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## Night Shifts: Revisiting Blanket Restrictions on Children's Overnights With Separated Parents

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### ABSTRACT

Professional opinions have shifted regarding the value of young children receiving overnight care from each parent. Contemporary proposals of blanket restrictions are contradictory and rest on faulty interpretations of a narrow bandwidth of scholarship. No coherent theory or research confirms speculations that fathers' overnight care poses greater risks to their young children than daytime care, or that overnights are contraindicated if opposed by the mother. Theory, research, and practical considerations support the benefits of overnights. It violates logic and common sense to welcome father-child contact around bedtime and morning rituals when parents live together, but eschew overnight contact when parents separate.

### KEYWORDS

child custody; joint custody; overnights; parenting plans; shared parenting

### Prologue

A young couple returned home from the hospital with their firstborn son, thrilled but anxious about their new roles in life. To best meet their baby's psychological needs, they sought guidance from parenting books and their pediatrician's nurse practitioner. The advice was consistent: Be sensitive, be predictable, be affectionate, and be timely. Spend plenty of one-on-one "face time." Play with your son. Share the parenting when your baby is hungry, wet, tired, or ill. No expert suggests that parents count the number of diapers each changes, or the number of times each gets up in the night to soothe the baby. No expert cautions the parents to limit the father's contact with his child.

All parents need breaks from child care, and parenting experts advise that when both parents are unavailable, they should select child care providers who have the time, desire, and skill to engage in sensitive, one-on-one time with the infant. This couple enlisted the help of eager grandparents, experienced at raising children, who decorated a spare bedroom as a nursery and doted on their grandchild. When the grandparents were unavailable, the parents used a day care center that promoted children's emotional development.

As is true in a majority of U.S. families, both parents were employed (U.S. Department of Labor, Bureau of Labor Statistics, 2017), keeping them away from the baby at least 45 hours each week. Some weeks the parents maximized their time with their son by synchronizing work schedules so that one parent remained at home during the day while the other parent worked an evening or night shift, a practice known as *tag-team parenting* (Boushey, 2006; Fox, Han, Ruhm, & Waldfogel, 2013).

Ten months later, the wife filed for divorce. Each spouse retained a lawyer. Both lawyers asked their clients to consult a child specialist to discuss a parenting plan. The father's consultant told him to maintain continuity of care. Because his son is accustomed to both parents' care, sees them daily, and has a relationship with both parents, the boy needs to continue seeing both parents frequently to maintain his existing relationships and broaden the foundation for his future relationships with his parents. Although, with the parents living apart, it might no longer be practical for the child to see both parents every day, neither parent should go more than 2 or 3 days before spending time with their son.

The consultant suggested that for the next 2 years the parents divide each week into three blocks of time and alternate the blocks between parents: Block 1 is Monday and Tuesday. Block 2 is Wednesday and Thursday. Block 3 is Friday, Saturday, and Sunday. This plan gives each parent every other weekend with the boy.

The mother's consultant gave very different advice. This consultant holds a double standard about shared parenting: one guideline for parents who live together; a different one for those who separate. The mother's consultant told the mother to spend as much time as possible with her baby and insisted that the more time the baby is away from her, the greater the risk to the child's development. The consultant claimed to value the father's contributions to the child's development, but believed that the father should cut back on the frequency and amount of contact for the next few years and then gradually "step up" his overnight child care and parenting time. The expert was convinced that all babies need to sleep every night in the same crib, in the same room, in the same home. The expert recommended, for now, that the father should reduce his contact to 2 days per week from the current 7 days: 2 hours on Wednesday, 4 hours on Saturday, but rarely, if ever, overnight.

Initially, these parents thought they would part ways amicably, but the consultants' conflicting advice triggered a custody dispute. Both parents became anxious at the prospect of losing time with the child and worried that the custody arrangement sought by the other parent would harm their son. As the custody dispute heated up, the parents began to devalue each other's parenting skills and minimize their spouse's past involvement in child-rearing. The mother interpreted her son's normal, but troubling, toddler behaviors as symptoms of being away too often from her and spending

too much time with his father. The father attributed the same behaviors to his son not spending enough time with him. The parents no longer trusted each other to make decisions that were best for their son.

## The issues

The consultants' opinions mirror differences among scholars and policy-makers on two issues. The first issue is whether young children are better off spending most of their time with one parent or more evenly balancing time between parents in a shared physical custody arrangement generally defined as at least 35% time living in each home. The second issue is whether all young children are better off receiving overnight care from only one parent or whether some children benefit from being in the overnight care of both parents.

Scholars regard these overnight policies and decisions as high-stakes issues. On the one hand is the concern that denying children more overnight care and contact with their fathers weakens the foundation of the paternal relationship and could leave emotional deficits that cannot be overcome when overnights begin after age 4. On the other hand is the concern that additional overnight care from the father away from the mother exacts a toll by undermining the security of attachment with the mother. Rather than fostering the child's healthy relationship with both parents, overnight shared physical custody might leave children without a single healthy attachment.

## Overview

This article updates an earlier treatment of *blanket restrictions* regarding overnights for young children (Warshak, 2000). The first sections clarify terminology, offer a brief history of blanket restrictions, and discuss shifts away from and back toward restricted overnights. Proposed restrictions shift from researcher to researcher and sometimes shift from one article to another by the same writer. The article examines the relationship between attachment theory and blanket restrictions with particular attention to a hierarchical attachments model, concerns about mother-child separations, and rationales offered for claims that fathers' overnight care poses greater risks to young children than daytime care. Next, the analysis contrasts the hierarchical model of attachments with a heterarchical model, and discusses the manner in which overnights contribute to attachments.

The article then moves beyond attachment theory, adopting a bioecological framework in addressing a broad range of factors and contexts that impinge on children's development (Bronfenbrenner, 1986; Bronfenbrenner & Ceci, 1994). The article demonstrates why a wide range of research is relevant to the issue of overnights, and contrasts the "wide lens" approach

with one that defends blanket restrictions based on three seriously flawed, but influential studies. The analysis exposes the weakness of the case for blanket restrictions built on these three studies. Next the article describes a consensus on shared parenting and overnights for young children that was published in reaction to the growing influence of misinformation on custody decisions.

Recent efforts to promote blanket restrictions are discussed, including proposals that overnights should be restricted when parents dispute custody. The article then describes sleeping arrangements for children that are considered normal when parents live together but alarm some professionals when parents separate. Finally, a discussion of the ecology of overnights draws attention to benefits that are sometimes overlooked by proponents of blanket restrictions.

Disputes among professionals regarding the wisdom of overnights often become heated. Some professionals have personalized what should remain academic disputes, impugned the motives of those with whom they disagree, and likened the disagreements to a war (see, e.g., quotations in Arndt, 2014; McIntosh, 2014). Yet it is clear that researchers and practitioners, who devote their careers to understanding and helping children and families, share the common goal of improving the well-being of those whose lives they study and attempt to help. In the case of overnights, all contributors to the debate want children to have secure relationships with their parents and optimal circumstances for their future development. Without pulling intellectual punches, this article aims for a scholarly, nonpolemical tone.

A note about the title. “Night Shifts” highlights six key “shifts” this article addresses: (a) the shift between homes where the child spends the night, (b) separated parents sharing night shifts with the child, (c) shifts over time in cultural and professional views about issues related to overnight shared parenting, (d) shifts over time in positions about overnights held by the same individual, (e) married mothers employed on night shifts who leave the father to care for the child overnight, and (f) shifts between accepting situations as normal in families before divorce but unacceptable after divorce.

### **Clarifying terminology**

Discussions of parents who live together refer to the mother and father, or in the case of same-sex parents, the mothers or the fathers. Some studies of separated parents, striving to avoid gendered language, refer instead to primary and nonprimary caregivers. This could be misleading if nearly all of the study’s primary caregiver group were mothers (e.g., McIntosh, Smyth, & Kelaher, 2015). Most disputes about overnights involve a father who wants more overnights; thus, this article’s discussion assumes rather than obscures this fact. For the small percentage of cases where the child lives primarily

with the father and the mother wants more overnights, the reader should substitute father for mother, and in an even smaller percentage of cases involving same-sex parents, the reader should use fathers or mothers (plural). Most of the theoretical and practical considerations about blanket restrictions apply to these less prevalent situations.

Two terms, *caution* and *frequent*, often invoked when professionals recommend overnight restrictions, warrant attention. Some proponents of blanket restrictions frame their recommendations as a caution against overnights rather than an absolute prohibition. Presumably the term is used to indicate the desirability of a flexible as opposed to rigid application of the guideline. *Caution* signifies a hazardous situation that does not necessarily need to be avoided, but requires extra care and attention to steer clear of harm. When professionals advise parents to be cautious about a child spending one or more overnights per week in a second home, however, decision makers who believe that the caution has scientific support treat the caution as a mandate to avoid overnights.

The second term that professionals might invoke in connection with blanket restrictions is *frequent*. Two studies used frequent to designate as few as four overnights per month (McIntosh, Smyth, & Kelaher, 2010; Tornello et al., 2013). When proponents of blanket restrictions cite these two studies to support their opposition to frequent overnights, what they mean by frequent is not generally considered frequent by a child or father.

### **Blanket restrictions through the ages**

Until well into the 19th century, common law gave married and divorced fathers complete and absolute custody and control over their children. For many families the question of which parent cared for the child overnight was a nonissue: Those who could afford it, especially those who lived in cities, outsourced care of their infants and toddlers to wet nurses whose countryside homes were regarded as healthier for young children. Mothers did not think their presence was necessary for their young children to thrive. Judging from autobiographies of the period, the concept of emotionally intensive mothering emerged sometime later in the 19th century (“What 19th Century Women Really Did,” 2014).

The idea that mothers are by nature uniquely suited to nurture children began taking hold in the second half of the 18th century, spread in the 19th century, and eventually penetrated law governing child custody (Stone, 1990). What became known as *the tender years doctrine* gave courts the authority to award mothers custody of children under the age of 7. Over time the doctrine expanded to include children of all ages (Commonwealth v.

Addicks, 1813; for additional case law and legislation expressing the tender years doctrine see Warshak, 2011).

A legal presumption in favor of mother custody remained throughout the 19th century and most of the 20th century. Most divorced fathers saw their children at the mothers' discretion, a gatekeeping policy advocated in an acclaimed book by Goldstein, Freud, and Solnit (1973/1979). Drawing on ideas from Freud (1940) and Bowlby (1951/1952, 1969), Goldstein et al. hypothesized that children have one psychological parent who should retain sole custody in the event of divorce, and asserted that children cannot benefit from contact with two parents who are in conflict with each other. Bowlby's and Goldstein et al.'s ideas were the basis for excessive concerns about separating young children from their mothers, even brief separations such as those occasioned by leaving the child with a father, babysitter, or day care attendant.

The Uniform Marriage and Divorce Act (UMDA, 1973) proposed the gender-neutral best-interest-of-the-child standard. Nevertheless, the legacy of the tender years presumption was evident in the comments to the UMDA: "The preference for the mother as custodian of young children when all things are equal, for example, is simply a shorthand method of expressing the best interest of children." The tender years doctrine legacy also was apparent in blanket restrictions prevalent between 1980 and 2000. Despite custody policy that stressed the importance of frequent and continuing contact between children and both parents, infants and toddlers continued to be denied their father's overnight care, a practice consistent with the prevailing professional judgment of the time (Warshak, 2000).

Research from the 1970s to the 1990s revealed that most children needed and wanted more contact with their fathers after divorce than they were getting (Braver & O'Connell, 1998; Hetherington, Cox, & Cox, 1982; Hetherington & Kelly, 2002; Santrock & Warshak, 1979; Wallerstein & Kelly, 1980; Warshak, 1986, 1992; Warshak & Santrock, 1983). In 1994, 18 experts sponsored by the U.S. National Institute of Child Health and Human Development (NICHD) met to evaluate the divorce research literature. The group subsequently issued a consensus statement concluding that to "keep nonresidential parents playing psychologically important and central roles in the lives of their children," distribution of custodial time should ensure "the involvement of both parents in important aspects of their children's everyday lives and routines—including bedtime and waking rituals, transitions to and from school, extracurricular and recreational activities" (Lamb, Sternberg, & Thompson, 1997, p. 400).

### **Shifting away from blanket restrictions**

Articles published in *Family Court Review* between 2000 and 2002 challenged guidelines that restricted young children from sleeping in their father's home.



A group of authors extended the NICHD consensus to young children by supporting flexible, individualized parenting plans rather than proposing absolute rules favoring or prohibiting overnights (Gould & Stahl, 2001; Kelly & Lamb, 2000; Lamb & Kelly, 2001; Warshak, 2000, 2002). Those authors recommended that decision makers consider the option of overnights because of the potential benefits to the foundation of stable and lifelong parent–child relationships.

In contrast to these blanket restriction challenges, Solomon and Biringen (2001) cited only one empirical study (Solomon & George, 1999a, 1999b), to defend their view: “Repeated overnight separations present a greater challenge to the development of organized primary attachments than do daytime separations” (p. 357). They added, “The available evidence, albeit scarce, indicates that separations from the mother should still be viewed with caution, particularly where nighttime separations are concerned and until more empirical evidence is gathered” (p. 359). Despite their caution, Solomon and Biringen (2001) did acknowledge, “Even separations of a few days from the primary caregiver seem to be well tolerated when conditions are supportive” (p. 361).

In their rejoinder, Lamb and Kelly (2001) referred to extensive literature that demonstrated that U.S. infants generally form attachments to both parents at about the same age. They also emphasized that overnights offer unique opportunities for relationship-building interactions that reduce the risk of severed or attenuated father–child relationships and that the Solomon and George study provided a poor foundation for public policy: “The evidence suggests that overnight separations from one parent in order to be with the other strengthen rather than harm attachment relationships” (Lamb & Kelly, 2001, p. 368).

Biringen et al. (2002), however, asserted that children have a hierarchy of attachment figures of unequal salience. They interpreted the Solomon and George (1999a, 1999b) results as showing that “overnight visitations did not improve the infant–father attachment and actually harmed the infant–mother attachment” (p. 206). They did offer the concession, “We do not claim that overnight visitations are necessarily bad for infants/young children, merely that the empirical findings currently available suggest that until we have more information, we should proceed with caution” (p. 206).

Warshak (2002) concluded that the literature on parent–child relationships and on the impact of divorce on children, supports a best-interests-based flexible and individualized approach to overnights: “The data show that overnights should be among the options considered for infants, toddlers, and older children. Overnights should neither be made mandatory nor be routinely excluded” (p. 217). Warshak based his conclusions on several considerations, including theoretical work on the establishment and growth of parent–child relationships; empirical studies on parent–child relationships



and on the protective and risk factors linked to the impact of divorce on children; common experience of infants sleeping apart from their mothers in day care, with babysitters, with fathers, with grandparents, and so on; and the common sense logic that, if young children sleep during the day apart from their mother with no harm, it is unlikely that sleeping at night apart from their mother brings special risks.

The difference that emerged from the *Family Court Review* exchanges was one of emphasis. All the authors agreed that the prevailing empirical literature did not contraindicate overnights and did not support blanket restrictions against any overnights. One side interpreted the literature to emphasize the potential value of overnights. The other side emphasized the potential risks.

### Shifting back to blanket restrictions

The decade following these exchanges saw greater acceptance of fathers' overnight care (Kelly, 2005). This remained the case until 2011 when McIntosh (2011b) advocated a renewal of blanket restrictions. Based on one report (McIntosh et al., 2010) copyrighted by the clinic she founded, along with her mistaken interpretation of Solomon and George (1999a, 1999b), McIntosh (2011b) concluded, "In early infancy, *overnight stays are contraindicated*, undertaken when necessary or helpful to the primary caregiver, and when the second parent is already an established source of comfort and security for the infant" (p. 4, italics added). McIntosh (George, Solomon, & McIntosh, 2011) said, "On the basis of my research and clinical experience, I am cautious about regular overnights [1–3 nights monthly] for under twos [by which McIntosh means until the third birthday]. ... I am also conservative about equal shared overnight care prior to age six" (p. 525).

As guest editor of a special issue of *Family Court Review*, McIntosh (2011a) claimed that the attachment experts she had invited to contribute articles concurred: "Overnight stays away from the primary caregiver in early infancy are generally best avoided, unless of benefit to the primary caregiver" (p. 424). For example, Sroufe told McIntosh, "Prior to age 18 months, overnights away from the primary carer [sic] should be quite rare" (Sroufe & McIntosh, 2011, p. 472). Several scholars (Kelly, 2014; Lamb, 2012; Ludolph, 2012) criticized McIntosh for choosing commentators who failed to represent the range of opinions among attachment scholars.

McIntosh gave no explanation of why overnight stays, which she believes are contraindicated and presumed harmful, become acceptable when they benefit the primary caregiver. This guideline could suggest that if the mother felt that having a night away from her child would benefit her, this would outweigh the presumed costs of the separation to the child. Or this guideline could reflect the belief that it is not separation from the mother that causes

harm, but separations against the mother's wishes. Regardless of its rationale, this guideline makes one parent the gatekeeper of overnights, resurrecting Goldstein, Freud, and Solnit's long-discarded policy of giving sole discretion to one parent to regulate the other parent's access to the child. Given the very low incidence of courts designating fathers as primary parents, McIntosh's guideline privileges mothers in decisions about physical custody.

### **Contemporary blanket restrictions: Shifts and inconsistencies**

Since 2011, McIntosh has modified her position on blanket restrictions, acknowledging that "clinical and theoretical cautions against any overnight care during the first three years have not been supported" (Pruett, McIntosh, & Kelly, 2014, p. 250). Nevertheless, she continued to advocate restrictions, although not complete prohibitions of overnights. Part 1 of a two-part article that McIntosh coauthored recommends "caution" about "high frequency" overnights for children younger than 4 years, particularly under certain conditions, such as when parents cannot agree on the parenting plan (Pruett et al., 2014, p. 250). Recall that "cautions" about practices that can harm babies become "prohibitions" in most parents' minds, and "high frequency" to these researchers means as few as five overnights per month. Part 2 of the article shifts from the recommendation made in Part 1 in three crucial ways: (a) a shift from "caution" about more than four overnights per month to a more definite "not generally indicated"; (b) a shift from conditions that reinforce the restrictions (e.g., parental disagreement) to unconditional application to all parents—even those who consistently and sensitively meet their children's needs; and (c) a shift in the target range for blanket restrictions from ages 0 to 4 years to 0 to 18 months (McIntosh, Pruet, & Kelly, 2014, p. 57). No explanation was offered for these significant shifts within their two-part article.

From their article, McIntosh and Pruet developed an instrument, Charting Overnight Decisions for Infants and Toddlers (CODIT), that they have since been promoting as a guide for parents and professionals (McIntosh, 2015; Pruet, 2015). CODIT includes a proscription against "high frequency" overnights (more than four per month) for infants younger than 18 months, but the authors shifted their previous recommendation by applying the restriction only to infants who are subject to family law disputes. McIntosh and Pruet offered no explanation for the shift.

Pruett further shifted her recommendation, in a chapter authored separately from McIntosh, by narrowing the circumstances for caution to situations in which the parents' disagreement "interferes with the child's care" (Pruett, Cowan, et al., 2016, p. 97). That is, Pruet no longer maintained that the mere presence of a dispute over custody is sufficient to be cautious about overnights. Kelly (2014), writing separately from Pruet or McIntosh,

explicitly rejected the proposal that the presence of conflict between parents justifies blanket restrictions, advocating, instead, remedies to reduce the child's exposure to high parental conflict.

Although the authors just discussed presented their recommendations and the CODIT instrument as though they were based on child development theory and research, the shifts, inconsistencies, and contradictions in their recommendations expose the lack of an objective scientific foundation for some of these proposals. For instance, McIntosh offered five inconsistent recommendations. Although it is not unusual for a scientist to revise her views, McIntosh has not repudiated in writing her past proposals or acknowledged that she has revised her opinion. Instead, she asserted that her position with respect to blanket restrictions has not changed (McIntosh et al., 2015).

Other scholars have also shifted their views about overnight policies. For example, Emery's (n.d.) online "Alternative Parenting Plans (Child Custody Schedules)" proposes multiple schedules with blanket restrictions. For children younger than 18 months, these schedules range from no overnights and no more than 6 hours of contact with the father each week when parents have a "distant" or "angry" divorce, to a maximum of two overnights per month when parents have a cooperative divorce. Emery believes that every couple in custody litigation is a high-conflict couple unsuitable for shared parenting (Emery, 2014; Jackman, 2010). In a book for the general public, Emery (2016) defended blanket restrictions by citing a study he led. Yet in a journal article the same year, Emery shifted from this defense, stating that there was "an inadequate body of research upon which to speculate about policy implications" for overnights (Emery et al., 2016, p. 144).

Another example of shifting recommendations is found in Smyth's work. Writing with McIntosh and Kelaher, Smyth cautioned against more than one overnight per week for infants and toddlers (McIntosh et al., 2010, 2015). In an earlier article (Smyth & Ferro, 2002), though, Smyth praised overnights as providing "opportunities to engage in an array of interactions and functional contexts that are usually not possible in day-time contact" (p. 58) and helping to "foster the development of close emotional bonds between children and non-resident parents" (p. 54).

## **Attachment theory**

Scholars who believe that science supports blanket restrictions, and those who believe the opposite, each reference attachment theory to frame a portion of their analyses (Ainsworth, 1982; Bowlby, 1969). This theory proposes that attachments develop from regular and reciprocal parent-child interactions that enable the infant to discriminate parents from other persons. For example, when parents sensitively and consistently respond to their baby's behavior (e.g., cries), the baby experiences them as reliable, and

this nurtures a secure attachment. The sine qua non for attachment formation is ample opportunity for the child to interact with a parent and for the parent to regularly provide love and care. Attachment theory further proposes that children encode these relational experiences into an internal working model of themselves, of other people, and of the nature of relationships. These internal models then influence children's regulation of emotions and subsequent adjustment, such as early attachment security predicting higher quality interpersonal relationships and fewer behavior problems.

Despite professionals' agreement on some aspects of attachment theory, the theory does not easily translate into propositions about the potential impact of overnights. Most children develop multiple attachments—a generally accepted view. Shifts over time in the prevailing professional opinions about overnights reflect, in part, two different models about the significance and role of children's attachments to their mothers in relation to their attachments to their fathers.

### **Hierarchical attachments model: If it quacks like a duck ...**

Professionals who caution against overnights for a young child argue that attachment theory emphasizes the importance of protecting the young child's attachment to a single primary caregiver as a foundation for subsequent relationships, even if this attachment is promoted at the expense of the child's relationship with the second parent (Goldstein et al., 1973/1979). These professionals believe that a hierarchy of early attachment relationships, with mother-child attachments more salient and serving as templates for all later relationships, serves ethological ends (e.g., Biringen et al., 2002; Schore, 1994, 2012). Some professionals support this belief with analogies that miss the mark. For example, Sroufe (Sroufe & McIntosh, 2011) defended the survival value of an attachment hierarchy by posing a hypothetical in which he encountered a panther in a forest. If he had "exactly equal attachments" to his two parents, he would be unable to quickly decide which parent would best protect him. If his attachments were rank ordered, though, when faced with danger he would automatically seek proximity to his "primary" attachment, and thus ensure his survival.

Sroufe's hypothetical fails to prove his point. In his scenario the best survival strategy is not a default to the "primary" attachment, but a decision about which attachment figure will offer the best protection. The "secondary" attachment figure might be stronger, armed with a weapon, and more experienced defending against panthers. If Sroufe had a hierarchy of attachments, and automatically ran toward his "primary" attachment figure, it is more likely that he would be the panther's meal du jour.

Emery (2016) posed an equivalent scenario. In Emery's scenario a mother and father duck swim in opposite directions: "If the duckling doesn't have a

preference, that is, a hierarchy of attachment figures, it's going to be stuck in the middle—and in danger” (p. 99). Rather than consider the survival benefits of the duckling being able to follow either parent for protection, Emery assumed that the duckling would be overcome by paralysis and remain in danger unless it followed its “primary” parent. Although it is unlikely that duck parents will swim in opposite directions—as angry parents might do after they separate—some young waterfowl will freeze in place when either parent utters an alarm call, while both parents either draw predators away or attack intruders (Coluccy, n.d.). Emery’s duckling analogy also fails to consider the possibility that environmental factors, such as water currents or wind direction, might overcome the duckling’s confusion about which attachment figure to follow. Notwithstanding the differences between a duck on a pond and a human infant in a crib, Emery’s scenario does not anticipate the possibility that rather than follow either parent to survive, the duckling might attract both parents’ attention with loud quacks, much as human infants do with their cries.

The Sroufe and Emery analogies illustrate why some professionals who subscribe to a hierarchical model emphasize the importance of preserving the continuity of a child’s relationship with one primary caregiver (usually the mother), but not with both parents (e.g., Wallerstein & Tanke, 1996). In sum, proponents of blanket restrictions express concern that separation from the single primary caregiver will reduce the odds of the child developing any secure attachments (George et al., 2011).

Key questions, then, are raised: How much interaction is necessary to form a secure attachment, and how much and what type of separation from a parent will interfere with the development of a secure attachment?

## **Mother–Child separations**

Bowlby’s (1951/1952) early theories fueled concerns about mother–child separations. Based principally on nonsystematic observational studies of children in hospitals, orphanages, and other residential institutions, Bowlby warned, “Prolonged deprivation of the young child of maternal care may have grave and far-reaching effects on his character” (p. 46). Over time, some attachment theorists have mischaracterized Bowlby’s warning by expanding his concerns to include relatively brief mother–child separations, even those that we today consider routine.

Prominent in the latter 20th-century attachment literature was the expectation that daily separations of mother and child, such as those occasioned by child care, would damage that relationship (e.g., Sroufe, 1988). For instance, Goldstein et al. (1973/1979) argued that children have one psychological parent who should be granted sole custody. They asserted that for children younger than 18 months, “any change in

routine” causes appetite, digestive, and sleep problems and increased crying. In addition, “Such reactions occur even if the infant’s care is divided merely between mother and babysitter. They are all the more massive where the infant’s day is divided between home and day care center” (Goldstein et al., 1973/1979, pp. 31–32).

Bowlby’s maternal deprivation theory is ill suited to guide child custody policy. He primarily based his theory on Robertson’s (1952, 1953) observations of hospitalized children. Yet Bowlby’s theory went beyond Robertson’s findings. Robertson understood that his studies “did not permit responses to separation from the mother to be reliably differentiated from the influence of associated adverse factors such as illness, pain, cot confinement, multiple caretakers and the confusion which follows transfer from home into a strange environment” (Robertson & Robertson, 1971, p. 265). Other studies from which Bowlby drew his conclusions similarly did not distinguish the effects of the mother’s absence from factors such as the father’s absence, the conditions that resulted in the child being removed from the parents and home (e.g., illness, evacuation in wartime, being orphaned), and the effects of being reared in an impersonal group care environment that sometimes included horribly adverse conditions. Analyses in the past five decades established that the studies on which Bowlby based his theory had much to do with trauma and inadequate care but little to do with mother–child separations (Lamb, 2002; Rutter, 1995b; Warshak, 2000; Yarrow, 1961). In sum, Bowlby reviewed studies on the effects of deprivation on child development, not the effects of maternal deprivation.

In an effort to tease out the impact of being separated from their mothers versus the impact of the adverse conditions in institutions, Robertson and Robertson (1971) undertook the foster care of four children between 1½ and 2½ years of age whose mothers were going into the hospital to have a second baby. The children were separated from their mothers for between 10 and 27 days. The study also reported on nine children who were cared for in their own homes by a familiar relative.

Unlike the institutionalized children Robertson studied earlier, none of the 13 children displayed the “mournful” and traumatized behavior predicted by Bowlby’s theory. The children “functioned and related well, learned new skills and new words, and at reunion greeted their mothers warmly” (Robertson & Robertson, 1971, p. 305). None of the children showed acute distress and despair, and the two children who were away from their parents the longest “appeared to be adapting and finding secure niches in the foster family” (p. 309). The Robertsons concluded, “Our findings do not support Bowlby’s generalizations about the responses of young children to loss of the mother per se” (Robertson & Robertson, 1971, p. 313).

## Maternal deprivation theory: Irrelevant to child custody decisions?

The Robertsons' conclusions illustrate that professionals make a fundamental error when they rely on Bowlby's generalizations about maternal deprivation to inform custody policy and decisions. The experience of being separated from all familiar caregivers and routines, often in psychologically appalling conditions, bears no relation to the experience of a child who routinely spends time away from the mother but with a nurturing father with whom the child has a secure relationship. To some extent Bowlby seemed to recognize this. In a passage usually overlooked by those who cite Bowlby to justify concerns about overnighting and other mother-child separations, he wrote, "This deprivation will be relatively mild if he is then looked after by someone whom he has already learned to know and trust" (Bowlby, 1951/1952, p. 12). Nevertheless, Bowlby remained fixed on the idea that "a child is deprived if for any reason he is removed from his mother's care" (p. 12). Bowlby never shifted his position even in the face of the Robertsons' data.

An interesting historical footnote is that, according to the Robertsons, Bowlby seemed unreceptive to data that might alter his position about maternal deprivation (Robertson & Robertson, 1989). When the Robertsons' pilot study failed to confirm Bowlby's theory, the Tavistock Research Unit that Bowlby directed withdrew the funding that had been earmarked for the research. Nevertheless, the Robertsons continued their studies, published the results in 1971, and described these results in their 1989 book.

Just as Bowlby ignored the Robertson and Robertson (1971) data that failed to support maternal deprivation theory, McIntosh did the same four decades later (Sroufe & McIntosh, 2011). In cautioning against overnight custody plans, she mentioned Robertson's (1952, 1953) early studies to support the idea that just a few days of mother-child separation is harmful. McIntosh cited the Robertson and Robertson (1989) book, which in fact had failed to support the maternal deprivation hypothesis. McIntosh did not mention this fact, though. Instead she left the mistaken impression that the study of hospitalized children is relevant to children spending overnights away from their mother and in the care of their father.

## The difference between day and night

Concerns about infants' separation from their mothers during the day have, for the most part, been put to rest, in part as a result of robust research on the effect of maternal employment and day care on children's development (Brooks-Gunn, Han, & Waldfogel, 2010; Lucas-Thompson, Goldberg, & Prause, 2010; Warshak, 2014 [Warshak Consensus Report]). For example, the impact of maternal employment in early childhood is



highly context-dependent. Overall there are few main effects, the effect sizes are small even when significant, and positive effects offset any negative effects. A meta-analysis of 69 studies concluded, “Taken together, the results of these analyses suggest that maternal employment early in a child’s life is not commonly associated with decreases in later achievement or increases in behavior problems” (Lucas-Thompson et al., 2010, p. 938).

Proponents of blanket restrictions generally recommend extensive and frequent daytime contacts between children and their fathers. For instance, Emery (n.d.) suggested that children under the age of 18 months spend Saturdays with their father, including an afternoon nap. No one has formulated a coherent theory to justify the proposition that children can sustain daytime, but not nighttime, separations from their mothers, however. Nor has anyone responded to Warshak’s (2000) challenge that parenting plans recommended by proponents of blanket restrictions violate logic and common sense. If sleeping away from both parents during nap time at day care centers does not harm young children, and napping during the day in their father’s home does not harm young children, how can spending the night in their father’s home harm them, when the majority of the time they are asleep and unaware of their surroundings? What reasons or evidence can explain the greater risk attached to nighttime care?

McIntosh broached this question in her *Family Court Review* interviews with attachment scholars: “What is it about nighttime that might make the impact of day and night hours sum up differently?” (George et al., 2011, p. 524). The answers were less than convincing.

George asserted “night time sleeps are a big deal,” but also said, “Attachment with the second parent does not seem to depend on that person being the first person that the baby sees in the morning or in the middle of the night” (George et al., 2011, p. 524). George gave no explanation or evidence for why attachment with the first parent depends on overnight care but attachment to the second parent does not.

Solomon asserted, “There is a special vulnerability about nighttime. The state of the organism is to be more anxious at night. That is hard-wired in our cortisol rhythms” (George et al., 2011, p. 524). No evidence was given for this assertion, and no explanation for why only one parent can manage the child’s nighttime anxieties. George’s and Solomon’s answer to McIntosh’s question about why nighttime care brings more risks than daytime care amounted to, “It just does.”

George then asked McIntosh for her view. McIntosh fell back on her research and clinical experience to support her usual caution “about regular overnights for under twos and about frequent overnights for a child 3 to 4 years” (George et al., 2011, p. 525). McIntosh’s research data provide no support for her opinions about overnights (Cashmore & Parkinson, 2011;

Lamb, 2012; Ludolph, 2012; Millar & Kruk, 2014; Nielsen, 2014, 2015; Warshak, 2014, 2017).

Richard Bowlby (John Bowlby's son) gave no better answer to McIntosh's question. He asserted that children "instinctively feel vulnerable at night" and have an "instinctive drive" to seek proximity to a primary attachment figure (Bowlby & McIntosh, 2011, p. 552). He believes that these instincts make children younger than 2 years old unsuitable for overnights with their second parent. R. Bowlby cited no study to support his speculations.

In McIntosh's interviews, Schore came the closest to trying to justify, rather than merely assert, that babies need their mothers every night. Schore endorsed a hierarchical attachment model and reasoned that (a) sleep disturbances occur in 20% to 30% of infants and toddlers, and (b) an orderly nightly bedtime routine is effective in alleviating sleep disturbances, and thus, in the first year of life, "access to a predictable, consistent, and emotionally available primary caregiver is as important during the night as the day. ... The science suggests that this person needs to be a constant source of a nightly bedtime routine" (Schore & McIntosh, 2011, p. 508). However, neither Schore nor McIntosh cited any research to support this proposition, an idea that runs counter to parenting practices in many families in which parents rotate putting the children to bed (e.g., Tamm, n.d.).

Schore's leap from the value of bedtime routines to blanket restrictions is a non sequitur. The 20% to 30% of infants who have sleep disturbances should not dictate custody policy for the majority of infants. Also, infant sleep problems could be linked to other factors, such as maternal depression (Bayer, Hiscock, Hampton, & Wake, 2007; Teti & Cosby, 2012; Warren, Howe, Simmens, & Dahl, 2006). Teti and Cosby (2012) found that depressed and anxious mothers disturbed their babies when they were sleeping by picking them up, feeding them, taking them into their own bed, and cuddling with them for the mother's own emotional comfort. Helping depressed mothers adhere to a bedtime routine is effective in alleviating their babies' sleep problems. Depression can take time to abate, though, even with treatment. Rather than keep the baby with the mother every night as Schore suggested, a baby's sleep problems that are traced to the mother's anxiety and depression might resolve more quickly if the baby spends more, rather than fewer, overnights with the father.

### **Heterarchical attachments model**

Two attachment models highlight the overnights dispute. The few attachment scholars that McIntosh interviewed in the *Family Court Review* issue generally espoused the hierarchical attachments model, interpreting this model to contraindicate regular overnights for young children with the parent who is not deemed the primary caregiver. In contrast, a heterarchical

model proposes that when children are developmentally capable of forming attachments, they normally form multiple attachments, neither of which serves as a template for the others.

Attachment theorists agree that infants in two-parent families commonly form attachments with each parent. For more than four decades, the research has been clear that these attachments occur at about the same time in the middle of their first year (Lamb, 1975). There is less agreement about whether mother–child attachments are primary, or whether attachments to mothers and fathers play different roles or affect different aspects of personality development (Thompson, 2005). However, the notion of a superior hierarchical attachment to one parent no longer remains central to attachment theory (Rutter, 1995a).

Although authorities agree that having at least one secure attachment gives a child an important developmental advantage, they note that the odds of having at least one secure attachment to a parent are doubled when the child regularly interacts with two parents and thus has two central relationships from which a secure attachment can emerge. Notably approximately 40% of children develop an insecure attachment either with their mother or with their father, but only 18% have insecure attachments with both parents (Kochanska & Kim, 2013). The security of the relationship with each parent is independent of the other (Lamb, 1977). Moreover, fathers and mothers are equally sensitive toward their infants (Braungart-Rieker, Garwood, Powers, & Notaro, 1998; Cabrera, Shannon, & Tamis-LeMonda, 2010; Kringelbach et al., 2008; Lamb, 1977). If the goal is to increase the odds of a child having at least one secure attachment and to maintain attachments, the schedule of parenting time needs to afford infants and toddlers frequent opportunities to experience both parents' care in a variety of everyday activities and routines (Smyth & Ferro, 2002).

From an evolutionary vantage point it makes sense for children to have more than one secure attachment. Mothers might not always be physically or emotionally available or competent. They can die, become ill, or be emotionally incapacitated by depression or stressful life events. For instance, approximately one in five mothers suffers from depression (Pascoe, Stolfi, & Ormond, 2006). Having a secure attachment to a second parent is nature's system of redundancy to ensure the child's survival and well-being.

### **How overnights contribute to attachments**

Drawing on attachment theory, Kelly and Lamb (2000) underscored the special importance of parental care during the evening and overnights to provide opportunities for “crucial social interactions and nurturing activities” (p. 306) that are not possible without overnights. As a result, the child's trust in the parents is promoted, strengthened, and consolidated.

Spending time with their baby helps parents provide the regular care that allows them to become attachment figures. Also, spending more time with the baby offers more opportunities for parents to hone their parenting skills through “on the job training” (Magill-Evans, Harrison, Benzies, Gierl, & Kimak, 2007). By spending time interacting with their babies—talking, singing, playing, feeding, changing diapers, bathing, cuddling, and so forth—parents become more confident in their abilities to understand and respond sensitively to their child’s needs (Lucassen et al., 2011). They learn to tailor their responses synchronously and contingently to the baby’s socioemotional expressions and initiatives. Because a young child undergoes such rapid developmental changes, parents need regular contact to remain in sync with the child. For instance, fathers who are more involved with their infants and toddlers adapt physiologically to child care experiences (Abraham et al., 2014; Gettler, McDade, Feranil, & Kuzawa, 2011), develop better parenting skills, and have better relationships with their children (Boyce et al., 2006). One study found that 1-year-olds were more likely to have secure attachments with fathers who, when the children were 3 months old, were more affectionate, had more positive attitudes, and spent more time with their children (Cox, Owen, Henderson, & Margand, 1992). Reviewing the literature on the effects of father care on young children, Pruett (2000) concluded, “The closer the connection between father and child, the better off they both are now and in the future” (p. 41).

### **Using a wide theoretical and empirical lens to evaluate the overnights issue**

Attachment theory is a dominant framework for explaining early social and emotional development, but it is not the only framework. Other theories contribute important perspectives (Thompson, 2006). Bioecological theory emphasizes the need to consider wider contexts and reciprocal interactions in understanding child development. For instance, the father’s caring for his infant during the night might benefit an exhausted mother, which, in turn, benefits the infant. One rigorous study found that when fathers were more involved in daytime and nighttime caregiving of their 3-month-old infants, both mothers and infants were more likely to sleep through the night at 6 months (Tikotzky et al., 2015). It is an open question whether this benefit would accompany a father’s care when the parents live apart from each other.

Multiple factors could be expected to mediate the impact on children of overnights, such as the intellectual richness of the home, the quality of parent–child conversations and emotional exchanges, the level of father involvement, and sibling interactions. Studies of the father’s role in child development illustrate the benefits of promoting rather than marginalizing the father’s involvement. For instance, fathers’ verbal communication with

their toddlers was more closely linked to children's subsequent language development than was mothers' communication (Pancsofar & Vernon-Feagans, 2006).

Some commentators (e.g., Emery, 2016; McIntosh et al., 2015) believe that analyses of the overnights issue should rely solely on four studies that specifically focused on the effects of overnights (McIntosh et al., 2010; Pruett, Ebling, & Insabella, 2004; Solomon & George, 1999a, 1999b; Tornello et al., 2013). This article takes a different and more ambitious approach. Many fields of inquiry and strands of research form the tapestry of our knowledge about child development. Connecting data points through reasonable inferences expands the usefulness of research. Following is an example of connecting the dots when evaluating the relevance of a finding that divorced fathers who cared for their infants overnight were less likely to abandon their children (Maccoby & Mnookin, 1992).

- Data point 1: A robust literature provides strong evidence that, on average, fathers' emotional investment in, attachment to, and positive parenting of their children predicts better psychological outcomes across a wide range of domains in social, emotional, and cognitive development (Cabrera, Tamis-LeMonda, Bradley, Hofferth, & Lamb, 2000; Lamb & Lewis, 2013; McClanahan, Tach, & Schneider, 2013; Pruett, 2000; Suh et al., 2016).
- Data point 2: Compared with children whose parents are married, other children had a higher incidence of adjustment difficulties that extended into adolescence and early adulthood including high school dropout and suspension, externalizing behavior problems, substance abuse, and poor relationships with both parents (McClanahan et al., 2013; Zill, Morrison, & Coiro, 1993).
- Data point 3: In the National Survey of Children's longitudinal study of young adults 14 years after their parents' divorce, the majority of children from divorced homes scored within normal limits in most developmental domains with one exception: Two out of three suffered chronically poor relationships with their fathers that failed to improve over time (Zill et al., 1993). This effect was most pronounced among children whose parents divorced when the child was younger than 6 years old compared with children who were older than 6 at the time of divorce. The child's age at the time of divorce did not affect the incidence of a poor relationship with mother, and the child's age had only a marginally significant effect on the other three developmental problem areas investigated (high school dropout, history of psychological treatment, and behavior problems). Similarly, Schwartz and Finley (2005) found that the earlier the parental separation, the greater the impact on the quality of the father-child relationship.

- Data point 4: Children whose parents divorced when the child was younger than 6 years old were more likely to suffer problems than children of late-divorcing parents (Ermisch, Francesconi, & Pevalin, 2004; Schwartz & Finley, 2005; Zill et al., 1993). For instance, in a study of 1,789 young adults drawn from the British Household Panel Survey, living in a nonintact family before the age of 6 was more likely than later family disruptions to lead to children's subsequent lower educational attainment and productivity, and higher psychological distress (Ermisch et al., 2004).

To recap, fathers' involvement and positive parenting predicted benefits for their children. Children whose fathers moved out of the home had a higher incidence of psychological difficulties—most evident in poor father-child relationships—and children who were youngest when they lost frequent contact with their fathers were more likely to suffer these difficulties. It is reasonable to infer that young children's greater vulnerability to impaired relationships with their divorced fathers results, in part, from restrictions placed on fathers' time with young children that are not imposed on fathers' contact with older children. It is with this context that we should consider the next data point:

- Data point 5: When father-infant contacts included overnights after parents separated, there was a lower incidence of father dropout when compared to father-infant contacts that were restricted to the daytime (Maccoby & Mnookin, 1992). Maccoby and Mnookin (1992) concluded, "It appears that daytime visitation is a fragile arrangement. For many families, it signals the early stage of loss of contact with outside fathers" (p. 175). "Because our evidence suggests that the probability of a father maintaining a connection with the child over time is greater if there are overnight visits," they wrote, "we believe that visitation should ordinarily be construed to permit overnight stays if that is what the secondary parent desires" (p. 288).

Some people contend that Maccoby and Mnookin's (1992) study has no place in a conversation about potential benefits of overnights because the study did not measure child adjustment (Emery et al., 2016). This view is myopic. Only if this data point is viewed in a vacuum could we overlook its significance for discussions of blanket restrictions. If fathers with overnights are more likely to remain involved in their young children's lives, this finding merits attention. Overnights might not cause fathers to remain involved; rather, fathers who are more committed to raising their children might be more likely to gain overnights (Warshak, 2000). A causal relationship is more plausible, though, when we bring in another data point and perspectives drawn from extensive professional experience.

- Data point 6: In a longitudinal study where measures were taken before and after divorce, divorced fathers who felt enfranchised rather than marginalized as parents maintained greater contact with their children and were more apt to pay child support (Braver & O'Connell, 1998; Braver et al., 1993).

Depriving a father of the experience of having his child spend the night in his home is likely to diminish the father's sense of being a fully enfranchised parent (Lamb & Kelly, 2001). Overnights potentially lead to fathers' greater investment in child-rearing, thus bringing more financial and social capital into children's lives (Braver et al., 1993; Furstenberg, 2005; Marsiglio & Roy, 2013).

In connecting such data points, Warshak (2014) and the endorsers of the Consensus Report drew on a wide range of knowledge about early child development, parent-child relations, and divorce to address the issue of overnights. Even researchers who rely on only a few studies for conclusions about parenting plans for young children implicitly incorporate a much broader base of research that informed the design and interpretation of their studies. Thus the issue regarding the scope of research relevant to blanket restrictions is not whether to include studies that have a focus not entirely on overnights; the issue is the bandwidth of scholarship that informs policy recommendations. Scholars (e.g., Cashmore & Parkinson, 2011; Lamb, 2012; Ludolph, 2012) have criticized policy recommendations that are based on a narrow, outdated, and dogmatic perspective on attachment scholarship, one that elevates the importance of mother-child attachment over father-child attachment and sounds an alarm at the prospect of separating an infant from the mother to spend the night with the father.

### **A house of cards: Analytic gaps between scientific evidence and blanket restrictions**

Those who endorse blanket restrictions rely heavily on three studies (McIntosh et al., 2010; Solomon & George, 1999a, 1999b; Tornello et al., 2013) to support their recommendations. In Emery's (2016) words, "Three of four studies raise concerns about babies spending too many overnights away from the primary caregiver in the first year to eighteen months of life" (p. 101). The fourth study Emery alluded to, by Pruett et al. (2004), compared children between the ages of 2 and 6 who had one or more overnights per week with their fathers, with those who had no overnights. This was the only one of the four studies to report data from fathers as well as mothers. Fathers and mothers reported fewer social problems for children with overnights and mothers reported fewer attention problems. No difference was found in children's outcomes whether overnights occurred once a week or more



frequently. Consistent parenting time schedules, positive parent–child relationships, and low parental conflict were more strongly linked to children’s outcomes than were overnights. The investigators concluded that there is no reason for concern about overnights for infants and toddlers.

In 2017, two studies reported positive results for young children who regularly overnights with their fathers. Fabricius and Suh (2017) studied children with overnights from under 1 year old to age 3. Their results are discussed later in the section about whether overnights should be restricted when parents dispute custody. The second study, Bergström et al. (2018), found that children 3 to 5 years old who spent about equal time in each parent’s home after separation had fewer psychological symptoms than those who lived in other custodial arrangements.

The Warshak (2014) Consensus Report identified multiple and serious flaws in the three studies used to justify concerns about overnighting (McIntosh et al., 2010; Solomon & George, 1999a, 1999b; Tornello et al., 2013). The flaws included insufficiently valid measures, results derived from faulty data of those measures, and unwarranted inferences drawn from those results. These limitations widen the gap between data from these studies and opinions supporting blanket restrictions (Warshak, 2017). If the gap is too wide, courts might regard the opinions as untrustworthy, inadmissible, or worthy of little weight (see *General Electric Co. v. Joiner*, 1997; Zervopoulos, 2015). Following is a brief recap of concerns raised about the application of these three studies to custody policy.

### ***Solomon and George (1999a, 1999b)***

Solomon and George (1999a, 1999b) conducted the earliest study of overnights and attachment. The sample is not typical of the average custody litigant. “Many” of the parents had never lived together (the study does not specify how many) and 20% no longer had an intimate relationship by the time the children were born. The average age of the children at the time of separation was 5 months, too young to have formed an attachment to their fathers. Also contributing to a gap between this sample and the average couple facing custody decisions is that one or both parents of nearly every child were under a restraining order. In fact, mothers of children who spent nights with their fathers were significantly more likely than mothers of children without overnights to have restraining orders against them. The overnights’ parents also had higher levels of hostility and abuse, were more likely to be unmarried, and were more likely to have children from more than one relationship. These factors make it difficult to interpret the impact of overnights on infants, given that the infants’ relationships with their parents were forming during a period of great turmoil and high conflict. The study’s authors attributed disruptions in attachment security primarily

to stresses related to interparental conflict and to maternal insensitivity toward the child.

It is striking how some authors (McIntosh et al., 2010; Pruett et al., 2014; Tornello et al., 2013) cite this study as showing harmful effects of overnights when Solomon and George reported that overnights were not a significant determinant of outcomes. Summarizing the results, Solomon (1998) wrote that secure attachment to the mother was not related to “the amount of time spent with the father each month, the number of transitions between the mother’s and father’s care, the total number of overnights per month, [or] the number of consecutive nights away from the mother during a visit” (p. 5).

### ***McIntosh et al. (2010)***

McIntosh et al. (2010) is a controversial Australian study widely cited to support blanket restrictions. Yet the only data showing poorer outcomes for children who had regular overnights with their fathers were on mother-report measures with unknown validity. For instance, the data set that these researchers analyzed had no validated measure of mother–child attachment. On the basis of mothers’ responses to three questions, however, the authors created a measure of “vigilance” that they interpreted as an index of “emotional regulation” problems. The three questions came from a 24-item validated measure of infants’ readiness to learn language; children with higher scores were better able to learn language (Wetherby & Prizant, 2001). The three questions that make up the vigilance measure were the following: Does your child (a) sometimes or often try to get your attention? (b) look to see if you are watching her or him at play? and (c) try to get you to notice other objects? Given the source of the three questions, positive answers might be taken as a sign of advanced cognitive development. The higher scores of overnighting babies would be consistent with studies that have linked involved fathering to toddlers’ more advanced language skills (Cabrera et al., 2010; Magill-Evans & Harrison, 1999; Pancsofar & Vernon-Feagans, 2006). Positive answers to the three questions might also seem to indicate that babies enjoyed interacting with their mothers. Instead, McIntosh et al. (2010) and McIntosh (2011b) interpreted higher scores as indicative of impaired mother–child relationships.

Another index of an infant’s “stress regulation” problems was the mother’s rating of her infant’s irritability. Although infant irritability is generally regarded as an inborn temperament trait rather than a reaction to a stressful environment (Rothbart, 1981), the researchers interpreted scores on the measure of irritability (which had questionable reliability and no predictive validity) as indicating that overnighting had created stress regulation problems for infants. However, the irritability score for babies with no

overnights actually was slightly worse than the score for babies who had one or more overnights. Moreover, McIntosh et al. overlooked the fact that the irritability scores of the children who had overnights were equal to the scores of the children in the normative intact families.

Group differences were not evident on any of the more objective measures that McIntosh et al. (2010) used and the differences they observed in infants were no longer evident by the time the children were 4 years old. As with Solomon and George (1999a, 1999b), the McIntosh et al. sample was not typical of parents going through a divorce. For example, 90% of the parents of infants in the study were never married to each other.

### ***Tornello et al. (2013)***

As with the two studies previously discussed, there is a wide gap between the sample studied by Tornello et al. (2013) and most parents who are engaged in a custody dispute. This study's data came from the Fragile Families sample of inner-city children born in impoverished circumstances: 60% of the parents were imprisoned before the children's fifth birthday, 65% had parents who had nonmarital births from more than one partner in their teenage or young adult years, and nearly two-thirds had not completed high school.

To measure the number of father-child overnights when the children were 1 and 3 years old the researchers asked the mothers how many nights the child had stayed with the father since birth and since the child's first birthday. The accuracy of the mothers' recall was not checked. The mothers rated the quality of the mother-child attachment relationship using an abbreviated version of a measure that was designed for use by trained observers. The abbreviated version has no known validity, and the ratings by mothers rather than trained observers have questionable validity (Millar & Kruk, 2014; Nielsen, 2014; Pruett, Cowan, et al., 2016; Van IJzendoorn, Vereijken, Kranenburg, & Walraven, 2004; Warshak, 2014; Waters, 2013). The other outcome measure was a standard, well-validated measure of child behavior (Achenbach, Dumenci, & Rescorla, 2003).

The study's authors, the press release (Samarrai, 2013), and the media accounts emphasized the higher incidence of insecure mother-child attachments for children who had frequent overnights (one to five overnights per week) with fathers before their first birthday. (The press accounts did not mention that the attachment measure lacked validity.) Children who spent frequent overnights with fathers between the ages of 1 and 3 did not have higher incidences of attachment insecurity at age 3. A critical omission in the reporting of these results is that the majority of children classified as having frequent overnights with their fathers actually lived predominantly with their fathers. Thus, the "resident" and "nonresident" parents were mislabeled. If infants living primarily with their fathers had poorer quality attachments to

their mothers, in a sample that was overrepresented by mothers with substance abuse, depression, and incarceration, one could hardly conclude that spending frequent overnights in the fathers' homes caused the poorer mother-child attachments. The presence of umbrellas does not cause rain.

In common with Solomon and George (1999a, 1999b), Tornello et al. (2013) did not find a linear relationship between overnight frequency and attachment insecurity. Instead, insecure attachment scores were more common among the frequent overnigheters, followed by the never overnigheters, followed by the occasional overnigheters—the same nonlinear patterns that characterized the McIntosh et al. (2010) results with respect to “emotional dysregulation.” On the valid measure of behavior, Tornello et al. (2013) found that frequent overnights with fathers between the ages of 1 and 3 predicted positive behavior at age 5. Rather than finding ill effects of separation from the primary caregiver, the study actually found that the children who did best in the long run were those who had more opportunities to be with their father. Thus, as the Warshak Consensus Report and others have noted (Fabricius, Sokol, Diaz, & Braver, 2016; Lamb, 2016; Warshak, 2014), frequency of overnights did not predict insecurity in any of the three studies.

### ***Social Science Basis for Resurrecting Blanket Restrictions?***

These three studies, individually or combined, do not shift the settled position of the 1997 NICHD consensus statement nor that of later articles that challenge blanket restrictions (Kelly & Lamb, 2000; Lamb & Kelly, 2001; Warshak, 2000, 2002). Emery (2016) and McIntosh (2014), trying to support their case for blanket restrictions by invoking the three studies, argued that “the box score” (Tornello et al., 2013, p. 883) of negative results supports their case. In sum, their case for blanket restrictions is a nonstarter—a mere house of cards—given the flaws in the three studies.

Nevertheless, the report by McIntosh et al. (2010), and McIntosh's subsequent work, had a strong impact. Extensive media coverage consistently quoted McIntosh describing dire consequences attributed to overnights (see Nielsen, 2014, for citations and descriptions of media reports that, in some cases, reached extreme proportions, as in an article that warned against violent behavior in toddlers resulting from overnights). After the Association of Family and Conciliation Courts publicly embraced McIntosh's research and views on shared parenting and overnights (see Kelly, 2014; Salem & Shienvold, 2014; Warshak, 2017), mental health experts frequently and confidently cited McIntosh and her coauthors to caution against overnights. The phenomenon was widespread (Nielsen, 2014). A major Australian newspaper wrote, “The influence of this study on Australia's family law system has been so profound that barristers have a special phrase to describe the common experience of losing the battle for

some overnight care of toddlers—they joke they’ve been ‘McIntoshed’” (Arndt, 2014). Lawyers in several countries described the same experience. Similarly, media accounts of Tornello et al. (2013), including the university press release that accompanied the study’s publication (Samarrai, 2013), reinforced the impression of a strong scientific case favoring blanket restrictions.

### **Shifting the tide of misinformation: A consensus on shared parenting and overnights**

Research psychologists, mental health practitioners, and lawyers throughout the world expressed concern about the impact of questionable research and skewed views of settled social science research on custody matters (see Arndt, 2014; Lamb, 2012; Nielsen, 2014, 2015). Misinformation—largely traced to the government report prepared by McIntosh et al. (2010) for Australia’s Attorney General and the manner in which that report was interpreted and promoted—had generated widespread confusion and uncertainty about whether the scientific community had shifted its position on overnights.

The Warshak Consensus Report addressed these troubling concerns (Warshak, 2014). Its purpose was to reaffirm the settled science on the effects of overnights on young children and to stem the tide of misinformation that had been driving custody decisions, guidelines, and expert opinions. The American Psychological Association journal, *Psychology, Public Policy, and Law*, edited by Michael Lamb, published the report with the endorsement of 110 social scientists.

The researchers and practitioners who endorsed the Warshak Consensus Report included prominent international authorities on attachment, principal investigators for the celebrated NICHD Study of Early Child Care and Youth Development, and leading researchers who have studied the impact of divorce since the mid-1970s. Publishing the paper with these endorsements conformed to the recommendation made in 2003 by a group of 28 researchers and practitioners. These professionals advised, “The best safeguard against [the possibility of bias] is a summary that has the consensual endorsement of a large number of experienced and respected social science researchers, as well as enlightened consumers or practitioners of this literature” (Warshak et al., 2003, p. 2). Discussing the impact of a cosigned amicus brief, Sales (1995) explained an additional benefit: “It [the cosigned amicus brief] had instant scientific credibility, not only because of its authors’ credentials and reputations, but also because it was cosigned by 43 other scholars” (p. 245).

The endorsers of the Warshak Consensus Report agreed that, in general, a robust body of social science evidence supports shared residential arrangements, including overnights, for children under 4 years of age whose parents

live apart. The three studies relied on by proponents of blanket restrictions (McIntosh et al., 2010; Solomon & George, 1999a, 1999b; Tornello et al., 2013) do not provide sufficient evidence to support postponing the introduction of regular and frequent involvement, including overnights, of both parents with their babies and toddlers.

Circumstances that constitute exceptions to the general recommendations include manifestations of restrictive gatekeeping such as persistent and unwarranted interference with parenting time (Austin, Fieldstone, & Pruett, 2013; Pruett, Arthur, & Ebling, 2007; Pruett, Cowan, Cowan, & Diamond, 2012; Warshak et al., 2003), a history or credible risk of neglect, physical abuse, sexual abuse, or psychological abuse toward a child, a history of intimate partner violence, a history of child abduction, a child's special needs (e.g., cystic fibrosis or autism), and a significant geographical separation between the parents.

The presence of conflict between the parents, though, is not a sufficient reason to deny children the benefits of joint physical custody. Automatically restricting children's time with one of the parents when a couple is labeled as "high conflict" deprives children of the protective buffer of a nurturing relationship with that parent. A policy that allows one parent to veto joint physical custody merely by claiming a conflicted relationship with the other parent provides motivation for parents to initiate, sustain, and escalate conflict and involve children in the conflict as a path to winning sole physical custody. In many cases, children can be protected from frequent exposure to conflict without depriving them of important time with a parent.

### **And the dance continues**

After the consensus report's publication, McIntosh et al. (2015) conceded that their three-item vigilance scale has "relatively low" reliability and is a "weak link" in their study. Their concession is weak. They used this measure as a proxy for insecure attachment and as a sign of emotional regulation difficulties, but they have not disavowed their conclusions or cautions against overnights derived from this and other untrustworthy measures in their study. Instead, McIntosh and Smyth continue to report that the infants in their study with weekly overnights had "higher levels of emotionally dysregulated behaviors" (Smyth, McIntosh, Emery, & Howarth, 2016, p. 153) and showed "a greater cluster of stress regulation problems compared with infants with fewer overnight stays" (McIntosh et al., 2015, p. 113). In fact, McIntosh et al. (2015) adopted a more extreme position by extending the age range for warnings against overnights: "Regardless of the context of their parents' separation, more frequent overnight stays might be more challenging for emotional regulation processes in young children under 4 years of age than for children aged 4 years and over" (p. 113). These continued

assertions of McIntosh et al. are the equivalent of reporting a baby's weight on a broken scale while concealing the fact that the scale is faulty.

Like the whack-a-mole arcade game, the idea that overnighting is likely to be harmful threatens to pop up, most recently in the CODIT checklist (McIntosh, 2015; Pruett, 2015). A brief disclaimer at the end of the CODIT states that it is not intended as a diagnostic instrument or as the sole basis for decisions. Nevertheless, the CODIT asserts, "Even when all parenting conditions are met, high numbers of overnights (more than weekly) are not generally indicated for young infants 0–18 months subject to family law disputes." This guideline proposes a rebuttable presumption against more than one overnight per week, even when the parents consistently and sensitively meet the children's needs. In practice this guideline limits the child's interactions with the father around bedtime rituals and morning routines simply if the mother objects. That is, the mother's preference prevails even if her objection is capricious, even if her motives are vindictive, or even if the father demonstrates superior parenting.

The CODIT raises other concerns. Despite its brief disclaimer, the CODIT Profile is derived from scores on various factors. Yet the CODIT is a subjectively rated checklist with no known reliability or validity for its scores. The checklist assesses children's behaviors such as "excessive clinging on separation," "frequent crying," "aggressive behavior," and "low persistence in play & learning" with no anchors to distinguish between troubling behavior that is typical for children at this age and atypical behavior. For instance, the CODIT provides no guidance about ages at which babies will normally cry frequently and will resist soothing or about how much crying warrants concern. Nor does it provide guidance about situations where a baby is naturally more likely to cry, such as early evening when exchanges to the father are likely to occur (Wolke, Bilgin, & Samara, 2017). Will CODIT users recommend no overnights because they deem a normal toddler's clinging, crying, or irritability as too frequent? Such judgments will be likely when professionals, such as judges and mediators, lack expertise in developmental psychology.

Even if behaviors such as excessive clinging and frequent crying could be rated reliably, there are no studies that correlate scores on the CODIT—or decisions based on these scores—with outcomes for children. The CODIT assumes, without evidence, that troubling behaviors in an infant or toddler that persist more than 2 weeks are caused or exacerbated by too much overnighting and can be resolved by restricting or eliminating overnights. Thus, the instrument provides a means for parents to rationalize restricting their children's overnights with the other parent (Austin, 2018).



## Should overnights be restricted when parents dispute child custody?

Contemporary blanket restrictions emphasize the role of interparental conflict as a factor contraindicating overnights, but professionals' opinions are inconsistent. With angry or distant coparenting relationships, Emery (n.d.) advised that all sleeping, with the exception of daytime naps, occur in the mother's home. Solomon (2013) recommended no overnights until children are at least 20 months old if their parents have high conflict and impaired communications. Pruett, Cowan, et al. (2016) recommended a conservative approach to overnights only when parents' disagreements interfere with the care of the child, presumably recognizing that not all disagreements directly affect the quality of child care. In the CODIT McIntosh (2015) and Pruett (2015) promoted a presumption against more than one overnight per week for children younger than 18 months if their parents are in a dispute over custody.

Emery (2014) promoted a more radical position for contested custody cases. Regarding joint physical custody, he advised, "It's all but certain to be the worst [arrangement] when parents end up in court" (para. 6). Emery opposed shared parenting arrangements for all contested custody cases, regardless of the nature of conflict, the manner in which the conflict is expressed, and the age of the children. In this view, a couple who communicate well; share parenting philosophies, styles, and routines; and agree on most child-rearing decisions, are unsuited for joint physical custody if they take their dispute to court because they disagree about the wisdom of shared parenting and overnights.

These views about conflict and overnighting assume that conflict takes a greater toll on young children when their fathers care for them overnight compared with daytime care. Just as no coherent theory explains why nighttime mother-child separations entail more risks than daytime separations, however, no one has explained why parental conflicts are presumed to be more damaging to children who spend nights in their fathers' care.

### **Empirical Studies**

Nielsen's (2017) analysis of studies that included measures and controls for conflict affirmed the value of shared parenting even when one parent opposes the arrangement and the parents sustain high conflict (excluding domestic violence cases). With one exception, studies have yet to address whether parental conflict has a different impact on very young children versus older children in shared parenting arrangements. The exception is a longitudinal study of 116 college students (Fabricius & Suh, 2017). This study found better outcomes for those who, in the first 3 years of life, spent overnights with their fathers after their parents separated. The more

overnights they had spent with their fathers, up to equally shared overnights, the higher the quality and the more secure were their relationships as young adults with their fathers and mothers. The young adults who had more overnights in infancy felt closer to both parents and were more certain that they were important to their parents. Overnights away from mothers did not harm mother–child relationships. Moreover, having more daytime visits with their father in midchildhood did not compensate for having fewer overnights with him in early childhood.

The data from Fabricius and Suh (2017) failed to support the hypothesis that joint physical custody children did better because their parents were better educated, had less conflict, and agreed on the parenting plan. The benefits of overnights were evident even when parents reported high levels of conflict early in the child’s development. “Even when parents present with high conflict, intractable disagreement about overnights, and a child under 1 year old,” Fabricius and Suh (2017) concluded, “both parent–child relationships are likely to benefit in the long term from overnight parenting time up to and including equally-shared overnights at both parents’ homes” (pp. 80–81). These results support the Consensus Report recommendation that parental conflict should not trump joint physical custody arrangements (Warshak, 2014).

Because Fabricius and Suh (2017) studied university students, their results might not generalize to children from impoverished families who do not attend college. Also, this study does not report about child adjustment in the earlier years. It is possible that although overnight separations might have stressed the mother–child relationship in earlier years, this effect was temporary and was overshadowed by the benefits to their relationship in later years. Fabricius and Suh (2017) noted that their data directly oppose the CODIT recommendations promoted by McIntosh and by Pruett: “The findings also indicate that normal parent conflict, disagreements about overnights, and children under 1 year of age are not circumstances that should require caution; on the contrary, more overnight parenting time appears to be needed in those cases” (p. 80).

### ***Conflict Management***

Parents have good reasons for shielding children from their disagreements about overnights. A parent’s anxiety can be transmitted to a child through nonverbal means, such as the manner in which a parent holds the child. Thus, a blanket restrictions proponent might argue that if the mother is not comfortable handing the child to the father for an overnight contact, the child will sense the mother’s discomfort and react poorly during the transition.

This rationale for denying overnights is weak. It is easy to craft a plan that shields the child from the mother's tension associated with the transfer to the father. The transfer can take place at a neutral site. The baby experiences the father's care in the father's home with no sense of the mother's feelings about the overnight. Under this circumstance the mother's agreement or lack of agreement on overnights is irrelevant to the impact on the child. If separation anxiety is the *raison d'être* for blanket restrictions or if separation from the primary caretaker overnight is harmful to children, then it should not matter how the mother feels about overnights. If, however, as McIntosh maintains, overnights are okay as long as the mother agrees to them, the basis for opposing overnights cannot logically be a concern that the child cannot tolerate separations from the mother.

### **Normative experiences relevant to policies about overnights**

The last two shifts this article addresses are (a) night shifts worked by mothers that keep them apart from their babies at night, and (b) shifts in how some people judge normative family situations versus situations after divorce.

Many mothers work evening and night shifts, leaving fathers to deal with children's bedtimes, middle of the night awakenings, and morning routines (Boushey, 2006; Burstein & Layzer, 2007; Fox et al., 2013). Also, many couples alternate nighttime child care responsibilities. Our society regards the father's participation in these child care activities as normal, expected, and desirable. These parents do not report unusual problems between mother and child or problematic behaviors for the child arising from the father's overnight care.

Consider two additional common scenarios. In the first one, a family with an infant has a house at the lake that they live in on weekends. The infant sleeps in one crib in one house on weekdays, and in another crib in another house on weekends. In the second, a young couple leaves their baby every Friday and Saturday night with the baby's grandparents so that the couple can have romantic time together and a break from parenting. If infant sleeping arrangements like these raise no alarms when parents live together, those who propose a double standard bear the burden to justify a radical shift in how these arrangements are judged after parents separate.

### **Ecology of overnights**

All child care arrangements occur in a context and are nested in a number of interrelated systems that require us to move beyond the individual child as the unit of analysis. McIntosh explicitly recognized the importance of considering the context in which overnights take place: "A mother of an infant may simply

be a better, more responsive parent the next day if she had a good night's sleep herself and felt grateful for and supported by father's willingness to give her an occasional overnight break" (George et al., 2011, p. 525). This begs the question: If an occasional overnight contributes to the mother's improved sleep, which contributes to better parenting the next day, would regular overnights contribute to better parenting on a regular basis instead of just occasionally? Recall Tikotzky et al.'s (2015) finding that both mothers and their 6-month-old infants were more likely to sleep through the night when fathers had been more involved in daytime and nighttime caregiving 3 months earlier.

### ***Logistics of Parenting Plans Without Overnights***

The importance of context seems to be lost on some proponents of blanket restrictions. For instance, one of Emery's (n.d.) suggested alternative child custody schedules for a child under the age of 18 months is spending time with the father from 8:00 a.m. until 1:00 p.m. 2 days a week, or 2.5 hours beginning at 3:00 p.m. on one or two weekdays. Most fathers' work schedules would be incompatible with such a parenting schedule. Also, fathers with very young children are likely to be in the early stages of their careers or occupations at a time when they lack much control or flexibility over their work schedules. Even if fathers could keep their jobs while regularly being absent from work during the day, they are likely to suffer a loss in income, which in turn forces a father to choose between time with his child and providing adequate financial support. How many fathers can arrange or afford to take off from work two half-days every week?

Parenting time schedules that deny fathers overnights often include 2- to 3-hour contacts once or twice during the work week. This kind of contact is hurried and stressful for both father and child—not a situation that fosters sensitive and reciprocal interactions that promote secure attachments (Ludolph, 2012). By the time the father loads the car with the baby and baby paraphernalia, drives home, unloads the car, and feeds the child, little time is left for relaxed interaction before reloading the car and returning the baby to the mother. An overnight reduces the number of transitions and allows the father and child the time and structure to bond in ways that more closely resemble an intact family and to become accustomed to being in each other's presence during the evening, at night, and in the morning. Overnights can also benefit the child by allowing the father to return the child to day care in the morning instead of to the mother's home, thus shielding the child from conflict and tension between the parents.

### ***Shifting Parenting Plans: Stepping Up Overnights***

Some proponents of blanket restrictions call for overnights to be gradually phased in through a “step-up” plan when a child reaches a certain age (Pruett, Deutsch, & Drozd, 2016). Various proposals set the age for “step-ups” at between 18 months and 4 to 5 years, and the child’s age is not the sole criterion for a shift. If the goal is to help the child, and perhaps the father, acclimate to overnights, however wouldn’t it be easier if the overnights existed since infancy? Then overnights with both father and mother would be the life the child has always known. As Pruett et al. (2004) wrote, “It stands to reason that it is easier to be ‘born’ into parenting plans that require overnights and multiple caregivers than to adjust to it once the child has habituated to a different family pattern” (pp. 54–55).

A toddler who has never or rarely spent the night in the father’s home might feel stressed when regular overnights are introduced. This is more likely if the child is slow to warm up to novel experiences. A child with such a temperament is most likely to benefit if overnights were always a part of life, rather than first introduced at age 4. Four-year-old children in Western culture usually face a major transition in where they spend their daytime hours, shifting from home or day care to prekindergarten. The child who is accustomed to overnights with the father is spared the challenge of another major life transition in addition to the changes faced in daytime care.

### ***“I Want My Daughter to See Her Grandparents”***

The bioecological model expands our focus beyond the parent–child relationship. A father explained another reason why overnights with his baby were important: “I wanted longer weekend time with overnights so that I could take our daughter to see her grandparents out of state.” Blanket restrictions in his case meant postponing and curtailing the development of the grandparent–grandchild relationship. As Jappens (2018) pointed out, children who have close relationships with their grandparents benefit more than those who lose these relationships because of their parents’ separation.

In families where a parent’s distance from the child’s school will make it unfeasible to share custody during the school week, overnights before the child begins daily school attendance provide opportunities to solidify the foundations of their relationship. Although restricting parent–child contacts to weekends is not desirable for most school-age children, an early and strong foundation supported by regular overnights during infancy and toddlerhood can help to sustain the relationship despite the lack of in-person contact during the school week. These examples underscore the importance of considering the ecological fit of parenting plans within wider contexts.

## Conclusion

The evidence reviewed in this article does not support a shift backward to blanket restrictions by implementing a double standard in which overnight and early morning fathering time is welcomed when parents live together, but eschewed when parents separate. Considerations favoring overnights for most young children are more compelling than concerns that mother–child separations jeopardize children’s psychological development. Nearly two decades ago Warshak (2000) proposed this thesis—a thesis that now carries the imprimatur of a consensus of 110 researchers and practitioners who define the accepted and settled view of science (Warshak, 2014).

This sequel to the “Blanket Restrictions” article has not shifted from the conclusions of 18 years ago (Warshak, 2000) and it concludes on the same note as the original ended. In nearly two decades no one has adequately answered this question: If babies can sleep apart from mothers during the day under the care of day care attendants, grandparents, babysitters, and fathers, by what logic do we deprive children after their parents’ separation of enriching bedtime and morning experiences enjoyed by children in two-parent homes? This challenge overshadows the theoretical and research perspectives and the shifts among professionals in their views about overnights.

Fathers take the night shift in two-parent homes. They can, and should, do so when living apart from their children’s mothers.

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