

## **Infants and Joint Custody**

**(An excerpt from *The Unexpected Legacy of Divorce: a 25 Year Landmark Study* By Judith S. Wallerstein, Julia M. Lewis, & Sandra Blakeslee (2000). Hyperion Publishers.**

Joint custody presumes that babies are able to attach to two primary caregivers and will learn to do so over and over, sometimes every few days. This frequent transitioning and continual disruption of contact may indeed be possible for some or even many babies to achieve, but there's a great deal about the psychological impact of these arrangements we don't know. Infants need consistent sensitive parenting in order to thrive during the critical first years. When a baby doesn't see her primary caregiver for several days, the child suffers a lot because she is likely to assume that the caregiver has disappeared and that she's been abandoned. But our knowledge about how much absence the infant can tolerate without severe suffering is still insufficient to build regular disappearances of a parent into the child's schedule. Courts have ordered infants into several weeklong stays away from the primary parent.

Over the first year of life the baby needs access to the primary caregiver, whether the mother or father, as often as possible, especially at times of stress, which is often during the night when she wakes with a tummy-ache, or because she is hungry, or because of the many complicated parts of the child's environment too which the baby needs to adjust. The role of the primary caregiver is to provide a steady base of security by consistently and predictably responding to the baby's needs. During the second year, a toddler relying on this solid base of security is ready to venture out and explore the world. It's okay to try the playground slide because the safest lap you know is waiting at the bottom to catch you. The child's interest in the world, her capacity for learning, and her cognitive, emotional, and social development rest on her sense of a solid base.

Very few studies have looked at infant and toddlers who visit overnight in the other parent's home. One very important study carried out by Dr. Judith Solomon shows that these very young children are exquisitely sensitive to the relationship between their divorced parents. If the Parents are angry or unable to cooperate well with each other, the children show disorganized attachment to both, meaning that they don't trust either mommy or daddy as protective figures. They feel insecure everywhere. If the parents are able to cooperate, talk about the child's care together and to exchange the baby peaceably, the baby may thrive. But even though some parents may try to ease the young child into feeling comfortable in two homes, let's face a hard truth. When a marriage fails in the last trimester of pregnancy or a few months after the birth of a child, the man and woman are likely to be hurt and angry. When a court orders overnight visits in these situations, I doubt very

much that many parents are able to cooperate about the details of the child's feeding or sleeping or what to do about colic. They are very distressed, sometimes distraught people.

When I'm consulted on what to do about custody of babies I advocate creating a post divorce environment that's as close as possible to life in a good intact home. The baby should have a chance to form his earliest relationships with in a stable environment, to have a sense of a solid routine and predictable care. If the parents can work this out, they can surely consider overnights in the two houses and carefully observe the child's response. Parents often need help in overcoming their fear that the baby will not be safe in the care of the other parent. Babies vary greatly in their capacity to deal with change. As the child grows older, parents can increase the time he spends in each home. The child who is happily attached to one parent is able to deal more happily and easily with the other parent and with other caregivers. Putting the child's best interests forward and honoring what is best for the child is extremely hard to do in many post divorce families. It requires parents to stand apart from their raw, hurt, jealous, competitive feelings and take an objective, compassionate look at what life will be like for their child. Not every parent can do that, but surely the job of the court is to give priority to the helpless child over the demands of the parent.