.S. whites, a population as similar to Australia's as any population on earth. If any. thing, the effect of illegitimacy and divorce upon white children is even more catastrophic than upon black."

"The average white child in a one parent family is 211, times as likely to drop out of high school as white children whose biological fathers live at home. White girls growing up with one parent (nearly always the mother) are almost three times as likely to become mothers in their teens as white girls whose fathers live at home. White boys in these houses holds are 30 percent more likely to drop out of school and avoid work as white boys in two-parent families."

"Why? Obviously the drop in income associated with fatherlessness bears much of the blame. But single parenthood affects even middle-class children. While **62 percent of children from intact, middle-class white families graduate from college in the United States, only 53 percent from those families graduate when the parents do not live together.**"

"A better explanation, in my opinion, is suggested by McLanahan's remarkable discovery that the **children of widows suffer much less than the children of divorce or illegitimacy do**, especially at school. I believe that divorce and illegitimacy shatter the authority of the father and weaken children's faith in the values of the adult world. Early death, however, may paradoxically strengthen paternal authority - **"your father would have wanted you to study"-and encourage children to accept adult norms.**" (38)

12) "Cognitive development is another domain in which children are highly sensitive to their fathers' influence. The most pronounced theme concerning fathers and their children's intellectual growth is that the bond between fathers and sons is stronger than the bond between fathers and daughters.

The major reason for this difference in bonding is that sons tend to identify with their fathers and to model the behavior of their fathers, particularly when the sons are from 4 to 9 years old. It appears that the more nurturant the fathers, the more young boys model them and internalize their modes of thinking and problem solving. In this way, the boys' cognitive growth is stimulated, and the more contact they have with their fathers, the more their intellectual development flourishes. This

phenomenon has been documented for boys as young as 5 months of age, for 4 year old boys, and for boys in the third grade. The fathers' interest in their sons' academic success may also exert a positive influence, whereas the fathers' authoritarian control, hostility, or restrictiveness is detrimental to their sons' mental growth. Also, the fathers' feelings of inadequacy and powerlessness are detrimental to their sons, possibly because powerless models are not as readily imitated." (39)

13) "The influence that fathers exert on their daughters' cognitive development is far more complex and ambiguous. There is little evidence that paternal nurturance or the sheer quantity of interactions between fathers and daughters is positively linked to the girls' intellectual growth. Rather, girls' intellectual functioning appears to be stimulated by paternal strictness in the context of warmth, by a moderate level of emotional distance between their fathers and themselves, and by a sense of autonomy vis-à-vis their fathers. The fathers' provision of stimulating material for daughters also appears to be helpful. Proficiency in mathematics is the one area in which fathers clearly exert influence on their daughters' mental ability. The fathers' presence, especially when the daughter is between the ages of 1 year and 9 years old, appears to be related to her competence in math, although the reasons offered for this association are highly speculative." (40)

14) John Snarey writes in *How Fathers Care for the Next Generation*:

>
". . . the amount of time fathers spent reading was a strong predictor of their daughter's high verbal ability, suggesting that daughters may also model themselves after the opposite-sexed parent. The mother's reading time did not predict either their daughters' or sons' verbal ability. Fathers' early participation in their children's lives predicts both their sons' and daughters' subsequent mathematical ability. Father's absence or limited presence during their sons' and daughters' childhood is reported to predict that their children will subsequently score lower (relative to their peers) on math aptitude tests and other measures of quantitative ability."

"The results showed that fathers' total involvement in childrearing was strongly associated with both boys' and girls' internal locus of control. Reported statements of fathers' high involvement were significantly correlated with girls, verbal intelligence and fathers' responsibility for decision-making was significantly correlated with boys' verbal intelligence."

"Expressions of affection and the existence of a "close bond" between fathers and sons during early childhood were positively related to sons' IQ during later childhood, of genuine "friendliness" between fathers and daughters during early childhood was also positively related to daughters' IQ during later childhood. **College women who scored better on tasks requiring analytic thought claimed that their fathers were challenging but not smothering or overly controlling during childhood.**" (41)

HEALTH

1) Percentage of children under 17 given generally good health ratings living with:

- two biological parents : 55%

- single dads: 54%

- single moms: 42%

- remarried mums: 49%

The U.S. Department of Health and Human Services (1995) : The Health of Our Nation's Children: Data from the National Health Interview. p. 14

2) Children 3 to 17 years of age treated for emotional or behavioral problems (1988) with two parents 2.7 %; with mom only 8.8 % 27) silent on dad only (42)

3) Father absence creates higher rates of mental illness, violence, less self control and more drug use for boys. (43)

4) Children with single moms are slightly less likely to have regular bed time than with single dads. (44) Children with single dad wear seat belts more often than with single mom. (45) Single dads take their children to the dentist a bit more often than single moms do. (46)

5) Single custody produces significantly greater emotional-behavioral problems, self-hate and perceived rejection from fathers. (47)

6) higher father-child contact was associated with better adjustment, lower self-hate, and lower perceived rejection from the father. (48)

WORK ROLE SUCCESS

John Snarey writes:

"Cross-sectional and retrospective evidence indicate that fathers' involvement with their adolescent children is positively associated with their work success and occupational competency as young adults."

"Of all the occupational role model that subjects reported at the first period, only fathers' role-modeling was associated with their sons' vocational behaviors a decade later."

"Heath found that Haverford men who had succeeded in their work during early adulthood or who were the most mentally healthy were also significantly more likely than the other men in the study to remember their fathers as available, accessible, and affectionate. These fathers helped the boys with their homework and encouraged their physical athletic growth

(1991, pp. 286-290). It is notable that the effective fathers of Heath's subjects, in our terminology, exercised all three types of parental generativity and, thereby, cared for and promoted all three domains of their sons' development - social-emotional, intellectual-academic, and physical-athletic."

"Thessman (1982) further clarifies the fathers' impact on their daughters' orientation to work."

"Tessman's (1989) empirical research among young adults aimed how their fathers' participation in their adolescent development was transformed into energy for work during childhood."

"The Haverford subjects' wives who succeeded in their work, in contrast to those

who were less successful, showed many "more enduring 'effects' of their fathers" than of their mothers. Those vocationally successful women recalled that, when they were children, their fathers "firmly . . . held them to high expectations, actively spurred their academic achievement, and stringently disciplined them for failing". Likewise, fathers who urged their daughters to participate in athletics appear to have contributed more to their daughters' subsequent adult success. These same women recalled fathers who "valued their daughters' intellectual development, actively participated in educating them, and opened up the outside world to them." (49)

CRIME

1) There are higher rates of delinquency in father absent homes. pp. 643-44) (50)

2) "Broken homes do relate to the frequency of delinquency. Furthermore if a home is broken, a child living with the mother is more likely to be delinquent than one for whom other arrangements are made. In the case of girls, even living with neither parent is less related to higher delinquency than is living with the mother." p. 81 (51)

3) "The highest rates of delinquency were found among those boys whose parents were separated or divorced and those who were living with mother only." (52)

4) Father absence produces more violence for boys, less self control and more use of drugs. (53)

5) "Having a man in the house (preferably the biological father) is, it seems, more important than any other single factor . . ." the connection between crime and having a father at home "is so strong that [it] erases the relationship between race and crime and between low income and crime" (54)

SUICIDE

1) Family breakup is a major contributor to suicidal ideation in youth. (55)

2) Children of both sexes have a higher risk of adult depression as well as suicide from father absent homes. An analysis of female suicide from the longest continuous study of its kind ever conducted found that "one of the most striking findings was the strong influence exerted by mothers, coupled with lack of fathers in the subjects lives." (56)

DRUGS

1) The incidence of drug and alcohol abuse in an individual is inversely proportional to the time spent in the early and mid years with a father, the strength of that relationship, and the strictness of the father. **"Strict" does not mean punitive, but boundary setting - the reverse of smothering.** (57)

2) "Perceived warmth of father exhibited a significant negative correlation with student drug use, but mother's warmth was not significantly related to use." Father's perceived "permissiveness" (to drug use) tended to be negatively related to drug use, whereas mother's permissiveness tended to be positively related."

"These findings challenge two types of conventional wisdom. The first is developmental psychology's traditional (but recently shaken) emphasis on motherhood. For example, the Mussen Conger and Kagan's (1973) Child Development and Personality has ten references to factors relating to "mother" and none to "father." (58)

3) Less self control and more use of drugs for boys. (59)

ABUSE

1) Sexual abuse of children by: mother - 46%; father - 28%

Physical abuse of children cases: mother 72%

90% of all other forms of abuse of children are by mother (60)

2) abuse in single parent families is twice that in two parent families - particularly in mother only homes. p. 640 (61)

In this context, the decision taken in 1997 by the Australian Institute of Health and Welfare (Broadbent & Bentley 1997) to no longer publish data indicating the sex of perpetrators in substantiated child abuse cases must be reversed. The decision was made after the data was first published in 1996 which showed 968 male and 1138 female perpetrators.

RELATIONSHIPS

Research finds that girls brought up with insufficient time with their

father tend in later life to have more difficulties in forming and keeping relationships with men than do women who had a father meaningfully in their lives as children.

"Studies of delinquent girls suggested that paternal absence may result in disruptions in heterosexual behavior." p. 313 (62)

CHILDREN WON'T MISS MUM MORE THAN DAD

1. The most firmly lodged **prejudice** we hold against fathers is that upon family breakup young children will miss their mum more than their dad, and therefore should stay with mom. This **belief**, together with the **myth** that kids need moms more than dads, felt and expressed in varying ways, is at the root of the **discrimination** experienced by men. Many studies show that children show no particular preference for or problem with either parent staying or leaving. (63)

2. Children in stress or not in stress showed no apparent preference for either parent. (64)

3. There was no difference in protest following maternal or paternal departures. (65)

4. ". . . it appears that parental harmony is less important for most outcome variables than are the affective relationships that are maintained after divorce between the child and his or her parents." (66)

5. "Apparently, it is the quality of relationship between the child and parents that is most crucial in divorced families." (67)

Little difference was found between infant attachment to mom or dad. (68)

EMPATHY

"Empathy" is the power of imaginatively entering into and understanding another's feelings. The quality of empathy in people is key to the proper functioning of the individual in a civilised society. There is a direct correlation between the growing lack of empathy in people and the current ills of society.

Studies are finding that empathy, as an intuitive attribute within the constellation of our personality, is contributed to the child more by the father than by the mother - considerably more! This is particularly true when looking at children from single mom families measured against children from single dad families.

Some believe that mothers can themselves often be more empathetic toward their children than fathers might be. But showing empathy to a single parent child by the mom too often becomes "over-mothering", indicating a kind of "smothering" of the child. An overly "mothered" child can become

"spoiled", large of ego, and thinking more about itself and the needs and wants it can get satisfied from its mother (and then others) than having any concern about the wants and needs of others.

Research shows that fathers (statistically) do a better job than moms in teaching children where the boundaries are between themselves and other people, and the requirement in life to care about how others think and feel, and not always pushing for immediate self gratification.

Of all the personality factors required to do well in life, empathy may be the most important. And children get it from their fathers.

1) In a 26 year longitudinal study three professors found:

"Indirect support of such a hypothesis (that father involvement in child care would facilitate the long term development of empathetic concern) is provided by studies showing that fathers who were involved in the care of their children foster altruism and generosity, prosocial behaviours that have been associated with empathetic concern." (69)

"The influence of paternal involvement in child care on later empathetic concern was quite astonishing. This single dimension accounted for a greater percentage of the unique variance in empathetic concerns scores (13%) than the three strongest maternal predictors combined.. These results appear to fit with previous findings indicating that prosocial behaviours such as altruism and generosity in children were related to active involvement in child care by fathers." (70)

2) "A Yale University study that began in the early 1950's reported in their 40 year follow-up , just a few years ago, of all the factors they had studied, of all the measures they took in the children's home, back in the 50's, the one that was most predicted of the development of empathy in adults was the presence of a father in the home." (71)

3) Lack of father involvement in a child's life makes that child less trusting of new people and less able to establish new relationships. (72)

4) Children from father absent homes show an over dependency on the mother. (73)

5) "Separation before 5 (in boys from fathers) is more disruptive than later separation. (74)

6) In his best seller EMOTIONAL INTELLIGENCE Why it can matter more than IQ Daniel Goleman devotes an entire section to the significance of empathy in the modern world. Here's some of what he has to say:

"These are times when the fabric of society seems to unravel at ever-greater speed, when selfishness, violence, and a meanness of spirit seem to be rotting the goodness of our communal lives. Here the argument

for the importance of emotional intelligence hinges on the link between sentiment, character, and moral instincts. There is growing evidence that fundamental ethical stances in life stem from underlying emotional capacities. For one, impulse is the medium of emotion; the seed of all impulse is a feeling bursting to express itself in action. Those who are at the mercy of impulse - who lack self-control - suffer a moral deficiency: The ability to control impulse is the base of will and character. **By the same token, the root of altruism lies in empathy, the ability to read emotions in others; lacking a sense of another's need or despair, there is no caring.** And if there are any two moral stances that our times call for, they are precisely these, self-restraint and compassion." p xii

"Empathy builds on self-awareness; the more open we are to our own emotions, the more skilled we will be in reading feelings." p. 98

"In tests with over seven thousand people in the United States and eighteen other countries, the benefits of being able to read feelings from non-verbal cues included being better adjusted emotionally, more popular, more outgoing, and - perhaps not surprisingly - more sensitive. In general, women are better than men at this kind of empathy. And people whose performance improved over the course of the forty-five-minute test - a sign that they have a talent for picking up empathy skills - also had better relationships with the opposite sex. Empathy, it should be no surprise to learn, helps with romantic life."

"In keeping with findings about other elements of emotional intelligence, there was only an incidental relationship between scores on this measure of empathetic acuity and SAT or IQ scores or school achievement tests. Empathy's independence from academic intelligence has been found too in testing with a version of the PONS designed for children. In tests with 1,011 children, those who showed an aptitude for reading feelings nonverbally were among the most popular in their schools, the most emotionally stable. They also did better in school, even though, on average, their IQs were not higher than those of children who were less skilled at reading nonverbal messages - suggesting that mastering this empathic ability smoothes the way for classroom effectiveness (or simply makes teachers like them more)." p. 97

"The results of the study suggest that the roots of empathy can be traced to infancy." p 98

". . . Martin Hoffman, who argues that the roots of morality are to be found in empathy, since it is empathizing with the potential victims - someone in pain, danger, or deprivation, say - and so sharing their distress that moves people to act to help them. Beyond this immediate link between empathy and altruism in personal encounters, **Hoffman proposes that the same capacity for empathic affect, for putting oneself in another's place, leads people to follow certain moral principles.**" p 105

"By late childhood the most advanced level of empathy emerges, as children

are able to understand distress beyond the immediate situation, and to see that someone's condition or station in life may be a source of chronic distress. At this point they can feel for the plight of an entire group, such as the poor, the oppressed, the outcast. That understanding, in adolescence, can buttress moral convictions centered on wanting to alleviate misfortune and injustice." p 104

"Empathy underlies many facets of moral judgment and action. One is "empathic anger," which John Stuart Mill described as "the natural feeling of retaliation . . . rendered by intellect and sympathy applicable to . . . those hurts which wound us through wounding others"; Mill dubbed this the "guardian of justice." Another instance in which empathy leads to moral action is when a bystander is moved to intervene on behalf of a victim; the research shows that the more empathy a bystander feels for the victim, the more likely it is that he or she will intervene. There is some evidence that the level of empathy people feel shades their moral judgments as well. For example, studies in Germany and the United States found that the more empathic people are, the more they favor the moral principle that resources should be allocated according to people's need." pp 105 & 106

7) "Hoffman's (1975; 1970, 1981), that daughters' altruism (as indicated by the children's reputational rating by their school peers) was predicted by their fathers' communication of altruistic values and by their fathers' use of victim-centered discipline (that is, directing the child's attention to the other person's plight)." (75)

PLAY STYLE

1) There are many studies which show how very different the playing-with-children styles are between mother and fathers. While mothers tend to be conventional, the interactive, physical, rough and tumble play of father's is acknowledged as a key developmental component for children as young as six weeks. (76)

2) "Whereas mothers were likely to play distal games to hold the infant's visual attention, fathers more often played physical and tactile games involving touching the infant's body or moving the limbs." p. 102 (77)

3) "MacDonald and Parke (1984) which indicated that daughters who are exposed to higher levels of paternal physical play tend to be more popular and assertive with their peers." (78)

4) From *The Nurturing Father* by Kyle D. Pruett:

"This fathering style of initiating more physical, rough and tumble, unusual, and exciting forms of play differs from a mother's style. Mother's in Biller's study tended to engage in more conventional toy-mediated acts of play, picking up their children to engage in caretaking and nurturing activities." p 34

"Do the babies respond to their fathers' novel, complex, interactive style?
You bet they do. p. 34

"(Brazelton and Yogman) have noticed that by the time babies are eight weeks old, they are already responding quite differently to fathers and mothers....Babies will hunch their shoulders and lift their eyebrows as though in anticipation that "playtime has arrived" when their fathers appear. When the same six-week olds see or hear mothers, they seem to expect more routine, serious or functional business, such as feeding or diapering." p. 34

GATE KEEPER

1) In a 1997 study "40% of the custodial wives reported that they had refused to let their ex-husband see the children at least once, and admitted that their reasons had nothing to do with the children's wishes or the children's safety but were somehow punitive in nature." However, the study is silent on what percentage of custodial fathers do the same. (79)

2) In another major work on the subject: (80)

42% of children said their mothers tried to prevent them from seeing their fathers after divorce - 16% said their fathers tried to prevent them seeing their mothers

54 % of children said their mothers spoke badly of their fathers

24 % said both parents spoke badly about each other

12 % said their fathers spoke badly of their mothers

10% said neither spoke poorly of the other

3) "Fewer mothers, however, really want their children to be as emotionally close to their fathers as to themselves." (81)

4) Father-child post divorce relationships are directly correlated to the post-divorce relationship between the parents. The mother's perception of the quality of that relationship has a greater impact. "... the implication is that the **mothers are "gatekeepers" of the children.**" (82)

5) "... the more vigilant and rigid the mother is as a "gatekeeper" to restrict the father's access to his baby, the less her husband and baby interact, and the more exclusively she and her baby interact." (84)

PROFESSIONAL BIAS

1) "In his review of research on the role of the father, Nash (1965) pointed out that Charmichael's (1954) comprehensive Manual of Child Psychology failed to list "father" in the index. As recently as 1975, Lamb

described fathers as the "forgotten contributors to child development" (85)

2) **The client's gender role affected several aspects of the therapist's behavior.** (86)

GENDER I.D.

1) "Research also shows that men are likely to reward proper sex role behavior in their sons and to punish inappropriate behavior, which further fosters the sex-typed behavior. **Fathers, far more than mothers, are concerned with appropriate sex role behavior in their children, especially in their sons**". (87)

2) "The absence of fathers from their families is often associated with a decrease in quantitative skills and inadequate development of sex-typed behavior in children, especially in boys. Such effects have also been reported in instances where the father lives with the family but is to some degree unavailable to the child because of his work schedule. The explanation most frequently offered for the effects of paternal absence is the loss of the father as a model to the child. Although the potency of the father as a model is in part a function of his status in the family and his relationship with the child, the amount of direct contact between father and child apparently also plays an independent role." (88)

3) "Although fathers differentially reinforce appropriate sex-typed behavior in girls, it is the fathers' responding to their daughters as interested males respond to females that has far greater impact on the daughters' behavior. By playing the male role, or the reciprocal role to the female role, fathers appear to teach daughters female sex-typed behavior. According to one investigator, the father's role with his daughter is in direct response to her sexuality, and he affirms her heterosexuality in a way that the maternal role does not affirm heterosexuality for the son.(7) Thus, fathers who are aloof, uninvolved, or hostile tend to have daughters who experience problems in forming heterosexual relations, possibly because the daughters have not learned the appropriate female role vis-à-vis males or because they are not secure in their own femininity." (90)

4) Ross (1982) "it is closeness with the father and trust in him which ideally allow a boy [between 5 and 10 years] to temper the aggressivity of both his curiosity and his assertiveness" and internalize and Barnett (1981) have found that greater father participation in childrearing was associated with less typecast views of sex roles in daughters." (91)

6) (Billler and Meredith say) "fathers have a unique and powerful role to play" in promoting their children's physical fitness and athletic abilities and that, in particular" fathers who encourage their "daughters to engage in athletics" help to alleviate sex bias. (92)

SOCIALIZATION

1) Psychologist Norma Radin found:

"At 5 months of age, boys who had more contact with their fathers were friendlier

with adult strangers than were those who had less paternal contact. The infants whose fathers spent more time with them vocalized more, showed a greater readiness to be picked up, and enjoyed play more." p. 80

"Among the study's major findings was that a high level of paternal involvement in child rearing was related to the child's ability to behave optimally in the puzzle situation - that is, in the performance of the task, the child was more self-directed, more persistent, and more focused than the child whose father was less involved in child rearing. This finding held true regardless of which parent was present during the puzzle situation. For both boys and girls, a relationship was found to exist between paternal participation and the children's social competence." p. 81

"A recent study of 4 year old boys indicated that the more paternal involvement the boys experienced, the better socially adjusted they were, as evaluated by their preschool teachers. These boys' peer relationships were rated higher and they displayed fewer behavioral problems in comparison to boys with less paternal participation in child care. Most significant of all, the researchers found that the ratings of those children who experienced a combination of a high degree of paternal involvement with a high level of maternal "letting go" tended to result in the highest competency ratings of all the children studied. "Letting go" was the phrase the investigator used to describe the mothers' granting of independence to their sons at an early age, and taking a suggestive rather than a directive approach in order to change their sons' behavior." p. 82

"In a classic study, boys and girls from 6 years to 11 years of age who were in father-custody homes following their parents' divorce were compared with boys and girls in mother-custody homes and with boys and girls in two-parent homes. The boys in father-custody families were more socially competent than the comparison sample of boys from two-parent families." p. 82

"The picture is not nearly as clear-cut for girls, although Baumrind's data suggested that fathers who are challenging and somewhat abrasive raise the most socially competent, independent, and intrinsically motivated daughters. In general, it was found that assertive, independent behavior in daughters is associated with firmness and with demands for mature behavior by both parents, especially by fathers." p. 83

"Perhaps this explains why men, on the one hand, tend to be more physical in their interactions with children and to engage in more exciting and rough-and-tumble play, which involves more bouncing and lifting of babies. Women, on the other hand, tend to be more verbal in their interactions with children and to stimulate infants by shaking an object rather than by

physically tossing them about." p. 84

"Overall, in their interactions with infants, fathers were described as taking a more playful, "jazzed-up" approach; mothers were seen as having a more soothing effect. Brazelton, a pediatrician who has written numerous books on child rearing and done a good deal of research in the field, concluded that the father expects a more heightened, playful response from the baby - and he gets it! Brazelton noted, "Amazingly enough, an infant by 2 or 3 wk [weeks of age] displays an entirely different attitude (more wide-eyed, playful, and bright-faced) toward his father than to his mother."

"The greater tendency for fathers to interact physically with their young children is so pronounced that it was even observed in men who were primary caregivers of infants. Thus, physical interaction is not an artifact of fathers' being at work all day while mothers are at home, as is true of the tendency for fathers to play more than mothers with children. It has been found that when women work all day and return home, they are as eager to play with their children as are fathers who work. However, even in this instance, mothers playing style is verbal, not physical."

"In sum, fathers are not mere substitutes for mothers. They don't mother; they father. The father's physical, robust approach to the child complements and contrasts with the mother's more verbal, slow-paced style, and the child undoubtedly profits from the diversity of experiences." p. 85

2) **"Boys in father-absent homes are significantly more inclined to anti-social conduct than in father-present homes. Girls in father-absent homes have higher rates of earlier pregnancy than those in father-present homes."** (93)

3) John Snarey, author of *How Fathers Care for the Next Generation* (Harvard University Press 1993) writes:

"Baumrind (1978, 1980) has theorized that rough-and-tumble, "challenging" paternal behavior may promote the development of social independence in girls and make them less passively accepting of their environment.

"Female students who were achieving academically and were effective interpersonally. They tended to recall their fathers as energetic and ambitious men whose fathering style was active and encouraging. These daughters, however, frequently disagreed with their fathers. p. 159

"Deutsch (1944) - that the typical nature of the mother-daughter relationship creates the basis for the girl's psychological shift toward her father. The girl's experience of self, and self in relation to her mother, prompts her to perceive her father as a symbol of freedom from dependence and merger with her mother. Her differentiation from her mother is promoted by identifying with her father, in particular with his power. Johnson (1975) also saw the father as promoting independence from the mother while reinforcing sex-differentiated behaviors. Chodorow (1981)

further argued that a father's low positive emotional involvement in his daughter's life may predispose her to have difficulty with autonomy. p. 160

"Comparing girls at three different levels of ego or psychosocial maturity, she reports that the most mature girls had fathers who remained consistently involved in their lives from childhood through adolescence. These girls often participated in dyadic athletic activities with their fathers and were able to disagree with them openly.

"Finally, adolescent girls at lower stages of psychosocial maturity reported having cool and remote fathers." p. 161

PARENTAL ALIENATION

The mean differences measured and referred to herein where children sometimes do better with dads than with mom are typically slight to moderate. One exception is "empathy" as detailed above. Another issue where the difference between mothers and fathers is major is "parental alienation." **Mothers alienate children against their fathers in "striking" disproportion to fathers alienating against mothers.**

1) In an excellent book on the subject published by the American Bar Association entitled Children Held Hostage (1991) its authors Stanley S. Clawar and Brybba V Rivlin say:

"Our clinical and research findings show that sex differences in programming and brainwashing are striking: depending upon the technique, **we found between 4 to 85 percent of females compared with 2 to 25 percent of males were involved in programming/brainwashing of their children.** Furthermore, females were more likely to fit at the extreme end of the continuum in degree and type of programming /brainwashing."

2) American professor of child psychiatry Dr. Richard Gardner has authored a most comprehensive book, The Parental Alienation Syndrome Creative Therapeutics Inc. 1998. In conversation with the author Dr. Gardner has agreed that parental alienation is a phenomenon utilized to "a far greater extent" women (mother, grandmothers and aunts) than fathers or male relatives.

FATHER NURTURING AND FAMILY POLICY

1) No connection was found between previous experience with children and current

involvement. (94)

2) The lower the emotional quality of a father's relationship with his own father, the higher his level of participation with his preadolescent child. (95)

3) "The role a father plays with his child emerges from a complex, circular interaction pattern in which each family domain affects and is affected by

all the others. Static pictures created with data gathered at arbitrary points in time fail to do justice to the balancing act set in motion during the transition to parent hood." (96)

4) "Our view, consistent with Russell's (1983) that dispute some support for the idea of a new definition of fatherhood, **there are powerful barriers to men actually becoming equal participants in family making.** Men bump up against these barriers in relationships between the generations, in the workplace, with their wives, and within themselves." (97)

5) "In a number of other cultures, fathers are not relegated to baby-sitter status, nor is their ability to be primary nurtures so readily dismissed." (98)

6) "Park and Sawin found that fathers fed their babies as effectively and efficiently as did their spouses.(10) They solved their feeding problems, burped and stroked, awakened and soothed appropriately and, most important, got as much milk into their babies in the allotted time as did their spouses. This rather surprising finding held true whether or not the fathers had extensive experience with babies before their own were born." (99)

7) Boys showed a preference for fathers in their second year. (100)

8) There was a lower degree of separation protest by infants highly involved with their fathers. (101)

9) Men were found to be as interested in infants as women. (102)

10) **Research suggests previous differences between mothers and fathers was traditionally learned and from experience rather than any intrinsic father-mother differences.** (103)

11) From "Increased Paternal Participation" by Graeme Russell and Norma Radin, Chapter 9 in *Fatherhood and Family Policy* edited by Michael E. Lamb and Abraham Sagi published by Lawrence Erlbaum Associates 1983:

"These studies suggest that increased paternal participation is likely to have an impact on family relationships - specifically, father-child and mother-child relationships; fathers' personal development, e.g., on self-esteem; and on fathers' relative commitments to employment and family." p. 146

"The possibility that increased participation will affect a fathers' feelings about his children and his perceptions of the closeness of his relationship with them is supported by findings from several recent studies (Gronseth, 1978; Hood & Golden, 1979; Kelley, 1981; Radin, 1982; Russell, 1982a). One study (Russell, 1982a) investigated parents' perceptions of changes in father-child relationships associated with fathers either sharing or having the major responsibility for child care. Sixty-nine percent of the fathers and 64% of the mothers reported that fathers had

become much closer to their children and were now more positive about their relationship with them." p. 146

"In an investigation of families in which mothers had returned to school, fathers were found to increase their levels of participation, and as a consequence, 52% of the fathers and 60% of the mothers felt this had resulted in an improved father-child relationship (Kelley, 1981). A study of Norwegian shared-role families (shared for both work and child care) also reported that as a consequence of fathers having more time and experience with their children, they had better and more open contact with them (Gronseth, 1978). In an in-depth study (Hood & Golden, 1979) of the impact of work scheduling, high paternal participation was also reported to be associated with fathers who were primary caregivers of preschoolers in two-parent families were asked about the disadvantages of this arrangement (Radin, 1982). All but one volunteered information about the advantages as well. Sixty percent of the 20 cited factors related to the children; that is, the fathers reported that they felt closer to their children, got to know their children well, and enjoyed being with them." p. 147

"Identity as a male. Perhaps the most obvious issue for increased paternal participation concerns a father's identity as a male. Cultural stereotypes of masculinity do not usual include nurturant or care-giving behavior (Levine, 1976; Pleck & Sawyer, 1974; Russell, 1978)." p. 151

"Highly participant fathers have been found to associate other fathers' reluctance to participate in child care with rather narrow views of masculinity and sex-appropriate behavior; in fact, highly participant fathers perceive their own behavior as being quite consistent with their identity as a male." p. 151

"Five recent studies report that fathers who are more highly participant report either enhanced self-esteem, self-confidence, or satisfaction with their parental role (Gronseth, 1978; Lamb et al., 1982; Lein, 1979; Russell, 1982a; Sagi, 1982)." p. 152

"In one study (Russell, 1982a) reported that the experience of caring for children had led to major shifts in fathers' attitudes towards children (e.g., they now placed more value on children and on their welfare), child care (they were more likely to argue for the need for childcare support systems for the family), and the role of women (they were much more likely to be egalitarian in their views about male/female roles, and to display an understanding and concern for a person having to care for children full-time.)" p. 153

"Fathers, more than mothers believe: There is a maternal instinct - that women are biologically predisposed to parenting; fathers do not have the same capacity or ability to care for children; and that it is better if children are cared for by their mothers (Russell, 1982a)." p. 156

"Clear support cannot be found for the belief that fathers do not have the

same sensitivity as mothers do, nor the belief that fathers do not have the capacity to assume the day-to-day responsibility for child care. On the contrary, **studies show that fathers can be just as sensitive and competent in care-giving as mothers.** In one group of studies, researchers have compared the psychological and physiological responses of mothers and fathers to infant smiles and cries (Frodi & Lamb, 1978; see also Berman, 1980). Findings show that when given this opportunity and encouragement, fathers are just as sensitive and responsive to infants as mothers are. In another group of studies (See Parke, 1979) mothers and fathers were observed interacting with their newborn babies in the first few days after birth. During this observational session, fathers were found to be just as involved with and nurturant towards their infants (e.g., in touching, looking at, kissing, talking to). Also, fathers were found to be just as competent at feeding. They were equally likely to be able to detect infant cues, e.g., sucking, burping, and coughing, and were just as successful, as measured by the amount of milk consumed by the infant." p. 157

12) Kyle D. Pruett again from The Nurturing Father :

"In a number of other cultures, fathers are not relegated to baby-sitter status, nor is their ability to be primary nurturers so readily dismissed."
p 25

"The more vigilant and rigid the mother is as a "gatekeeper" to restrict the father's access to his baby, the less her husband and baby interact."
p. 30

"In 1978, Michael Lamb, a development psychologist and consistent researcher into the role of the father in the development of the child, decided to study this supposed "biological superiority" of women. Men and women volunteers were shown a videotape of a crying, obviously distressed infant, followed by another tape of a comfortable, cooing baby. The response of the male's nervous and circulatory systems to the tape of the upset infant - i.e., quickened pulse rate, increased rate of respiration, overall alertness of the senses - and the subsequent relaxation response to the comforted infant was indistinguishable from that of the female. Researchers concluded that social determinations outweighed biological influences (which are undoubtedly present) in shaping the sensitivity of mothers and fathers to their babies' needs." p. 32

"Mothers picked up their babies and held them intimately close to neck and breasts, handling and often talking in a gentle, soft, low-keyed manner. Fathers seemed to want always to do something with their babies when they picked them up." p. 33

"These findings were later expanded to include the observation that fathers used more play and games in general than did mothers." p. 33

"Men encouraged their babies' curiosity and urging them to attempt to solve intellectual and physical challenges, persistently fostering their child's

sense of mastery over the outside world, functioning as a kind of "socializer/coach." p. 33

"Human Development has found that the more actively involved a six-month-old baby has been with his or her father, the higher that baby's scores on certain tests of mental and motor development. Over the first eight weeks of life, has found that the more fathers were involved in the everyday repetitive (even boring) aspects of care, such as bathing, feeding, dressing, and diapering, the more socially responsive the babies were. In addition, Parke also found such babies were able to withstand stressful situation better." p. 35

>"The child is accustomed to separations from the father, the child often turns more decisively to him for help in differentiating itself from its mother." p. 36

"The most significant and relevant factor that militated against birth complications and further illness in the child and mother was the father's presence and aid at the birth." p. 37

"If a man is involved in the physical care of his child before the age of three, there is a dramatic reduction in the probability that that man will be involved later in life in sexual abuse of children in general as well as his own." p. 38

"Finally, it seems that the underground father is struggling his way out of the catacombs and into the daylight, elbowing and bellycrawling under and around the barbed wire of the old masculine stereotypes." p. 40

CO-PARENTING

1) "An a priori preference for mother-custody is not warranted by the current state of knowledge. **The results of seven studies unanimously indicated that, on average, children were equally well-adjusted in father-custody and mother-custody homes.** Certainly this suggests that mothers are not uniquely suited to care for children and that fathers can be competent custodial parents." (104)

2) "... a warm, involved, caring father does militate against antisocial behavior, and an inadequate father does increase the probability of delinquency. As in the case of intellectual development and social development, a father can be a predominantly positive or negative influence with regard to his children's moral development. And this runs counter to our cultural prejudice, which consistently devalues the father's contribution to his children's psychological development. . . . **for the better part of this century, our society and its institutions have overlooked all but the father's economic contribution to his children.**" (105)

3) "... stereotypes about the nature of men, women, and children have dictated custody decisions throughout history. In earlier times, it was

assumed that men, by nature, are better suited to protect and provide for children. Since 1920, it has been assumed that women, by nature, are better suited to love and care for children. . . . **As guidelines for custody dispositions, folklore, sentiment, and stereotypes are poor substitutes for factual information.**" (106)

4) **Obviously the single biggest impact of divorce of children is the loss of or the change in the relationship with one parent. The "every other weekend" access pattern was disliked the most vehemently by children surveyed, and yet it remains the norm of our courts still.** (107)

5) **Joint custody fosters better adjusted children, fathers paying better support, fathers with higher self esteem, mothers with improved relationships with their children, mothers who feel less harried and economically burdened.** pp. 628 (108)

6) Joint custody was associated with better relationships with step parents and more

family cohesion. (small middle class white sample - parents consented to joint). (109)

7) "The major finding of the study was that across a variety of assessments of psychological well-being (self-esteem, anxiety, depression, problem behaviors), children (especially boys) did significantly better in the custody of their fathers. Moreover, children in father custody had the advantage of maintaining a more positive relationship with the nonresidential parent - the mother." (110)

8) The American conservative icon, William F. Buckley, being interviewed on the David Frost TV show on June 29, 1997 stated that in his opinion the single biggest problem facing the United States today is the single parent family. He felt there were no problems in his country that wouldn't be remarkably improved "if you could fix this one." (111)

9) John W Santrock and Richard A Warshak, in "Father Custody and Social Development in Boys and Girls" Journal of Social Issues, Vol. 35, No. 4, 1979 wrote:

"Father custody children also had more frequent contacts with the non-custodial parent (mother) than their counterparts in mother custody homes." p. 124

"Father custody boys performed in a much more socially competent manner . . . than did intact family boys: they were observed to be warmer, have higher self-esteem, be less demanding, show more maturity, act more sociably, and behave more independently with their fathers than boys from intact families do with their fathers." p. 120

"Mother custody boys showed higher self-esteem than intact family boys,

while the behavior of intact family girls reflected higher self-esteem than that of mother custody girls." p. 120

Boys show more demanding and less mature behavior from mom homes than dad homes. **"Thus, the friction between sons and their single parent seems to be less in a father custody family than in a mother custody family."** p. 122

"Father custody children also had more frequent contacts with their non-custodial parent (mother) than their counterparts in mother custody homes." p. 124

10) **"When the mother is hostile and critical of the father, the child begins to view the father in a more ambivalent or negative manner and as a less acceptable role model. For young boys this associated with disruption in sex typing. For girls it may be associated with disruptions in heterosexual relations at adolescence."** (112)

11) **"Divorced mothers and their sons are particularly likely to get involved in an escalating cycle of mutual coercion."** (113)

12) Fathers with joint custody "saw their children more frequently, showed greater satisfaction with their custody arrangement, and had more education than did fathers without custody." (114)

13) ". . . it appears that parental harmony is less important for most outcome variables than are the affective relationships that are maintained after divorce between the child and his or her parents." (115)

14) "Apparently, it is the quality of relationship between the child and parents that is most crucial in divorced families." (116)

15) As adults, children in sole custody have higher rates of divorce. (117)

"In this study, the joint custody families engaged in no relitigation, while the single custody parents did so in over half the cases." (118)

CONCLUSION:

The empirical evidence continuing to come out that addresses "the best interest of the child" contradicts the long held cultural assumption that shared parenting won't work and that sole custody "awards" should go to mothers.

It goes without saying that children do best in an intact two parent family. I argue that where that is no longer possible, co-parenting (equal roles and approximate equal time) is the next best.

If sole custody is the only option and there is no pathology or significant negative to one parent, research shows that children do at least as well with dad as they do with mom.

They do better with both parents retaining equal roles in their lives.

A great deal of uncontradicted research warns us that the seeds of damage to a child are planted right after the separation of its parents. It is therefore in the interest of all segments of society that have a "hand" in family law to keep the child/parent fracture to a minimum just as soon as possible.

"The importance of the year immediately following the divorce in setting the tone for the coparental relationship suggest that attention be focused on intervention during this crucial time to resolve conflicts between spouses. The extent to which this is achieved may strongly influence the establishment of stable patterns of father-child involvement." (119)

Scientific research tells us that the practice of the courts to routinely grant interim applications for so-called "temporary" physical custody of a child to its mother (or its dad) isn't just not in the best interest of the child, it may be in the child's worst interest.

Instead of being the quickest, the least prepared for, often ex parte, hearing on a "let's get in- and -out of court as quick as we can, it should be the most important, best prepared for of all hearings. Because it can be many months and often years before the court gets the chance to properly adjudicate the issue, and by that time the research tells us that the damage can be done.

The present practice of the legal profession and the courts is counter intuitive and counter productive to the evidence.

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