

## **Three Judicial Biases About Moms, Dads and Children**

**by Warren Farrell, Ph.D.**

([www.warrenfarrell.com](http://www.warrenfarrell.com))

I am in the process of planning a teleseminar that has evolved from a combination of my research for *Father and Child Reunion* and my expert witness work on custody issues.

When I do expert witness work, I confront three biases from most judges that I 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...

First, the job of a child growing up is to discover who 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 I report in *Father and Child Reunion* 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 in the teleseminar 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 to form a negative and caricatured stereotype of the unseen parent. This 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. The teleseminar and *Father and Child Reunion* 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.

For more information on the teleseminar, email Eric Hornak at [eahornak@comcast.net](mailto:eahornak@comcast.net).

## **Bio of Warren Farrell, Ph.D.**

Dr. Warren Farrell began his research on gender issues in the '60s. His first book, *The Liberated Man*, was published in 1974. It was from the women's perspective and the feminist perspective. By the '80s, he began noticing that men were feeling misrepresented, and his award-winning national best-seller, *Why Men Are The Way They Are*, was written to answer women's questions about men in a way that rings true for men. The *New York Post* calls it "the most important book ever written about love, sex, and intimacy."

By the '90s, Dr. Farrell felt the misunderstandings about men had deepened and become dangerous to the survival of families and love. He confronted the misunderstandings head-on with the award-winning *The Myth of Male Power*, a book the *The Library Journal* ranked as "better than Robert Bly's *Iron John* or any of Betty Freidan's works." (His books are published in over 50 countries in 13 languages.)

By the turn of the century Dr. Farrell wanted to provide the sexes with the tools to communicate-- in particular to hear personal criticism from a loved one, especially when given badly. That was the take-off point for *Women Can't Hear What Men Don't Say*, a selection of the Book-of-the-Month Club. By 2001 Dr. Farrell completed research he had been working on for 13 years on the conditions under which children of divorce are most likely to be raised successfully. That book, *Father and Child Reunion*, has renewed the commitment of many dads to be with their children, and its research has helped judges understand the importance of dads.

Warren's most recent book is ***Why Men Earn More: The Startling Truth Behind the Pay Gap -- and What Women Can Do About It***. It documents why the pay gap is not about discrimination but about 25 differences between men and women's work-life decisions.

Warren has appeared on over 1000 TV and radio shows, and been interviewed frequently by Oprah and Barbara, and by Larry King and the late Peter Jennings. He has been featured repeatedly on *20/20* and in *The New York Times*, in *People* and *Parade*, on *CBS Sunday Morning* and *NBC Nightly News*, in *Forbes* and *The Wall Street Journal*, and on the *Today Show*, the *Tomorrow Show*, and even *To Tell The Truth*. He's never appeared on *Desperate Housewives*.

Warren Farrell's understanding of both sexes is symbolized by his being, on the one hand, on the boards of four national men's organizations, and on the other hand, being the only man in the US to be elected three times to the Board of Directors of the National Organization for Women in New York City. Similarly, he has started over 600 men's *and women's* groups, and over 200,000 women *and men* have attended his workshops worldwide. He is the only person chosen to speak at *both* of former California Governor Wilson's 1995 conferences – his Conference on Men *and* his Conference on Women.

President Johnson chose Dr. Farrell as one of the outstanding young educators in the

United States. (The man's been around for awhile!) He has taught political science, psychology, women's studies and sociology, and most recently taught at the School of Medicine at the University of California at San Diego. Dr. Farrell has been chosen by the International Biographic Centre of London as one of the World's 2000 Outstanding Scholars of the 20th Century and, in quite a different take, chosen by *The Financial Times* as one of the worlds top 100 Thought Leaders.

He's in *Who's Who in America* and *Who's Who in the World*, but his best moments are at home in Carlsbad, California (with his wife, Liz and their two teenage daughters). You can take a peek at [www.warrenfarrell.com](http://www.warrenfarrell.com).