

TWO PARENTS, TWO CRIBS - Babies May Benefit From Overnight Visits With Noncustodial Parents



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BY STEPHANIE FRANCIS WARD, November 7th, 2003

Most parents will tell you that babies aren't always picky about where they sleep. They're happy to find their way to the Land of Nod at home in their cribs, but they are often just as amenable to sleeping at day care, with a baby-sitter or at a grandparent's house. That's why many family lawyers have begun to draft parenting plans that include overnight visits with noncustodial parents.

In the past, the belief has been that infants have a primary attachment with only one caregiver, and separation from that person is distressing for the child. Accordingly, courts often don't allow noncustodial parents to keep their children overnight, sometimes applying the policy to children as old as 5.

The problem with that theory, says Dr. Richard A. Warshak, a clinical research psychologist in Dallas, is that it's based on studies involving children in prolonged, institutional care who were deprived of being with their mothers and fathers. It also conflicts with reality, he says, because infants are often cared for outside the home by a variety of different people.

"It seems like a legacy from old stereotypes—that only women were suited to care for children, and children need their mothers more than their fathers. We know those stereotypes have fallen by the wayside," says Warshak, who often provides expert witness testimony about overnight visits.

Warshak mentions indirect evidence indicating that overnight visits improve parent-child relations, particularly with fathers. If men are caregivers for their infants, he says, they are less likely to abandon the child later on.

Many family law attorneys agree with this theory, but courts have been more hesitant to accept this new approach, says Scott N. Friedman, who practices in Columbus, Ohio.

"They're starting to buy into the concept, but I don't think it's happening overnight," he says.

Friedman says it helps if he has evidence that the child goes to day care and has a variety of caregivers. Although he knows of no court opinions directly on point, he says that when presented with this type of evidence, judges will often approve the overnight visits.

But he cautions that overnight visits don't fit with every parenting plan. For example, he does not advocate them in situations where parents do not communicate well with each other or do not live near each other.

When the situation is right, however, Friedman thinks parenting plans that include overnight visits work better than arrangements where infants only see noncustodial parents a few times a month.

He cites his own family as an example. Last month, he spent four days in Seattle, attending the ABA Section of Family Law's fall conference. When he returned home, he says his 1-year-old daughter did not warm up to him immediately. This situation, he says, illustrates how parents and infants who don't see each other on a regular basis often have bonding problems.

"If your standard visitation is every other weekend and one night during the week, you're a parent in name only," Friedman says. "The longer you wait for overnight visits, the more anxious it makes them."

But it's not just lawyers and psychologists pressing for change—many noncustodial parents are requesting frequent overnight visits, too, says Barbara J. Aaby, vice chair of the Family Law Section's custody committee. So far, she says, the requests are largely coming from noncustodial dads.

"It's a welcome change," Aaby says. "It's a really good trend to start with the assumption that given two good parents, they should both be actively involved in raising children."

2003 ABA Journal

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