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Custody Goes To The Craziest Parent

Lenore Skenazy, 07.29.10, 5:41 PM ET

Want to win in divorce court? It's simple! Just become an obsessive helicopter-parent.

Increasingly, courts are using intense, even smothering, parenting as the legal standard of *good* parenting, says Seton Hall law professor Gaia Bernstein, co-author with Zvi Triger of "Over-Parenting." Their study, to be published in the *UC Davis Law Review*, looks at the world of custody hearings and finds that judges are buying into the idea that the more a parent hovers, the more that parent cares.

Result? "We talked to attorneys and they describe this 'race for involvement' that's going on," says Bernstein. "So if somebody's about to get divorced, and it's a parent who was less involved, they'll go to a divorce attorney who tells them, 'Now you have to get really, really involved. So you should get to know all the names of your children's teachers and friends, and coach their Little League and attend Parent-and-Me classes if the child is young ...' And the attorneys are pretty good at telling them not to overdo this, but parents just go crazy! So they start texting their child 20, 30 times a day, and they take photos of the cellphone to show they've done that, and they completely overtake Little League, and they leave the children with no independence."

And the judges think: Ah! This is a good parent! Which isn't surprising, since this is the model that the rest of society has come to consider good parenting, too.

We call our kids all day long on their phones. We friend them on Facebook and GPS them if they wander. We ferry them from clap-and-sing class to T-ball to Mandarin to Stanley Kaplan AP Bio Test prep, and I heard from one mom whose daughter was choosing prom dresses at college and kept snapping pictures at the shop to send home: "Should I get this one?" "Does this look good?" "Mom, what should I wear?"

I love the idea of a close relationship between parents and kids. But a crippling one? That's less appealing. What's disturbing is that this kind of cultivated dependence is now what's being rewarded by the judicial system.

"You hope at some level that the courts will stay neutral about what kind of parenting, within reason, people choose to follow," says Walter Olson, a senior fellow at the Cato Institute. Instead, they seem to be siding with the same folks who brought us the new infrared baby monitor—a real item that allows you to watch your baby, even in the dark, even when she's sleeping, presumably because you should be watching your children. ALL. THE. TIME.

The idea is he who parents most, parents best. But what about he—or she—who helps a child gradually need his parents less and less? The parent who raises a child ready to bike to the library, instead of being driven, or ready to choose his own classes, instead of being told what to take? That was the *old*, gold standard of good parenting: raising an adult, not a baby.

Now that's considered uncaring: What kind of crazy parent makes their child walk to school? (Me!)

In a related development, the "Over-Parenting" paper also touches on new laws that have been passed in five states that make it legal to place a woman under "civil confinement" if she drinks while pregnant. She's not confined to prison but to an institution where workers can monitor what she imbibes. The rationale being that drinking—as we all know—is not good for a fetus.

Once again, however, the government is being permitted to weigh in on a parenting issue—or, in this case, a pre-parenting issue. "And then what about folic acid?" asks Bernstein. "What if women don't take their vitamins?" While taking folic acid makes a lot of sense—it has been shown to help prevent birth defects—do we want to hold the non-vitamin-popper criminally liable? What about

a woman partial to baloney sandwiches and Yoohoo when expecting? Should she be confined to an institution serving vegetable patties and wheat grass juice?

If so, that's where I should have been sent. And now my kids drink Yoo-hoo, too. Go ahead, shoot me!

We are living through a very picky parenting moment, one when parents are expected to obsess about every moment they spend with their child, making these as healthy, huggy, meaningful and many as possible.

It's a crazy enough time without the courts coming in and codifying it.

Lenore Skenazy is a public speaker and founder of the book, blog and movement, Free-Range Kids .

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