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## Who should get custody?

By Chuck Cook  
Staff Writer of The News

**T**HE BEST SOLUTION to the problems of custody may be to let girls live with their mothers and boys with their fathers, according to a study recently completed by two researchers at the University of Texas at Dallas.

And this conclusion supports an attitude that is growing in Dallas domestic-relations courts. Increasingly, fathers are being awarded custody more often than in the past, family-court judges report, and more mothers are voluntarily relinquishing custody of their children.

The UTD study, conducted by Dr. Richard A. Warshak and Dr. John Santrock, was the result of two years of research of 64 Dallas-area children. All between the ages of 6 and 11, the children live either with a single mother, a single father or with both parents.

The two psychologists caution that, while they "do not recommend the girl should always be placed with the mother and the boy with the father," they also found "compelling evidence favoring a match between the sex of the child and custodial parent." Still, Warshak and Santrock note, there is no substitute for children living with both parents in a peaceful environment.

Traditionally, the courts have presumed that children's best interests are served by living with their mother. Because of this, Warshak and Santrock write, "many divorcing parents never consciously entertain alternatives to mother-custody."

In fact, alternatives — such as joint custody, free and ready access to the out-of-home parent or paternal custody — may be more beneficial to the child, the researchers found.

During the course of their study of the effect of

custody on children, Warshak and Santrock noted that both boys and girls initially suffer the same sort of anxieties after their parents' breakup.

But differences began to emerge between children who live with the parent of the opposite sex

and children who lived with the parent of the same sex.

In cases where parents have custody of same-sex children, the psychologists found, the children are less demanding, more socially mature and more independent. Children living with an opposite-sex parent exhibit more anxiety, lower self-esteem and less social competence.

Regardless of the custodial arrangement, authoritative parenting is a crucial factor to the children's adjustment, the researchers report.

In their discussion, Warshak and Santrock explore a number of reasons to explain their findings:

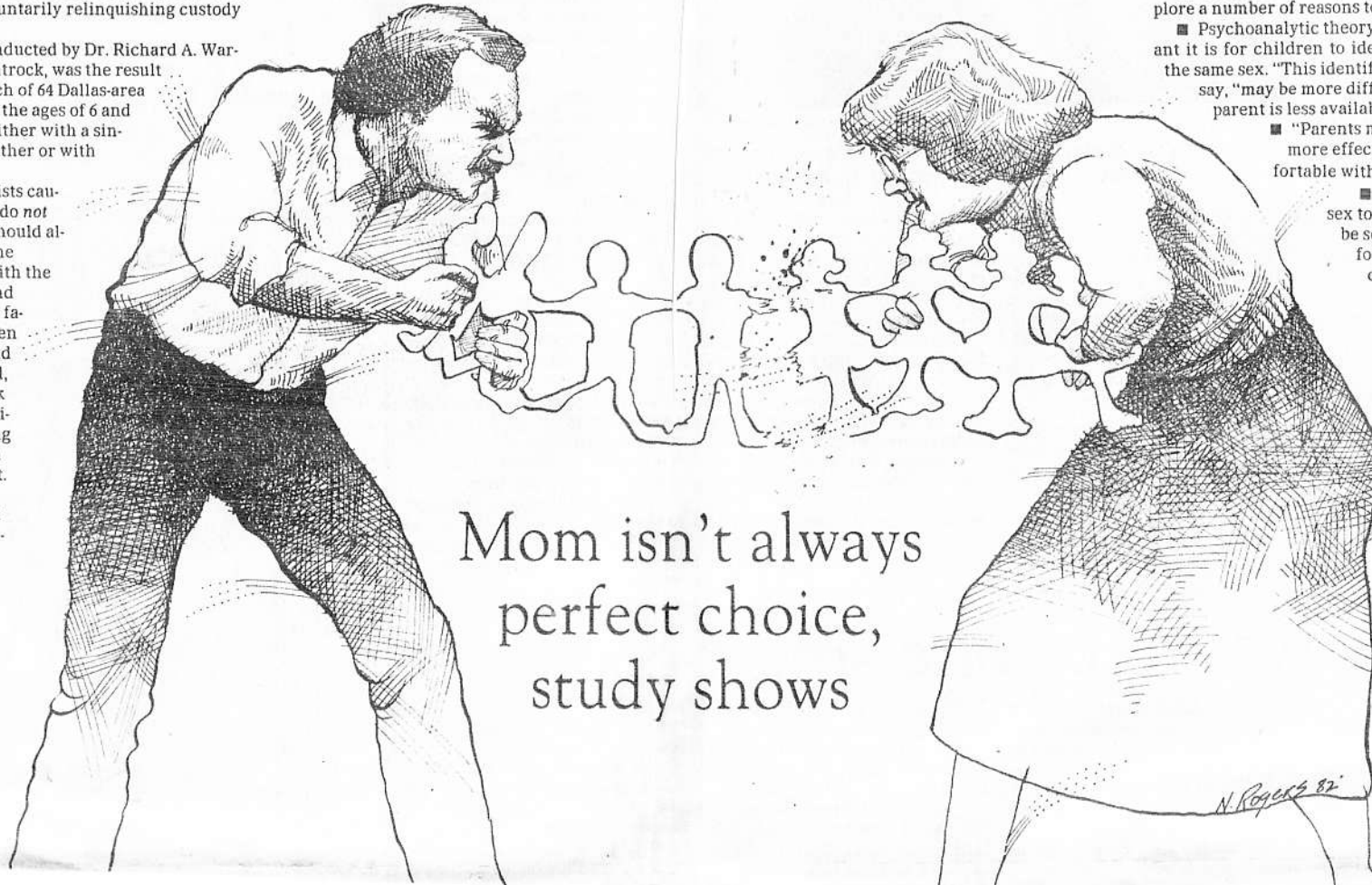
- Psychoanalytic theory emphasizes how important it is for children to identify with the parent of the same sex. "This identification," the researchers say, "may be more difficult to sustain when the parent is less available."

- "Parents may know how to interact more effectively and feel more comfortable with a child of the same sex."

- Children of the opposite sex to the custodial parent may be seen as a substitute for the former spouse. If that is the case, the parent may inappropriately rely on the child for comfort, or the child may be the target of misplaced hostility.

Past custody decisions, Warshak and Santrock write, have been based on stereotypes and biases that revolve around "the motherhood mystique." Today, though, courts need to take on a new awareness of the complexities of custody cases, the researchers recommend.

Dallas family courts are indeed See **STUDY** on Page 2C.



Mom isn't always  
perfect choice,  
study shows

# Study tackles custody question

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becoming more aware of custody and visitation issues, says Judge Annette Stewart. In her seven years as a judge and 15 years as a court reporter in one of Dallas County's nine family courts, Judge Stewart has seen dramatic changes in child-custody cases. But the changes in the last five years are more revolutionary than the ones of past years.

In those five years, she says, the judiciary's approach to custody cases has been transformed from one that was heavily influenced by self-serving arguments of divorcing parents to one that places the emotional needs of the child first.

**DOMESTIC RELATIONS** courts increasingly are being guided by the 5-year-old revisions of the Texas Family Code, which mandates that "the best interest of the child shall always be the primary consideration" in determining custody.

"The revised Texas Family Code has made a profound change in our approach to custody of children," she says. "We have switched from looking at the parents' qualifications to trying to determine what ruling is in the best interest of the child."

Now, many custody cases are decided with the help of professional mediation rather than the once-traditional bitter court contests, Judge Stewart says.

"We — the judges — have changed and the law has changed," she says. "People have changed, too. The law usually follows society. We are now seeing more joint-custody arrangements, and more fathers are being awarded custody of children as a result of judgments. Texas is one of the first states in the union to adopt an enlightened family code."



The Dallas Morning News: Jan Sonnenmair

**With his 2-year study, Dr. Richard Warshak questions the tradition of awarding custody of a child to the mother.**

Before the new family code became effective, a father almost always had to prove the mother to be unfit in order to gain custody. Because of that, custody battles often became gutter fights, Judge Stewart says. "We saw a lot of private detective reports. It was like seeing what bad information you could generate on the other side."

Today, however, psychologists and professional counselors have replaced the private detectives as expert witnesses, Judge Stewart explains.

**STILL, MANY** fathers are not aware of the courts' new stance,

and they believe they stand no chance of being awarded custody. Presently, only one in 10 children of divorced parents live in the custody of the father, according to Warshak and Santrock.

The two researchers and Judge Stewart agree that the easing of social stigmas associated with divorce has resulted in more families seeking mediation of their differences before going to court.

Litigating divorce and child custody has become a much more scientific and intelligent process, Warshak says. He and other psychologists and professional counselors now are working with di-

## Researchers seek divorced mothers

**A**RE YOU a mother who either has lost a custody battle or has relinquished custody voluntarily? Two researchers at the University of Texas at Dallas are seeking such women to participate in a new study.

Dr. Richard Warshak and Dr. Al North of UTD are exploring mothers' reasons for giving up their children. Already, one study has shown that more than 80 percent of mothers who relinquished custody were criticized for doing so. And Warshak says many women often retain custody because of social pressures and guilt, even when they feel it is not best for the child.

Non-custodial mothers who are interested in participating in the confidential study should write Maria Constanatos at the University of Texas Health Science Center, 5323 Harry Hines Blvd., Dallas, Texas 75235.

vorcing parents not only in custody matters but also in such other areas as division of community property.

Warshak says that counselors need to keep in touch with the changing attitudes of society and the courts. "If we wish our legal system to move away from historical biases and be more responsive to the actual needs of children," he says, "we will need to set the pace by clearly defining these needs."