

# Mothers: The Hand That Rocks The Cradle

Judgment at its best is a silent equaliser, that expresses compassion for the wrongdoer and insists upon justice for the victim but in the Family Courts justice has become nothing more than a memory and judgment a byword for judicial gerrymandering.

The impact of these failings can be seen in the way the Family Courts view the role of the mother today. Crucially, the courts have understood to some extent that parenting can be diverse but unfortunately, this understanding suffers from short-sightedness when considering the benefits of a caring mother's keen instincts for her children in the practice of fluid parenting styles.

With very little persuasion, it is as if the Courts view the mother's instincts with great suspicion, the stuff of myth, witch hunts and ill-intended illusion. Mothers in divorce facing contact disputes are often perceived implicitly to be trying to wrench the children from their fathers, especially when very small children are involved. There are of course mothers who are hurt and do do this, just as there are fathers whose pain in divorce cause them to retaliate, but once again the cynicism that has infused its way into the courts makes it very hard for any competent mother to be heard. In family law, the language of motherhood remains misunderstood.

One of the greatest misconceptions of lawyers, judges and social workers during a separation or a situation involving children, is that parental attachment is viewed as unhelpful, an obstacle to allowing a child the ability to grow and become independent in their changing circumstances. Sadly, the opposite is true, but a vulnerable mother going through the court's bullish and aggressive procedure is likely to find herself in the ultimate dilemma: how do I love and support my child through this process and avoid being labelled as emotionally unstable and irrational?

The court's perception of course is that emotional input is a sign of weakness on the mother's part, an overdose of affection that not only makes things harder on the child but indicates that the mother cannot 'let go'. This is perhaps a vestige of a long-gone culture which in part misunderstood parenthood and the benefits of emotional expression (cue the stiff upper lip and the poker squarely placed you-know-where). These remnants of old English culture in our courts do not do justice to England's egalitarian heritage, where the English gentleman was once a soft-spoken emotional giant and the peaceful pursuit of knowledge was welcomed not subdued.

Setting aside mothers who genuinely have lost the ability to cope and whose emotional expression is unhealthy and a sign of distress rather than her protective instincts for her child geared specifically towards protecting their best interests, mothers who have a close bond with their children should not have to endure being subjected to these courts trying to demonise them for their intuition.

In America, one professional family of paediatricians has understood the importance of that bond and their book "The Baby Book" \* is a must-read for all mothers and fathers going through the family courts. The authors of this book are Doctors William and Martha Sears, who together with their two sons (they have a total of eight children) have become part of America's leading paediatricians. They have written a total of ten books, one of which is the

acclaimed “Attachment Parenting Book” which explains clearly and simply that emotional and physical closeness are necessities not luxuries when looking after a child and that although all mothers and fathers are on a learning curve, ultimately, too much expert interference can prevent a parent’s instincts from being cultivated and make that parent less able to see what is best for their children.

The message is there for all to see: instincts are as relevant today as they have always been and they will always be our most powerful tool to protect and nurture our children in an ever changing world.

Here are some of the myths the Family Courts promote, whether through CAFCASS policy or judicial discretion:

“Sleeping with your child in the same bed is bad for the child and fosters dependency:”  
The Sears family in their book “The Baby Book” beg to differ; they actively acknowledge and understand that modern culture has lost touch with this beautiful custom and explain how sleeping with your child actually fosters social independence and makes your child very strong.

“Attachment parenting is bad for your child:”  
Attachment parenting just means that you are getting to know your child by being physically and emotionally connected to them. The courts are not yet prepared to consider the perception that just because a mother voices emotional concern for the needs of her child that she has not deduced this purely through her own pain: an instinctive mother feels her child’s needs and can express them as her own. This is where the core issue lies: at the heart of the Family Courts’ misconception lies this undeniable fact: a competent mother expresses her child’s wishes through herself and yet this does not mean that her expression is egocentric. It is, more to the point, an elegant and selfless act on the mother’s part.

“Carrying your baby will make your baby dependent and unable to ‘let go’:”  
Carried babies are content babies and content children cope better with life’s challenges. It seems arbitrary to suggest to a mother that just because she has separated from the child’s father that the child must now endure levels of separation from the mother that they cannot cope with and yet that is just what the court does. Pre-prescribed periods of time for contact that are a cure-all for every family just don’t cut it in the real world. Every child is different and mothers often do know inherently what their children can and cannot cope with. The very clinical and unfeeling approach the courts have taken in relation to children of certain ages is shocking and far too simplistic to have any positive effect on the changing family unit.

“Fathers and mothers are one and the same; it doesn’t matter who looks after the child:”  
Whilst there is no substitute for a loving parent, every individual has strengths and weaknesses and every child goes through phases where they wish to be with one parent more than the other. Fathers are able to nurture their children just as well as mothers can, but there will always be times in a small child’s life especially, where that child will want to be with Mummy most of the time. The age-old cry of “I want my mummy!!!” whether by a lost child in a supermarket or one that has woken up from their nightmare is ample illustration of the different and yet valuable role of the mother. However, this does not mean that a child loves his father less; young children often feel a huge sense of gratitude towards mothers and fathers who allow them to ‘be’ with the parents they wish to be with at any given time (and assuming that the child has not been subjected to negative perceptions of either parent) and

often that gratitude grows into a deep and immovable love. With children, to give unconditionally of yourself makes for a strong and balanced little person and a truly healthy loving relationship between parent and child. After all, as a self confessed Daddy's girl (whose father never changed a nappy or rocked me in his arms to sleep) I still know who to cuddle up to when things get rough.

Once mothers find themselves within the body of the Family Courts, the hand that rocks the cradle then belongs to the State. With its half-hearted notions of parenthood and its sound-bite concessions to the modern mother, family law is just not in good enough shape to support the family unit in its time of need. The Family Court's mantra is a simple one: a child has the right to be placed in a situation where they can cope. I would dare to suggest another mantra: a child's fundamental right is not just to cope in life, but to flourish by it.

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