

**THINGS FOR MEN TO BE AWARE  
OF WHEN INVOLVED IN A CHILD  
CUSTODY DISPUTE**

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## THINGS FOR MEN TO BE AWARE OF

One of the things we want to cover in this chapter is what is called in the scientific community the role of “bias.” Biases are behaviors (here, we speak of those we observed in the psycholegal world) that can work against you, even though the so-called negative item does not really predict bad or poor parenting skills. A bias is much like a prejudice. We call a criticism “prejudiced” if we feel that a person is being faulted for something that does not really point to any true negative. We have observed the prejudices covered in this chapter among judges who are otherwise fairly intelligent and well meaning.

Such a prejudice we have seen is the belief that watching an R rated film may be a sign of a depraved morality.

If the judge believes this (these days, it’s hard to find movies that are not R rated), a person who is reported to enjoy such movies may be unfairly faulted on the grounds of “poor morality.”

Some judges become highly incensed if a parent with primary legal custody seeks to relocate, even though that parent may have excellent reasons to do so. In fact, sometimes we think that this type of judge is just personally insulted that anyone would dare to live anywhere else than in his or her jurisdiction.

Other biases we have seen would fall under the following heading: “Some judges are absolutely unwilling to see serious psychopathology.” We have been involved with cases where one of the parents was seriously impaired, and yet the judge became impatient listening to any evidence about the pathology. This is

usually a judge who has a strong prejudice that parents, under all conditions, should cooperate and get along. If there is evidence that this is not the case, a judge like this does not want to hear it.

Men have to particularly watch out for the fact that some of the traits that may derive from “maleness” (the research is suggestive but not conclusive on this) may still work against them in a custody setting. A “male” approach to problem solving is often different than the approach of females, again on a group average basis. Male solutions tend to be more action oriented and simplistic. Men are generally not too good about dealing with psychological subtleties.

For example, one of the tests that we authored seeks to understand what a parent would say and/or do in response to typical childcare situations. One question asks what a parent would say and/or do if a child were anxious or shy. A quite typical male response is often something like: “Tell him he doesn’t have to be that way,” as if this advice, this simplistic command, will be enough to change situation. This is a little bit like telling a shorter person that he ought to try to be taller. And yet this response is common among otherwise highly intelligent men. It is normatively below average for women.

Along with this, men generally do not pay attention to psychological processes. “Psychological processes” are thoughts, communications and discussions that may lead to actions, conclusions, and changes. Males often try to jump right to the final step and achieve “closure” or action in one leaping bound. Along with this, they tend to be skeptical

about all things psychological. Again, please remember that we are talking about group averages here; there are countless individual exceptions.

We cited in one of our books on custody issues the fact that people ascribe greater truth value to things verbalized by other people who are similar in terms of sex, age, race, and a host of other variables.

We tend to believe and assign more truth value to things said by people who are most like us. Hence accusations of abuse, which are usually investigated by women, have a tendency to work more against men than women.

An area of great difficulty for both men and women occurs when the other parent begins alienation strategies. It is very easy to get sucked into a negative game. The most commonly experienced reaction we see when a parent is being targeted for alienation strategies is for the targeted parent to strike back with the same kind of behavior. This is a deadly trap for the children caught up in these situations.

It is extremely important for both men and women who are being targeted with alienation strategies to get expert psychological help in how to deal with it. Dealing with alienation requires a lot of specific training. We have mentioned this before, in other parts of the book. We emphasize the point because the parent who is targeted must be strengthened in his or her self esteem so as to be able to withstand the alienation strategies without resorting to similar behavior. This requires very specific therapeutic and strategic counseling.

One of the most frequent mistakes made by all people caught up in custody disputes is having the wrong attorney. In our experience, men are more likely to fall into this trap than women. Our belief is that they are a bit more cost-conscious.

We have investigated to what kind of evidence is likely to (unjustifiably often) impress a judge. That is, often there is no real difference in truth value between different forms of evidence, for example; testimony from pediatricians, grandparents, teachers, etc.

All interview information is difficult to verify, and professionals can be just as wrong as lay people. Again, prejudiced judges often tend to believe one source rather than another source. Women are more

likely to make the mistake of believing that their evidence will be uncritically accepted by a judge. It would be interesting to speculate on the possible causes of this. It may be that women are more likely to believe that their side of the story is the correct one. Men might be more aware of when they are bending the truth. This is pure speculation on our part.

If you will recall, we said that one rule of thumb among attorneys in child custody disputes is that whoever has been the primary custodial parent (or primary placement parent) is likely to remain in that role following a custody evaluation and/or custody hearing.

There is probably an inherent bias toward women here, since on a national basis women are more likely to gain custody than men (although this figure changes from year to year.) But we encounter wide variability on this point. Many judges believe that a father becoming interested or more involved with his children later in their lives shouldn't have that fact held against them. In other words, women will frequently say to evaluators: "Their father got interested in the children about two weeks before the custody evaluation began, and his interest is likely to last only as long as the custody evaluation lasts. Then he will go back to his more usual role, which is to more or less take the children for granted." This is a very interesting point and often leads women to believe that they should definitely have an edge, since they have more often been the primary custodial parent throughout the years.

Judges, however, believe (or at least many of them do) that even if a man's interest came late it still could be sincere and it is still in the child's best interest to have the father actively involved. Hence, it is not always a sure thing that whoever has been the primary custodial parent will remain the primary custodial parent. Again, one should concentrate on continually upgrading ones own parenting skills. At the same time, one should avoid damning and denigrating the other parent. Flaws in the other parent should be dealt with psychotherapeutically, not by alienating attacks.

You will recall that we said that your attorney desperately needs your help. This help should be in the form of very well organized and brief accounts of factual information. In our experience, men tend to be better at this kind of organized presentation than women. Also, remember that your attorney needs sense-based factual information, not conclusion-based thinking. You must help your attorney by telling them exactly what he or she would have seen and/or heard were that attorney to be present at some incident that you are describing.

Women are more likely than men to not see weaknesses in their own positions (although men are not too terrific at this either).

If either the mother or father involved in a case is overly anxious to see the proceedings end, either to begin a new relationship or move to a new area, they will find themselves in a compromised position.

Men are more likely than women to modify an agreement and to start practices that have not been approved by their attorney without checking with their attorney.

Both men and women are vulnerable in terms of being anxious to begin dating other people.

Women are more likely than men to expect perfect results in custody evaluations. Fathers are more likely than mothers to do this when they occupy very moneyed and powerful positions in the business world.

These people are used to getting their own way and having others defer to them.

Both men and woman are equally likely to get caught up in alienation scenarios nowadays. Both are poor at coping with a child who has been programmed to be hostile and rejecting. When an

alienated child is encountered, mothers are more likely to experience despair and depression, while men are more likely to become angry and/or withdrawn.

In our experience, men are more likely to make a better physical presentation in a courtroom situation.

Women are more likely than men to be seduced into making obvious mistakes that will work against them. Because women have been more likely to have been victimized and/or abused by money and/or physical power, they are more likely to explode in anger when confronted by things that they think are basically unfair. Accumulated anger will break out, and often work against the people who erupt in this fashion.

When men do dopey things, they are more likely to do this openly and all the time. Women tend to do it sporadically, but more noticeably.



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