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The Hand that Rocks the Cradle: Maternal Gatekeeping After Divorce

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Divorce occupies an enduring place in the American social structure; a common transition well-known to substantially impact the family. Its place in the legal system seems equally assured, as family law cases continue to occupy, if not clog, legal dockets.¹ From 1984-94, there was a sixty-five percent increase in domestic relations cases in the legal system.² In 1994, state trial courts oversaw 4.7 million cases involving domestic relations, with thirty-nine percent of those cases involving divorce and eighteen percent involving child custody and support issues.³ Legal and mental health professionals recognize that the issues germane to divorce and child custody force an uneasy alliance between legal and mental health concerns. Such concerns are often intertwined inextricably, be they financial or child welfare preoccupations. Despite, or because of, this recognition, attorneys in training rarely receive sufficient exposure to practical psychological knowledge of which they can avail themselves once in practice. Although family court judges and attorneys increasingly hear and rely on social science data,⁴ a

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1. ANDREW I. SCHEPARD, *CHILDREN, COURTS AND CUSTODY: INTERDISCIPLINARY MODELS FOR DIVORCING FAMILIES* (Cambridge University Press 2004).

2. See JEFF ATKINSON, *MODERN CHILD CUSTODY PRACTICES WITH 1991 CUMULATIVE SUPPLEMENTS*, § 6.01 (1986); *FACTS ABOUT CHILDREN AND THE LAW* (Am. Bar Ass'n), <http://www.abanet.org/media/factbooks/chtoc.html> (last visited May 6, 2007).

3. *FACTS ABOUT CHILDREN AND THE LAW*, *supra* note 2, at Question #1.

4. See, e.g., Sarah H. Ramsey & Robert F. Kelly, *Social Science Knowledge in Family Law Cases: Judicial Gate-keeping in the Daubert Era*, 59 U. MIAMI L. REV. 1 (2004).

national study of family law school curricula⁵ discovered that such data represent only 1.5 percent of the total average family law text, or about eighteen pages in a one thousand plus page textbook.

Family law and mental health practice, for better or worse, rely on each other's information, methods, and techniques while assisting families undergoing legal and familial transitions simultaneously. Mental health practitioners are involved heavily in many facets of family law—as educators, clinicians, mediators, coaches, evaluators, guardians, consultants, and experts in court. Across roles, they offer expert consultation, assessment and diagnosis, and testimony about the fragility and resilience of human relationships under stress.⁶ It is thus incumbent on mental health professionals who conduct research relevant to family law matters to assist in making psychological theory and knowledge understandable and available to legal professionals involved in the intricacies of family life transitions.

A critical role for researchers working at the nexus of psychology and family law is to simplify and clarify their ever-evolving knowledge base so that they are accessible to legal professionals. Lawyers and judges will have interests in understanding psychological knowledge both for purposes of resolving their cases and, when children are involved, for ensuring the best likelihood that their handling of the case will promote the children's development and the family's healthy adaptation amidst the turmoil created by the divorce itself. Lawyers and judges will also be faced with the parental conflict that typically characterizes the period of separation and divorce.

This special issue of the PACE LAW REVIEW is dedicated to exploring alternative dispute resolution strategies and programs to assist the New York state judiciary and legislature in developing a more progressive, responsive system for families involved in domestic disputes and/or divorces. The Collaborative Divorce Project (CDP), conducted by Dr. Kline Pruett, offers a court-based intervention model that draws on empirical

5. See Mary E. O'Connell & J. Herbie DiFonzo, *The Family Law Education Reform Project Final Report*, 44 FAM. CT. REV. 524 (2006).

6. Marsha Kline Pruett, *Mental Notes: Reform as Metaphor and Reality*, 44 FAM. CT. REV. 571 (2006).

knowledge about divorce, understanding of the legal system, and psychological knowledge of child development and family process.⁷ The CDP is one example of a model that provides a paradigm in which divorcing families with children under the age of six can be assisted in moving through the legal system in more cooperative, less adversarial ways, while gaining shared parenting skills and supports. Using a longitudinal, randomized control design to test an intervention model that includes attorneys, judges, mental health professionals, and mediators, the model integrates case management, parenting education and support, mediation, and parenting coordination in a brief, cost-effective intervention implemented directly into the legal system. To date, the project has provided much new information about supporting parents in their co-parenting efforts, reduced parental conflict, and increased father involvement. The project has also resulted in higher rates of joint legal custody and more overnights for children, better child adjustment, greater use of alternative dispute resolution strategies, and less reliance on expensive, time consuming court services (evaluations, special masters sessions, and court appearances). Attorneys, too, report better outcomes for their clients.⁸

A unique aspect of the CDP is its focus on supporting parents' efforts to co-parent their children. In doing so, the intervention directly and indirectly focuses attention on the processes of maternal gatekeeping after divorce, and the implications of such gatekeeping for paternal involvement. This area, quite under-researched and under-explored compared to other aspects of divorcing family interactions, is important for understanding a critical link in co-parental relationships during and after separation and divorce. Such understanding, in turn, has significant potential to enhance the effectiveness of court-

7. See Marsha Kline Pruett et al., *Family and Legal Indicators of Child Adjustment to Divorce Among Families With Young Children*, 17 J. FAM. PSYCHOL. 169 (2003) [hereinafter Pruett, *Family and Legal Indicators*]; Marsha Kline Pruett et al., *The Collaborative Divorce Project: A Court-Based Intervention for Separating Parents With Young Children*, 43 FAM. CT. REV. 38 (2005) [hereinafter Pruett, *Collaborative Divorce Project*].

8. See Marsha Kline Pruett et al., *Critical Aspects of Parenting Plans for Young Children: Interjecting Data Into the Debate About Overnights*, 42 FAM. CT. REV. 39 (2004); see also Pruett, *Collaborative Divorce Project*, *supra* note 7, at 46-49.

supported programs in parenting education, mediation, and interventions with high conflict couples.

I. Maternal Gatekeeping

A. Definition and Description

The term “maternal gatekeeping” refers to a set of beliefs and behaviors that facilitate or inhibit collaborative childrearing between mothers and fathers.⁹ In metaphoric terms, one parent can leverage control to sustain an open gateway to the other parent’s access to and authority with their shared children, or the parent can maintain a closed and locked gateway, thereby limiting the other parent’s access and influence. Gatekeeping operates regardless of parental marital status or satisfaction with the relationship.¹⁰ In fact, most discussions and studies of gatekeeping have centered on married couples.¹¹

Although either parent can act as gatekeeper, maternal gatekeeping in its more restrictive function is typically the focus of theory and research. In this regard, maternal gatekeeping refers to the beliefs and behaviors that inhibit a collaborative effort between fathers and mothers by limiting men’s opportunity/ability to actively care for and rear their children.¹² Despite increasing symmetry in mothers’ and fathers’ family roles over the last few decades, mothers are still typically the primary caretakers of children,¹³ especially for infants through

9. Sarah M. Allen & Alan J. Hawkins, *Maternal Gatekeeping: Mothers’ Beliefs and Behaviors That Inhibit Greater Father Involvement in Family Work*, 61 J. OF MARRIAGE & FAM. 199 (1999); see also Pruett, *Family and Legal Indicators*, *supra* note 7, at 171.

10. JAMES A. LEVINE & EDWARD W. PITT, *NEW EXPECTATIONS: COMMUNITY STRATEGIES FOR RESPONSIBLE FATHERHOOD* (Families and Work Institute 1995).

11. See TERRY ARENDELL, *CO-PARENTING: A REVIEW OF THE LITERATURE* (Nat’l Ctr. on Fathers & Families 1996), available at <http://www.ncoff.gse.upenn.edu/litrev/co-litrev.pdf>; Jay Belsky, *The Interrelation of Parental and Spousal Behavior during Infancy in Traditional Nuclear Families: An Exploratory Analysis*, 41 J. OF MARRIAGE AND FAM. 749 (1979); Francine M. Deutsch et al., *Husbands at Home: Predictors of Parental Participation in Childcare and Housework*, 65 J. OF PERSONALITY AND SOC. PSYCHOL. 1154 (1993); MICHAEL P. NICHOLS & RICHARD SCHWARTZ, *FAMILY THERAPY: CONCEPTS AND METHODS* (5th ed. 1998).

12. See Allen & Hawkins, *supra* note 9.

13. David H. Demo & Alan C. Acock, *Family Diversity and the Division of Domestic Labor: How Much Have Things Really Changed?*, 42 FAM. REL. 323 (1993); Joseph H. Pleck, *Paternal Involvement: Levels, Sources, and Conse-*

preschoolers.¹⁴ Parents tend to be most protective of their children at these ages for obvious developmental reasons, including the children's limited verbal abilities to express their needs and desires; their lack of judgment in distinguishing safe from unsafe behaviors; and their general vulnerability to the uncertainties of the wider world around them. The mother, in her customary role as primary caretaker, becomes the monitor, supervisor, permission grantor, and controller of the father's (and others') involvement with the child and the form of that involvement.¹⁵ Mothers' comparatively greater experience with childcare, the social support women experience across generations for child-related activities, and the resultant sense of confidence they feel compared to men when parenting young children¹⁶ bolsters this mutually-appointed role of maternal gatekeeper.

While the early stages of childhood lend themselves particularly well to elicitation of maternal gatekeeping, such behaviors are not only applied to younger children and are likely to be resurrected when circumstances dictate complicated and potentially threatening situations inside or outside of the family. One such example is documented in families with incarcerated husbands/partners, where the authors showed that the mothers discouraged fathering in response to protective feelings for their children and themselves, i.e. a "closed gate," but also engaged in encouraging behaviors.¹⁷ These mothers manifested a confusing pattern of support and hindrance of father involvement, as they empathized with the challenges each parent and the children faced because the fathers were incarcerated. Thus, the mothers' analysis of their child's (and their own) needs im-

quences, in *THE ROLE OF THE FATHER IN CHILD DEVELOPMENT*, at 66 (Michael E. Lamb ed., 3rd ed. 1997).

14. See SCOTT COLTRANE, *FAMILY MAN: FATHERHOOD, HOUSEWORK, AND GENDER EQUITY* (1996); Pleck, *supra* note 13; Liana C. Sayer, et al., *Are Parents Investing Less Time in Children? Trends in Mothers' and Fathers' Time With Children*, 110 AM. J. OF SOC. 1 (2004).

15. See FRANCES KAPLAN GROSSMAN, *PREGNANCY, BIRTH AND PARENTHOOD* (1980); Patrick McKenry et al., *Predictors of Single, Noncustodial Fathers' Physical Involvement With Their Children*, 153 J. OF GENETIC PSYCHOL. 305 (1992); Sanford Braver et al., *Frequency of Visitation By Divorced Fathers: Differences in Reports by Fathers and Mothers*, 61 AM. J. ORTHOPSYCHIATRY 448 (1991).

16. KYLE D. PRUETT, *FATHERNEED: WHY FATHER CARE IS AS ESSENTIAL AS MOTHER CARE FOR YOUR CHILD* (2000).

17. Kevin M. Roy & Omari L. Dyson, *Gatekeeping in Context: Babymama Drama and the Involvement of Incarcerated Fathers*, 3 FATHERING 289 (2005).

pacted on the extent and direction of gatekeeping that they exercised.

Even in less extreme circumstances, the power of maternal gatekeeping within the family lies in large part in the consistently demonstrated dynamic that fathers' participation in their children's life is heavily impacted by maternal influences.¹⁸ Said another way, the father-child relationship is more highly connected to the quality of the co-parental relationship than is the mother-child relationship, which is more independent of the couple.¹⁹ One suggested rationale for this triadic aspect of fathering includes the greater clarity of mothers' family responsibilities as compared to fathers', since fathers have a less clear "job description" in relation to parenting and family work²⁰ thus requiring negotiations about a fathers' role between partners.²¹

There is much evidence that mothers actively facilitate and promote the father-child relationship.²² In their exploration of the role of maternal attitudes on paternal involvement, Beitel and Parke²³ found that when mothers perceived their partners as motivated to engage in child care responsibilities and, to a lesser extent, as competent to do so, fathers were more involved in childcare. Mothers may passively hinder father-child relationships by behaving in ways that impact how fathers feel about their paternal role. In one study, the relationship between fathers' perceived investments in their parental roles and actual levels of paternal involvement was moderated (or im-

18. See William J. Doherty et al., *Responsible Fathering: An Overview and Conceptual Framework*, 60 J. OF MARRIAGE AND FAM. 277 (1998); Jay Fagan & M. Barnett, *The Relationship Between Maternal Gatekeeping, Paternal Competence, Mothers' Attitudes About the Father Role, and Father Involvement*, 24 J. OF FAM. ISSUES 1020 (2003).

19. Jay Belsky & Brenda L. Volling, *Mothering, Fathering, and Marital Interaction in the Family Triad During Infancy*, in *MEN'S TRANSITIONS TO PARENTHOOD: LONGITUDINAL STUDIES OF EARLY FAMILY EXPERIENCE*, at 37 (Phyllis W. Berman & Frank A. Pedersen eds., 1987); Martha J. Cox et al., *Marriage, Adult Adjustment, and Early Parenting*, 60 CHILD. DEV. 1015 (1989).

20. Charles N. Lewis & Margaret O'Brien, *Constraints on Fathers: Research, Theory, and Clinical Practice*, in *REASSESSING FATHERHOOD: NEW OBSERVATIONS ON FATHERS AND THE MODERN FAMILY*, at 1-19 (Charles N. Lewis & Margaret O'Brien eds., 1987).

21. Doherty, *supra* note 18.

22. Fagan & Barnett, *supra* note 18.

23. Ashley H. Beitel & Ross D. Parke, *Paternal Involvement in Infancy: The Role of Maternal and Paternal Attitudes*, 12 J. OF FAM. PSYCHOL. 268 (1998).

pacted) by the mothers' beliefs about the desirable role for the father.²⁴ The importance of mothers' attitudes in gatekeeping is further evident from research showing that sixty to eighty percent of mothers do not want their husbands more involved in childrearing, as such involvement would change the balance of power in the marriage and the important role mothers ascribe to themselves.²⁵ It is important to note that these studies were conducted over a decade ago; women's and men's roles in family-related work are converging²⁶ as women's extensive involvement in the workforce requires a re-equilibration of family roles with men contributing more at home.

The underlying motivations for maternal gatekeeping obviously vary widely. It can stem from a reluctance to relinquish family responsibility, a desire to maintain the differentiated conception of family roles articulated in or lived out through the marriage, a desire to validate maternal identity, or the mothers' perceptions of paternal competence.²⁷ This latter perception may be directly related to the father's actual competence, or lack thereof, in childcare, but it is also affected by the mother's perceptions of the father's competence in his broader male family role. When men make greater financial contributions to the family, for instance, mothers view them as more competent.²⁸ Gatekeeping may also relate less to how mothers feel about their partners than to how they feel about themselves in their roles as "the mother." They want to feel appreciated, and one

24. Brent A. McBride et al., *Paternal Identity, Maternal Gatekeeping, and Father Involvement*, 54 FAM. REL. 360 (2005).

25. Michael E. Lamb & David Oppenheim, Fatherhood and Fatherchild Relationships: Five Years of Research, in *FATHERS AND THEIR FAMILIES*, at 11-26 (Stanley H. Cath & Alan Gurwitt eds., 1989); Joseph H. Pleck, Are "Family-Supportive" Employer Policies Relevant to Men?, in *MEN, WORK, AND FAMILY*, at 217-37 (Jane C. Hood ed., 1993).

26. JAMES A. LEVINE & TODD L. PITTINSKY, *WORKING FATHERS: NEW STRATEGIES FOR BALANCING WORK AND FAMILY* (1997); Joseph H. Pleck & Brian P. Masciadrelli, Paternal Involvement by U.S. Residential Fathers: Levels, Sources, and Consequences, in *THE ROLE OF THE FATHER IN CHILD DEVELOPMENT* (Michael E. Lamb ed., 4th ed. 2004).

27. See Allen & Hawkins, *supra* note 9; Michael E. Lamb, The Changing Role of Fathers, in *THE FATHER'S ROLE: APPLIED PERSPECTIVES*, at 3-27 (Michael E. Lamb, ed., 1986); Michael E. Lamb, The Development of Father-Infant Relationships, in *THE ROLE OF THE FATHER IN CHILD DEVELOPMENT* 104-20 (Michael E. Lamb ed., 3d ed. 1997).

28. Fagan & Barnett, *supra* note 18.

area in which they can feel valued is through their primary role in relation to the couples' children. In this instance, mothers may exercise their familial power and authority in the domain that feels distinctly, or predominantly, maternal by controlling the actions of fathers or other persons in relation to the children.²⁹

B. *Gatekeeping in the Context of Separation and Divorce*

Child adjustment after divorce is multiply determined, but two of the variables most strongly related to it are: 1) the parents' relationship to one another, particularly their level and frequency of conflict; and 2) the quality of the child's relationship with each parent.³⁰ The father-child relationship is salient because of the consistent finding that children with active, involved fathers fare better emotionally, behaviorally, and cognitively³¹ and because of the father-child relationship's vulnerability to attenuation and loss after divorce.³² Given this importance and vulnerability of the father-child relationship after divorce, maternal gatekeeping poses a potentially powerful obstacle to its sustenance.

Divorce can provide myriad opportunities for maternal gatekeeping, and the anger and conflict that often characterize the divorcing period often produces more restrictive gatekeeping.³³ More restrictive gatekeeping occurs in about one-quarter of the married couples that have been studied,³⁴ and it occurs more often in divorced contexts even if the nonresidential fa-

29. William G. Austin et al., *Application of Gatekeeping to Child Custody Evaluations*, Paper presented at the 7th International Symposium on Child Custody Evaluations (Oct. 20, 2006).

30. Joan B. Kelly, *Children's Adjustment in Conflicted Marriage and Divorce: A Decade Review of Research*, 39 J. OF THE AM. ACAD. OF CHILD AND ADOLESCENT PSYCHIATRY 963 (2000).

31. Paul R. Amato & Joan G. Gilbreth, *Nonresident Fathers and Children's Well-Being: A Meta Analysis*, 61 J. OF MARRIAGE AND FAM. 557 (1999); ALAN BOOTH & ANN C. CROUTER, *MEN IN FAMILIES: WHEN DO THEY GET INVOLVED? WHAT DIFFERENCE DOES IT MAKE?*, (1998); Kyle D. Pruett, *supra* note 16.

32. Rebekah Levine Coley, *(In)visible men: Emerging Research on Low-Income, Unmarried, and Minority Fathers*, 56 AM. PSYCHOLOGIST 743 (2001); Kelly, *supra* note 30; Levine & Pitt, *supra* note 10.

33. Kelly, *supra* note 30.

34. Allen & Hawkins, *supra* note 9; LOUIS GENEVIE & EVA MARGOLIES, *THE MOTHERHOOD REPORT* (Macmillan Publishing Co. 1987).

thers are as involved as those living with their children are.³⁵ It may occur even more often among non-married, separating couples, as these fathers report more obstacles to access posed by their ex-partners than do their married-but-divorcing counterparts.³⁶

It is theorized that strict gatekeeping may result in less involvement by the nonresidential parent and feelings of insecurity in children regarding their relationship with that parent.³⁷ Since being a competent parent motivates fathers to be more involved, and being good at parenting nurtures their involvement,³⁸ less involvement and less competence as a parent are likely to co-occur, spiraling into a negative cycle in which mothers' perceptions of fathers' lack of competence and fathers' feelings become the shared reality over time.

Results from the few studies of gatekeeping with divorced populations converge on findings that mothers' support is key to father involvement after divorce,³⁹ and that his non-residential status along with her perceptions of his competence lead to more restrictive maternal gatekeeping.⁴⁰

With divorce rates hovering just under fifty percent of the married population,⁴¹ and the majority of parents separating when their children are six years of age or younger,⁴² the design of parenting plans that are developmentally appropriate but allow each parent as much regular contact as possible with his or

35. Fagan & Barnett, *supra* note 18.

36. Glendessa M. Insabella et al., *Individual and Coparenting Differences Between Divorced and Unmarried Fathers: Implications for Family Court Services*, 41 FAM. CT. REV. 290 (2003).

37. Doherty, *supra* note 18; Kelly, *supra* note 30.

38. CONCEPTUALIZING AND MEASURING FATHER INVOLVEMENT (Michael E. Lamb & Randal D. Day eds., 2004).

39. SANFORD L. BRAVER & DIANE O'CONNELL, *DIVORCED DADS: SHATTERING THE MYTHS* (1998); Debra A. Madden-Derdich & Stacie A. Leonard, *Parental Role Identity and Fathers' Involvement in Coparental Interaction After Divorce: Fathers' Perspectives*, 49 FAM. REL. 311 (2000).

40. Fagan & Barnett, *supra* note 18.

41. U.S. Dept. of Com. Bureau of the Census (1994), *Household and Family Characteristics; Current Population Reports, Series P20-483* (Washington, D.C.: U.S. Government Printing Office).

42. ROBERT E. EMERY, *MARRIAGE, DIVORCE, AND CHILDREN'S ADJUSTMENT* (2d ed. 1998); Mary F. Whiteside, *An Integrative Review of the Literature Pertinent to Custody of Children Five Years of Age and Younger*; Executive Summary to the Statewide Office of Family Court Services (San Francisco Center for the Family 1995).

her child is a fraught enterprise.⁴³ It is an equally rich source of angst among parents and debate among legal and mental health professionals. Sharing childrearing becomes the norm for many couples. Negotiating “who does what” with regard to child care is a complicated task in married or intact relationships⁴⁴ that becomes entangled in ambiguities and cross-purposes among separated or divorced couples with children. The different marital roles that parents choose in the marriage to create efficiency winds up becoming a major source of anxiety and conflict after divorce, when efficiency and trust give way to primordial desires to “get as much as one can” out of the waning relationship.

Since mothers typically assume the position of primary caregiver after divorce as well as in married couples,⁴⁵ the non-residential status of fathers contributes to mothers’ considerable control and authority over divorced fathers’ involvement with their children. Some mothers demonstrate their authority through active hindrance by limiting or excluding former spouses from meaningful parent-child relations through the extent and quality of access fathers have to their children.⁴⁶ Notably, mothers play a significant role in deciding how much time fathers spend with their children and according to what schedule through her support or hindrance of the father-child relationship. Low maternal support in the face of high parental

43. This Family Court Review volume contains a collection of seven classic articles addressing the controversial issue of overnights for young children in separating and divorcing families, with an integrative summary by the editor. *OVERNIGHTS AND YOUNG CHILDREN: ESSAYS FROM THE FAMILY COURT REVIEW* (Marsha Kline Pruett ed., Association of Family and Conciliation Courts 2005).

44. CAROLYN P. COWAN & PHILLIP A. COWAN, *WHEN PARTNERS BECOME PARENTS: THE BIG LIFE CHANGE FOR COUPLES* (1992).

45. ELEANOR E. MACCOBY & ROBERT H. MNOOKIN, *DIVIDING THE CHILD: SOCIAL AND LEGAL DILEMMAS OF CUSTODY* (1992); Joseph H. Pleck, *Paternal Involvement: Levels, Sources, and Consequences*, in *THE ROLE OF THE FATHER IN CHILD DEVELOPMENT*, at 66-103 (Michael E. Lamb ed., 3d ed. 1997); ANDREW I. SCHEPARD, *CHILDREN, COURTS, AND CUSTODY: INTERDISCIPLINARY MODELS FOR DIVORCING FAMILIES* (2004); Marsha Kline Pruett et al., *Critical Aspects of Parenting Plans for Young Children: Interjecting Data Into the Debate About Overnights*, 42 FAM. CT. REV. 39 (2004).

46. Allen & Hawkins, *supra* note 9; Fagan & Barnett, *supra* note 18.

conflict often leads to reductions in non-residential fathers' contact with their children.⁴⁷

Gatekeeping consists of both cognitive and behavioral components. The cognitive component is based on one parent's mindset toward the other parent's involvement with the children. This mindset can include maternal preferences and beliefs about father involvement,⁴⁸ her satisfaction with his involvement,⁴⁹ and her sense of his competence as a parent.⁵⁰ Although the cognitive component sets up conditions that underlie or motivate gatekeeping, it is primarily manifested through its behavioral components: whether a parent facilitates the parent-child access, speaks well of the other parent in the child's presence, and tries to keep the other parent abreast of developments related to the child's health, schooling, or social life. Each of these behaviors requires communication and effort between parents. This process is far more difficult among those who do not see each other regularly and are not favorably inclined toward one another.

Austin⁵¹ posits a continuum of gatekeeping behaviors, from encouragement of father involvement or unrestrictive gatekeeping to most restrictive gatekeeping and behaviors that are destructive of father-child access. At the least restrictive end of the continuum, mothers engage fathers in co-parenting through proactive and collaborative means. This might include open sharing of information about the child and passing on vital information without being asked for it. At the moderate point in the spectrum, mothers evidence ambivalence about the father's involvement through a mix of encouraging and discouraging behaviors, interfering with fathers' access to a moderate degree. Examples of behaviors at this point in the continuum are speaking negatively about the other parent in front of the child, being

47. Debra A. Madden-Derdich & Joyce A. Arditti, *The Ties That Bind: Attachment Between Former Spouses*, 48 FAM. REL. 243 (1999).

48. Marilyn Ihinger-Tallman et al., *Developing a Middle-Range Theory of Father Involvement Post-Divorce*, 14 J. OF FAM. ISSUES 550 (1993).

49. Mary F. De Luccie, *Mothers as Gatekeepers: A Model of Maternal Mediators of Father Involvement*, 156 THE J. OF GENETIC PSYCHOL. 115 (1995).

50. Fagan & Barnett, *supra* note 18.

51. William G. Austin, *Considering the Process of Support for the Other Parent and Gatekeeping in Parenting Evaluations*, 7 COLO. INTERDISC. NEWS: THE NEWSL. OF THE ST. OF COLO. INTERDISC. COMM. (IDC) NEWS 12 (2005).

uncooperative or rigid in accommodating requests for schedule changes, and withholding information about the child. At the more restrictive end of the gatekeeping continuum, one parent openly and continuously denigrates the other, resulting in child alienation from the denigrated parent. Finally, the most extreme form of restrictive gatekeeping is child abduction by one parent.⁵²

II. "Friendly-Parent" Doctrine

The nature and extent of maternal gatekeeping becomes salient when parents dispute over custody, residential arrangements, or access in the legal system. Since children are known to adjust better to divorce when both parents stay actively involved in the child's life, the "friendly-parent" doctrine⁵³ holds that when parents are in dispute about custody and access, "custody and primary residence should be awarded to the parent most likely to foster the child's relationship with the other parent."⁵⁴ This idea is codified in child custody statutes as one factor to be given consideration in custody, access or relocation disputes: which parent will support "frequent and continuing" contact or a "close and continuing relationship" between the child and the other parent.⁵⁵ The "friendly-parent" concept and its statutory provisions are widespread and routinely applied throughout the United States,⁵⁶ with exceptions delineated for domestic violence and child abuse situations.⁵⁷ For example, the friendly parent is a factor listed in the Uniform Marriage and Divorce Act.⁵⁸ Dore,⁵⁹ who argues for the concept being eliminated from statutory consideration, states that in trying to identify the friendlier parent, courts are at risk for subordinat-

52. *Id.*

53. Edward B. Borris, *Parents' Ability and Willingness to Cooperate: "The Friendly Parent Doctrine" as a Most Important Factor in Recent Child Custody Cases*, 10 *DIVORCE LITIG.* 65, at Part III (1998); see also Margaret K. Dore, *The 'Friendly Parent' Concept: A Flawed Factor for Child Custody*, 6 *LOY. J. OF PUB. INT. L.* 41 (2004).

54. *Lawrence v. Lawrence*, 20 P.3d 972, 974 (Wash. Ct. App. 2001).

55. *Id.*; Dore, *supra* note 53.

56. Borris, *supra* note 53; Joan Zorza, "Friendly Parent" Provisions in Custody Determinations, 26 *CLEARINGHOUSE REV.* 921, 923 (1992).

57. Dore, *supra* note 53, at 43.

58. Uniform Marriage and Divorce Act (1974).

59. *Id.*

ing the child's needs in favor of a paradigm that rewards and punishes parents for their conduct toward each other, resulting in parents competing with and condemning each other while trying to prove that they are the friendly parent and the other is unfriendly.

Proving the other parent is unfriendly amounts to an assessment of the other parent's gatekeeping behavior.⁶⁰ Paradoxically, the court is assessing each parent's ability to foster the child's positive relationship with the other in the context of an adversarial dispute that may or may not accurately reflect the parents' behavior outside of that context; for example, once the dispute is concluded.⁶¹ Austin therefore proposes that each parent's stated beliefs about the importance of the other is given less weight than the parent's behavioral indications of his or her support of the other parent's relationship with the child.⁶² Bad-mouthing is to be expected, but interference with access and withholding of information should be accorded more negative weight.

III. Parenting Plans and Overnights with the Father

Gatekeeping provides a useful lens when working with parents in designing their parenting plans after separation or divorce, especially plans pertaining to young children.

For example, parents with young children may have an especially difficult time agreeing about the age when regular overnights with the father are appropriate and desirable for young children.⁶³ Moreover, research showed that although children 0-3 years of age who are spending overnights with fathers showed no significant symptoms according to maternal or paternal reports,⁶⁴ fathers of the children report that overnights during the week are associated with greater young child anxiety or depression.⁶⁵ Interestingly, the mothers, too, reported higher

60. Austin, *supra* note 51.

61. *Id.*

62. *Id.*

63. MACCOBY & MNOOKIN, *supra* note 45; Pruett, *Family and Legal Indicators*, *supra* note 7.

64. Pruett, *supra* note 45.

65. Marsha Kline Pruett, *Father Involvement: From Infant Overnights to Parental Alienation*, Address at the University of Baltimore School of Law, Center for

levels of distress and anxiety when their young children spent overnights during the week with their fathers. Thus, mothers' distress may be manifested by the children and becomes a concern of fathers. Since no other analyses indicated symptoms for young children when they spent overnights with their fathers, this finding could be construed as another possible indication of maternal gatekeeping behavior. Gatekeeping behaviors that result in mothers' lack of support for young children spending overnights at their fathers' homes might also be expected in situations such as that studied by Solomon and George.⁶⁶ These researchers found that high parental conflict and poor communication, especially during transitions between mother's and father's homes, were related to insecure, disorganized infant-mother attachments. The authors conclude from the finding that overnights are not beneficial to the child in such circumstances, and it seems expected that mothers in the study would feel similarly.

Taken together, Pruett's and Solomon and George's studies on overnights, emanating from very different perspectives, illustrate situations when maternal gatekeeping behavior is elicited from and may serve to exacerbate child distress in the presence of father involvement that requires separation from mother. Divorce-related separations and transitions that are distressing to all parties involved create barriers for father involvement with young children, which, in turn, place children at risk for losing father contact and presence over the long term.

IV. Encouraging Facilitative Gatekeeping and Co-parenting of Young Children Through Legal Intervention

Maternal gatekeeping gets discussed, debated, and played out endlessly in the legal arena of divorce. Despite the widely held experience among mental health professionals about the occurrence of gatekeeping during divorce, neither divorce's influence on gatekeeping nor gatekeeping's role within divorce are as yet well-understood, or even well-defined, as a phenom-

Families, Children, and Courts, and Association of Family and Conciliation Courts (December 4-5, 2006).

66. Judith Solomon & Carol George, *The Development of Attachment in Separated and Divorced Families: Effects of Overnight Visitation, Parent, and Couple Variables*, 1 ATTACHMENT AND HUM. DEV. 1 (1999).

ena. In this section, we will extend theory and empirical inquiry about maternal gatekeeping.⁶⁷

As described above, the Collaborative Divorce Project (CDP) is a preventive intervention embedded in a longitudinal investigation using a randomized control design to examine the effects of a court-based divorce intervention for families with children ages 0-6 years old. The CDP was designed to enhance psychological understanding of key family processes, such as maternal gatekeeping, and outcomes for young children while developing and testing an intervention with the goals of improving parent, child, and legal indicators for separating and divorcing families. The project is not a collaborative model in the “traditional” sense; parties do not retain counsel who agree not to litigate. Rather, the project is a hybrid form of alternative dispute resolution that combines psycho-educational parenting classes, therapeutic mediation, and case management services with collaborative input from legal and mental health professionals. The program targeted all separating and divorcing families with children six years or younger in two judicial districts, with the exception of those families who reported domestic violence, child or spousal abuse, or substance abuse that placed any family member’s safety at risk. More details are provided about the CDP project in its entirety elsewhere.⁶⁸

A. *Participants*

The sample included 161 families that included mothers, fathers, and youngest children. At the follow-up, data were obtained from 142 of the families (87 percent). Parents in the CDP were primarily Caucasian (mothers 85 percent, fathers 86 percent), with small percentages (approximately three to six percent) of Latino, African American, biracial, and Native American adults comprising the rest of the sample. This is reflective of the ethnicities of families served by the two participating court districts. The youngest child from each family served as the target child for the study. At baseline, the aver-

67. See generally Pruett, *Family and Legal Indicators*, *supra* note 7; Austin, *supra* note 51 at 11.

68. See MARSHA KLINE PRUETT, *THE COLLABORATIVE DIVORCE PROJECT: SUMMARY HIGHLIGHTS FROM THE FINAL REPORT* (Nat’l Association of State Judicial Educators 2004); Pruett, *Collaborative Divorce Project*, *supra* note 7.

age age of the children (93 boys and 68 girls) was 3.29 years (S.D. = 1.70). The average length of married parents' relationships at baseline was eight years (range: one through twenty-six years). With the exception of three couples that never lived together, the 31 other unmarried couples reported that they were significantly involved with one another at the time of conception. The average educational attainment for parents was generally high school graduation, a year of college, or some specialized training. The mothers' yearly income averaged between \$18,001-\$25,000, while the fathers' income averaged \$25,001-\$50,000. Incomes for both mothers and fathers ranged from under \$5,000/year to over \$75,000/year, yielding an economically diverse sample.

B. Participant Recruitment and Procedures

Families were recruited from two court districts upon filing for divorce or a court action. Introductory letters were sent ahead of time to all families that petitioned the court, and a CDP project manager also spent time at the court house and met with families while they were waiting to be scheduled for a hearing. Inclusion criteria included: (a) a child six years or under in the family who was the biological child of the parties; (b) no substantial history of parental substance use; and (c) no significant history of physical, spousal, or child abuse within the family. This information was determined by a brief screening tool developed for the project in which parents were asked eight questions concerning their own and/or their partner's use of substances or domestic violence. Partners were interviewed separately by phone or at the courthouse; when either partner answered differently from the other, the one reporting the problem behavior was probed further and the family was generally excluded from the study.

Eligible families were invited to participate voluntarily in an assessment of an innovative court project designed for families with young children. Families were enrolled at the beginning of their legal proceedings. The majority of families had just separated, with the other families in the planning phase of doing so. Once families consented to participate, they were randomly assigned in groups as either intervention recipients or control group families. The group placement was alternated,

based solely on the timing of when the participant's joined the project. Participants completed questionnaires as they entered the legal system, which was designated the baseline, six months later, and then again 15 to 18 months after legal proceedings began. In addition to gatekeeping attitudes, the questionnaires assessed family demographics, parents' and children's adjustment, legal outcomes, custody arrangements, nonresidential parents' involvement, and quality of the co-parenting and parent-child relationships. Mothers and fathers completed each measure, except for the dependent measure of children's adaptive behavior. Interviews with a trained clinician were conducted over the telephone, typically with custodial parents, to obtain ratings of adaptive behavior using the Vineland Screener. Parents were paid fifty dollars for their participation at each assessment. In addition to parent questionnaires, collateral information was obtained from attorney questionnaires, teacher and day care provider questionnaires, and court-based information.

C. *The Intervention*

The project included a comprehensive program that assessed the levels of conflict and stability of parents when they entered the legal system and offered multiple services tied into the court process. A private and public partnership is a hallmark of the intervention model, as the Connecticut judiciary, Court Support Services Division, the Bar, and foundation-supported clinicians and researchers teamed up to determine a "best practices" model of services for families. The major goal of the intervention was establishment of a "culture of collaboration" that emphasized both parents' continuing involvement with and responsibility for their children.

The intervention consisted of seven components:⁶⁹

1. Co-parenting Counselors and Case Management

Two counselors—one male and one female; a private clinician paired with a court-based counselor—made initial contact

69. Marsha Kline Pruett, Glendessa Insabella & Katherine Gustafson, *The Collaborative Divorce Project: A court based intervention for separating parents with young children*, 43 FAM. CT. REV. 41-42 (2005).

with families upon entry into the program and indicated availability to answer any questions that arose during the legal process about the needs and issues of children. The parenting counselors also shepherded the family through the legal system whenever problems that might lead to a slow-down or standstill in the legal process were identified.

2. Divorce Orientation

A brief introduction to the legal system was offered to parents meeting in a group with a judge, attorney, mediator, and the co-parenting counselor team. Parents had opportunities to ask questions and received extensive information packets about the system, how to choose an attorney, signs of stress that children and parents may exhibit during divorce, legal terms heard during the court process, and other pertinent information.

3. Parenting Classes

The orientation was followed by a two-session educational series with an option for higher conflict couples to meet for four additional weeks. Men and women met in separate groups which combined didactic material with discussion that focused on parents' and children's responses to divorce, communication and conflict resolution skills, tips for co-parenting, and general child development information.

4. Feedback Session

Following the completion of the classes, couples met privately with the parenting co-counselors to hear individualized feedback about their child's particular developmental needs and to discuss parenting plans.

5. Mediations

Mediations conducted by the co-parenting team focused on clarifying key points of controversy, helping both parents focus on the well-being of their child, and facilitating a detailed parenting plan for issues basic to the child's residence and contact with both parents. Economic issues were also addressed and negotiated in one site.

6. Status/Settlement Conference

For families who did not reach agreement, a status conference was arranged that included the counselors, parents, attorneys (if applicable), and the judge. If settlement was not reached after these sessions, additional mediation was offered to the couple. If agreement continued to be elusive, the intervention team's involvement with the family was terminated and a trial date was set.

7. Follow-up

A follow-up meeting was offered by phone or in person, nine to eleven months post-divorce to discuss how each family was adjusting and to answer any new questions that had arisen. Exit interviews and research protocols also were conducted at this time.

V. Behavioral Components of Gatekeeping: How Parents Described Their Gatekeeping Behaviors In Relation to Paternal Access

One way we examined gatekeeping was to directly ask parents what behaviors they described as facilitative or hindering of the other parent's access. We were interested in parents' own words rather than researchers' selection of concepts and terminology. Mothers and fathers were asked what mothers did to help or hinder fathers' access to the children, and fathers were asked whether mothers' behaviors affected their relationship with their children in either positive or negative ways. These parent responses were analyzed using a flexible qualitative method design for inquiry in its formative stages which allows the researcher to draw upon data given in open-ended responses to derive thematically consistent and meaningful categories.⁷⁰ Participant responses were transcribed, coded, and organized into thematic categories based on repeating and overlapping information.

The 142 families available at the final follow-up (15 to 18 months after filing) included 125 mothers and 106 fathers, as we did not always get information from both parents at the fol-

70. JEANE W. ANASTAS, *RESEARCH DESIGN FOR SOCIAL WORK AND THE HUMAN SERVICES* (2d ed. 2000).

low-up. For example, some parents had moved away, could not be located, or just dropped from the study. In total, 119 of the 125 mothers (95 percent) and 92 of the 106 fathers (87 percent) who answered questionnaires at the final follow-up answered at least one of the gatekeeping questions.

Counting all responses by any parent as one response, mothers reported that they were positive influences rather than hindrances by a proportion of two to one. Fathers reported mothers as helping or hindering in a one to one proportion. Thus, mothers were twice as likely to report fostering their ex-spouse's access as hindering contact. Fathers were equally likely to view the mothers as both helping and hindering their contact with their children.

A. *Mothers*

Counting total responses (more than one may have been given by any parent), mothers gave a total of 169 responses describing how they facilitated father involvement as opposed to only 39 responses about how they presented obstacles. By far the most common way in which individual mothers said they support father involvement is by being flexible about visitation and access times (55 mothers [44 percent]). One mother commented, "I make the children available to suit his schedule even if the visit is beyond what we originally agreed to." Another noted that she went the extra mile when the other parent had to go away on business since she "always offer[ed] to let him make up the time with extra days."

In addition, fifteen mothers said that they encouraged telephone contact between the children and the fathers. This ranged from permission—"I have the child call her father when she expresses missing him"—to active encouragement—"I've also encouraged their contact; for example, if something exciting happened; 'Call daddy and tell him' I'd say."

Many mothers promoted father involvement by attempting to nurture the child's relationship with the father through their own interaction with their child. Twenty mothers said that they encouraged the children and the fathers to spend time together. One explained how she is "always encouraging my son to have a great time. Most times he doesn't want to go with his dad."

Another sixteen mothers said that they provided emotional support for their children to help them deal with feelings related to their fathers. "I've tried to help the kids accept and make the best of my ex-spouse's new wife and their step-siblings and the whole situation [new family] they're placed in. I try to help the kids have a positive attitude about seeing their dad." Another parent attested to the fact that she "provides a balanced view when our child is mad at his dad. I offer to facilitate communication." Yet another parent "always talks to the child about the child's activities with his father. I have pictures of his father in his room."

Furthermore, mothers reported that they made efforts to interact with their child's father in ways that would encourage him to be involved in the child's life. Seventeen mothers said that they tried to keep the father involved by updating him on important events in the child's life. This varied from "ongoing back-and-forth documentation of the child's activities with me so his father is up to date on the child's learning and experiences" to "I keep him informed about their progress in school. I also try to let him know of any problems they might be having."

Richly detailed examples were given from the twelve mothers who said that they gave parenting advice to the father to help him engage effectively with their child. One mom reported, "I try to encourage my husband to do special things and have one-on-one time with our kids. It hasn't always been received by him." Another wrote, "I tell him how much it hurts the kids when he is an hour late, doesn't show up, etc." A mother wrote with exasperation that she felt it was important that she "explained to him not to promise his son things and not follow through."

In addition, ten mothers said that they did not speak poorly of the father or fight with him in front of the child. Examples given included, "I bite my tongue a lot to help my son feel that his parents are 'friends' and being with dad is fun and daddy loves you" and "I've accepted some things they do that I know they all enjoy even though I don't always agree with them." Several small subgroups of mothers also promoted father involvement by saying positive things about the father (four responses) or arranging therapy either for themselves, the father, or the child (four responses).

Only 38 responses (18 percent of all responses) by mothers indicated how they had hindered father involvement. The most common response (16 mothers) was that they were occasionally inflexible about changes in arrangements or that they disallowed overnights or unsupervised visitation. One mother admitted, "I might have once or twice refused to let him go different times on a weekend because it was the only free time I had for myself so I didn't want to change." Another comment was, "I don't feel our daughter is ready for overnight visits. I would like to wait until she is at least 2 ½. I have a hard time putting her down at times!"

There was little overlap across respondents in the ways that they reported hindering the father-child relationship, perhaps suggesting that mothers' hindrance is situational, or couple specific. Responses of mothers acknowledged that they were "controlling" or "over-protective." As one woman put it, "[h]e tends to want extra time with the older children. I don't allow that unless he plans a special day with the younger too." Or another said she "hovered over him while [her daughter] sat on his lap or asked him to back off when he pushed her too much to speak." As one woman flatly said, "I can be too controlling and over-protective of our daughter, which can impede upon his ability to be there with her."

A few other comments related to the mother's dislike of her ex-spouse's new partner. "I disapprove of his current girlfriend. There was a restraining order against her to protect the kids. He continues to stay with her. When he isn't with her he sees the kids more."

Mothers also noticed that they argued in front of the children or in earshot, as a way of turning the child's opinion negatively toward the father. All of these behaviors were more likely when they doubted the parenting skills of the ex-spouse. One woman noted, "I've insulted him about the kind of father he has become. Examples of this are being forced to pay child support, avoiding difficult issues, not helping raise her." One mother elaborated articulately: "Due to some of the choices my ex-spouse has made in his life, it is difficult for me to have full confidence in his parenting ability. Like his refusal to take the state required parenting course sessions. The partners [he chooses] make it difficult for me to tell my child that his father

is 'the best daddy ever,' as I don't feel he is. This of course excludes natural parental love from the equation."

Sometimes mothers set up small hindrances such as not answering the phone "during stressful times" or not reminding him "of his agreed upon scheduled visits with the children." More severe refusal to facilitate the father-child relationship was also noted, "I don't do anything to support him anymore. I'm letting him screw up on his own so I can have his parental rights terminated. He has very little interest in our kids. He has a new wife and child."

B. *Fathers*

Paralleling mothers' responses, the most common response by fathers showed agreement that their child's mother helped them to be involved in their child's life by being flexible about parenting arrangements (24 instances by 24 fathers). Men noted when mothers accommodated their work schedules, assisted with daycare arrangements, "allowed time [in] summer that wasn't part of the schedule," one father wrote, "[s]he involves me in decision making about visits. She has been understanding about my busy work schedule and is able to word things to the kids so that their being disappointed is minimized. [She is] flexible with pick up and drop off times and has picked the kids up at my house on occasion."

Other ways in which some mothers encouraged access, according to fathers, were providing transportation (four responses), having their child ready for the father to pick up (four responses), and allowing extra visitation for special occasions (eight responses).

However, eight fathers said that mothers were inflexible about access schedules. They did not "give any leeway on visitation, no extra time, no vacations." Five fathers complained that mothers changed the schedules without sufficient notice, including the complaint that they made "plans on scheduled visitation weekends." Five fathers stated generally that mothers had denied them access at some point—past or recent present. One complained that the mother "withholds visitation because of poor communication, or [some] small but correctable problem." Another reported that the mother did not let him see his children, after being found in contempt of court, for six weeks.

Examples of hindering behaviors also involved not taking or allowing phone calls between father and child.

When fathers were asked if the behavior of their child's mother had affected their involvement in their child's life, six fathers reported that it had not while 27 fathers said that it had. Of the fathers who felt that the other parent had affected their involvement, 18 said that this had been a negative change, whereas only nine said that it had been positive. The same kinds of descriptions were given for positive and negative examples, suggesting the same kinds of behaviors could be used as a support or hindrance. A supportive example one father gave was, "[s]he has been supportive of visitation, wants the children to have a good relationship with me, she invites me to special events and tries to remember to include me in decisions which affect our child." The mirror image offered was "my ex often 'forgets' to tell me of events in my children's lives e.g. recitals, concerts, parties, etc." One father noted he was treated like a babysitter rather than a parent, and another described walking on eggshells.

VI. Gender Differences in Gatekeeping Responses

These findings support theoretical depictions of gatekeeping. Mothers' responses showed more breadth and depth. The difference in detail by the mothers is in keeping with their having primary responsibility for the children; perhaps they were able to generate more examples as a function of spending more time with the children or having a greater awareness of some of the details of their lives as a result of their close watch regarding the father-child relationship. For example, mothers mentioned taking the child to therapy as an important way of supporting the father-child relationship. They also described many positive efforts that seem to go unnoticed according to the fathers' more muted endorsements.

The discrepancy follows general attribution rules for communication: since the mothers have primary responsibility for the children, they tend to portray themselves in a favorable light, to support their behaviors over time. They are more likely to view the other parent's behavior in a less positive light. These differences may also exemplify general gender differences in specificity and intensity of communication styles, with

mothers generating more examples of facilitating and hindering behaviors. Nevertheless, although mothers articulated things that they had done to hinder fathers' access, they gave much more detail about what they did positively. Their vagueness in the area of hindrance suggests either less awareness or willingness to acknowledge the ways in which they prevent fathers from freer access. This difference is an important aspect in couple dynamics, as the mothers emphasize their positive and minimize their negative contributions, adding to fathers' frustrations around gatekeeping issues and their feelings of having less authority in childcare. These differences between genders, most likely as attributable to family roles as to gender itself, evince some ways in which gatekeeping plays out among divorcing couples and becomes an arena for conflict.

VII. Cognitive Components of Gatekeeping: How the Marriage Impacts the Divorce

In addition to the cognitive components of gatekeeping examined by previous researchers (e.g., maternal preference and beliefs about the importance of father involvement, satisfaction with father's involvement, and valuation of fathers' competence), Dr. Kline Pruett, the senior author of this article, and her colleagues conceptualized from their clinical experiences that an additional couple dynamic is operating when couples separate and divorce. They propose that in divorce, gatekeeping represents one way in which mothers and fathers carry their pre-divorce notions about the quality of the couple relationship into the divorce arena, with the level of parental conflict playing a critical role in whether and to what extent mothers exercise gatekeeping. The children's "best interests" become a reason for mothers to maintain an "open gate" if she believes the children's relationship with their father is important, but the mothers' feelings about how the children and she were treated during the marriage and its termination become another substrate for more restrictive gatekeeping. At the time of the legal divorce and thereafter, mothers "pay fathers back" for their misbehavior, support, or lack of it, in the couple relationship by opening or closing the "gate" to their children's lives.

Within this theory, there are two constructs—past and present. A mother incorporates her past experiences with her for-

mer partner into her sense of what his role should be in the family post-divorce: depending on whether she believes her spouse treated her fairly or kindly throughout the relationship, she exercises control of the father's present involvement in the post-divorce family, particularly with the children. This is not to say that some mothers do not consider the father's love for his child or his competence as a father independent of the mother's relationship with him. It only means that the struggle to do so hinges upon her ability to consider the child's relationship with the father as separate from her own relationship with him, and to consider the divorce as an opportunity for score settling, as opposed to "moving on." Mothers with primary residential or caretaking responsibilities may use involvement (or lack thereof) with the child as a reward or punishment depending upon how they were treated by their ex-spouses during the marriage.

Beyond the "past" quality of gatekeeping, mothers' control of paternal access to children hinges on her beliefs about her own importance in the child's life vis-à-vis the father's importance. This has to do with her valuation of the centrality of the mother's role in a child's life, and there is a psychological component that is less about her role beliefs and more about her sense of her own importance in relation to the father's—a comparative evaluation. In addition, *her* belief about *his* importance in the child's life as an active presence will affect maternal propensities to promote or hinder paternal access to the children. This latter belief is theorized as a critical aspect of gatekeeping in married couples, as well.⁷¹

VIII. Test of the Theory

A gatekeeping questionnaire was designed by Doctors Kline Pruett and Kyle Pruett for the CDP to examine the construct of gatekeeping. The gatekeeping questionnaire listed nineteen statements about past and present couple, parent-child, and triadic (parent-parent-child) dynamics in the family. These statements were rated by participants using a five-point scale, from "strongly agree," "agree," "neutral," "disagree," to "strongly dis-

71. See Allen & Hawkins, *supra* note 9; Beitel & Parke, *supra* note 23; De Luccie, *supra* note 49; McBride, *supra* note 24.

agree.” Factorial analysis did not yield robust factors that hung together statistically or theoretically over the longitudinal study. Therefore, smaller scales were assembled based on three criteria: (a) face content; that is, items that clearly identified essential clinical aspects of maternal gatekeeping; (b) high inter-item correlations and corrected item-total correlations; and (c) high alphas (i.e. 70 or higher).

First, we derived a gatekeeping construct that assessed cognitive aspects of gatekeeping, namely mothers’ beliefs that father involvement was important. Maternal Gatekeeping ($\alpha = .78$) assessed the degree to which mothers valued the importance of the other parent and the importance of fostering their ex-spouse’s involvement in their child’s life. Items that comprised this variable included: “It is part of my job as a parent to positively influence my child’s relationship with his/her other parent;” “It is my job to help my spouse be the best parent he/she can be to our child;” and “In order to best take care of my child, it is important for me to positively influence my child’s relationship with my spouse.”

Second, we created a scale to assess mothers’ perceptions about past parenting support within the marriage. This scale—Past Perceptions—was computed as an average of two, significantly correlated items, which mirrored each other: “During my marriage, it was my job to help my spouse be the best parent she/he could be,” and “During my marriage, my spouse helped me be the best parent I could be.”

We then tested the theory that parents’ past perceptions of reciprocal parenting support in the marriage influenced their outcomes *through* the mechanism of present maternal gatekeeping. Technically, a “mediator” describes the causal pathway between two variables, thus explaining how these variables are related; a mediational model is supported when four statistical conditions are met.⁷² Following standard procedures, we tested these four conditions using three multiple re-

72. See Reuben M. Baron & David A. Kenny, *The Moderator-Mediator Variable Distinction in Social Psychological Research: Conceptual, Strategic, and Statistical Considerations*, 51 J. OF PERSONALITY & SOC. PSYCHOL. 1173 (1986).

gression analyses, and the significance of the indirect effect, associated with condition four, was tested using Sobel's test.⁷³

Maternal Gatekeeping (assessed 15 to 18 months after the first filing date and generally six months or more after the legal process was concluded) was tested as a proposed mediator between past perceptions of the marriage and present parental outcomes. Mothers reported that gatekeeping significantly mediated the relationship between past perceptions and parental cooperation/shared parenting ($z = 2.36, p < .05$). In addition, gatekeeping significantly mediated the relationship between past perceptions of the marriage and nonresidential parent involvement ($z = 2.43, p < .05$). These findings suggest that gatekeeping is a mechanism through which mothers' retrospective perceptions of their past marriage influences their current ability or willingness to cooperate with their child's father after divorce, as well as their perceptions of father involvement.

A. *Test of the Intervention's Impact on Gatekeeping*

Since this was an intervention research project, we took the stance that creating awareness within mothers through intervention might contribute to more facilitative and less restrictive gatekeeping. Consequently, we hypothesized that intervention could lead to more facilitative gatekeeping, amicable relations and cooperative childrearing, despite the emotional complications that accompany the legal, psychological, and emotional processes of divorce.

Returning first to the behavioral aspects of gatekeeping, we compared the number and types of open-ended responses offered by intervention versus control group parents. Intervention parents made more facilitative gatekeeping responses (e.g., statements of how mothers have helped with access) than did control parents. However, the intervention parents also are overrepresented (4:1) in how often mothers made statements about ways they hinder father access. Whether the interven-

73. See Michael E. Sobel, *Direct and Indirect Effects in Linear Structural Equation Models*, 16 SOC. METHODS & RES. 155 (1987); J. SCOTT LONG, COMMON PROBLEMS/PROPER SOLUTIONS: AVOIDING ERROR IN QUANTITATIVE RESEARCH 46-64 (1988); see also Baron & Kenny, *supra* note 72; Grayson N. Holmbeck, *Post-hoc Probing of Significant Moderational and Mediation Effects in Studies of Pediatric Populations*, 27 J. OF PEDIATRIC PSYCHOL. 87 (2002).

tion families were more likely to be aware of gatekeeping issues and raise them, or whether increased awareness also brought about increased disagreement cannot be discerned precisely from these data. Since intervention parents reported lower levels of conflict than control families after the intervention,⁷⁴ the results are more likely to be a function of increased awareness and willingness to discuss ways that mothers contributed to restrictive gatekeeping.

B. *Gatekeeping in Relation to Other Family Relationships*

Next, we examined cognitive aspects of gatekeeping in relation to other family variables of interest. Again, we relied on the Maternal Gatekeeping variable described above. We also chose items that were significantly correlated with each other and theoretically coherent to create a variable measuring Paternal Perceptions of Maternal Gatekeeping ($\alpha = .81$). The two items were: "My spouse's/partner's support of me as a parent is important in my ongoing relationship with my child" and "[w]hen my former spouse/partner is supportive, it helps me to parent more effectively."

Using a correlation analyses, we examined how gatekeeping was related to father involvement and co-parenting. Both Maternal Gatekeeping and Paternal Perceptions of Maternal Gatekeeping were related to higher levels of cooperation and shared childrearing (mothers' report: $r = .31, p < .001$; fathers' report: $r = .20, p < .05$), and greater father involvement (mothers' report: $r = .23, p < .05$; fathers' report: $r = .21, p < .05$) 15 to 18 months later. Gatekeeping assessed at the 15 to 18 month follow-up also was associated with parental cooperation and father involvement. In addition, gatekeeping at the follow-up, but not at the time of filing, was associated with lower levels of parental conflict and hostility (mothers' report: $r = -.20, p < .05$; fathers' report: $r = -.33, p < .01$). Gatekeeping throughout the legal process, then, appears to influence the quality of co-parenting and father involvement.

74. Pruett, *Collaborative Divorce Project*, *supra* note 7.

Conclusions

While this gatekeeping inquiry is in its formative stages, initial analyses indicate that we have found constructs for maternal gatekeeping related to the theoretical descriptions of gatekeeping found in psychological literature and research.⁷⁵ Moreover, we have added the father's perspective through items that indicate his recognition and acceptance of the triadic relationships inherent in parenting after divorce, in which mothers' support for father involvement is recognized by him as important to his relationship with his child post-divorce. These constructs are related to cooperative parenting, reduced parental conflict and hostility, and father involvement, lending additional validity to the concept.

Moreover, a court-based intervention aimed at helping couples identify when maternal gatekeeping is occurring and encouraging that both parents act in ways that reduce its powerful presence in father-child relationships, has met with some success. Both mothers and fathers from the intervention group endorse facilitative gatekeeping significantly more often than control group parents do. Mothers are also more likely to acknowledge ways they hinder paternal access to children. While this finding seems counterintuitive at first blush, it actually makes sense in the context of goals of the intervention. If mothers were more aware of their tendencies to control access and better able to articulate *how* they hinder paternal access, they might be better able to change their behavior, as awareness can be an important first step toward behavioral change.

Examining maternal beliefs and attitudes toward co-parenting and father involvement, control over the child's life, the emotional need for the child's presence, and feelings about the father's parenting competence all provide information that is central to the understanding and resolution of parental disputes. This information can be crucial for professionals working with families in mental health or legal capacities when they attempt to work with some of the maternal protectiveness and resulting parental conflict that arises in so many negotiations around the time of divorce. Hearing how parents describe what kinds of behaviors promote and support father involvement,

75. See, e.g., Allen & Hawkins, *supra* note 9; Fagan & Barnett, *supra* note 18.

and what kinds make it more difficult, can suggest ways to structure parenting plans and to counsel parents as they seek advice.

The maternal behaviors and attitudes that are protective and possessive where children are concerned are understandable and often necessary in a world fraught with parental conflict and frequent instances of domestic violence during separation and divorce transitions.⁷⁶ However, not all fathers can be discounted on these bases and the precautions they evoke. As more fathers become more involved in the early care of children, and as they play more active roles in all of the responsibilities associated with childcare, there will have to be re-examinations of the role that gatekeeping plays in limiting both parents' involvement in the post-divorce family, and room made for social changes that demand more open access and freedoms.

76. See Geri S.W. Fuhrmann et al., *Parent Education's Second Generation: Integrating Violence Sensitivity*, 37 FAM. & CONCILIATION CT. REV. 24 (1999); Janet Johnston & Linda Campbell, *A Clinical Typology of Interpersonal Violence in Disputed-Custody Divorce Cases*, 63 AM. J. OF ORTHOPSYCHIATRY 190 (1993).