

Family Law

Courts Reward Helicopter Parents, Two Law Profs Say

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By [Debra Cassens Weiss](#)

Courts are rewarding “intensive parenting” and making it a legal standard, particularly in custody disputes, two law professors say in a paper that will be published in the U.C. Davis Law Review.

The child-rearing trend, also known as “helicopter parenting” and “smothering mothering,” has dominated parenting in the last two decades, according to the paper published on [SSRN](#). These parents seek safety through nanny cams, helmets and kneepads; monitor their children through organized activities; keep in touch through the “umbilical cord” of cell phones; and research their kids’ developmental problems on the Internet.

The article by professors Gaia Bernstein of Seton Hall University School of Law and Zvi Triger of the College of Management School of Law in Israel points to two ways in which the courts are favoring intensive parenting.

In child custody cases, courts are tying custody determinations to past caretaking roles and reducing child support payments for additional time spent with a child. In tort cases, courts are narrowing or eliminating the parental immunity doctrine and creating the potential for judgments against parents for inadequate parental supervision.

In a Seton Hall [press release](#), Bernstein says divorce litigation is spurring a race for involvement between the parents. “Unfortunately,” she said, “parents eager to gain custody and operating in a world governed by intensive parenting norms become overly dominating in their interaction with children, for example, by sending dozens of text messages a day or completely taking over Little League practices.”

The article says studies have found advantages to intensive parenting, in that it encourages achievement, helps keep children safe from injury, and makes children better-equipped to deal with institutions. But some research suggests there are negatives, the authors say. It may put children at higher risk for anxiety disorders and poor choices regarding alcohol and drug abuse and sexual relationships.

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