

## Three Judicial Biases About Moms, Dads and Children

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For more depth, see [In The Best Interests of the Child](#) and [Father And Child Reunion](#)

When I do expert witness work, I confront from most judges three biases that I myself was also surprised to see proven invalid when I did the research for *Father and Child Reunion*. The first bias is the stability bias; the second is the mother bias; and the third is the 'If-the-couple-is-in-conflict-joint-custody-will-not-work' bias. All of these biases apply to post-divorce parenting.

The Stability Bias. Judges understandably reason that amid the instability of divorce, children are best stabilized by staying in the home they are accustomed to with the parent who has been the primary parent. I call this "geographical stability". The research shows that geographical stability does not create psychological stability. For children of divorce, geographical stability is "one parent stability"; this article explains why "one parent stability" is psychologically destabilizing. For example:

Studies show that after divorce the children who do best psychologically have about an equal amount of exposure to both mom and dad-especially if both parents live near each other, and there is no bad-mouthing. The psychological stability of two-parents equally involved leads to the children also doing better academically and socially, and being healthier physically.

Why does two parent stability trump geographical stability? No one can be 100% sure, but a blend of research and observation offer clues. Three quick assertions in quasi-headline form to be developed in the article...

First, the job of a child growing up is to discover whom it is. Who is it? It is half mom and half dad. It is not the better parent. It is both parents. Warts and all. So we are not talking here about fathers' rights, mothers' rights or even the child's right to both parents. We are talking about a new paradigm: the child's right to both halves of itself.

Second, children with minimal exposure to one parent seem to feel abandoned, often psychologically rudderless.

Third, dads and moms, like Republicans and Democrats, provide checks and balances. Moms tend to overstress protection; dads may overstress risk-taking-there has to be a balance of power for the child to absorb a balance of both parents' values. One parent dominating tends to leave the child with a stereotyped and biased perspective of the values of the minority parent, and ultimately a lack of appreciation for that part of itself.

The Mother Bias. Most judges do believe children do best with both parents, but if they must live with one, mom is given the edge. In fact, the new research very clearly shows that children brought up by dad are more likely to do better psychologically, physically, academically and socially than those brought up by mom.

I will explain not only some of the twenty-five measures that create this counterintuitive conclusion, but also what dads do unconsciously that so often works to the benefit of the child. At the same time, I will also explain why it would be erroneous to conclude that men make better dads than women do moms (e.g., dads usually have more income).

The "If-the-couple-is-in-conflict-joint-custody-will-not-work" Bias. Conflict-- especially bad-mouthing-- hurts all parenting arrangements. The more the conflict, though, the more important it is for the child to see both parents about equally, because conflict leaves the child vulnerable to feeling that the parent it does not see has abandoned it-- does not love her or him. The less the child sees a parent the easier it is for a negative and caricatured stereotype of the unseen parent that leads to the child feeling negative about that half of her or himself.

Finally, a system that says, "If the couple can't get along in court how are they going to get along enough to share the children?" creates an incentive for the mom to initiate conflict. Why the mom? The Mom Bias teaches mom that if she can erase the joint custody option, she is more likely than dad to be given custody of the children. This awareness creates an incentive for a mom who wants full custody to not co-operate with the dad.

The three biases in combination lead to many options after divorce not being considered. This article will explore some of those options.

My experience thus far is that virtually all judges are focused on doing what is best for the children, as are most moms and dads; that the above responses to these biases address the issues that prevent judges from giving more priority to securing both parents' equal involvement; that once judges know this, their rulings are much more likely to incorporate this prioritization.