

Exhibit A: His 3rd grade diorama

Christie Brinkley isn't the only one trotting out science projects and other curious artifacts of parental commitment to get an edge in divorce court

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Those long hours you spent building a papier-mâché volcano for your kid's science project may not be merely embarrassing evidence of your penchant for hyper-parenting.

If Christie Brinkley and Peter Cook's very public divorce trial is any kind of bellwether, the volcano may serve as valid evidence in a custody battle.

Amid lurid tales of Mr. Cook's affair with an 18-year-old, his \$3,000-a-month online porn habit and an incident in which he recorded himself masturbating for an Internet audience using a webcam, the image of Ms. Brinkley's lawyers wheeling out a classic volcano diorama with flying dinosaurs as evidence of her parenting skills also seemed bizarre.

But according to Canadian divorce lawyers, it is now routine to submit items such as schoolwork, letters, report cards, photographs and even phone messages and home videos to sway the court in a client's favour.



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Photo illustration by The Globe and Mail



"This is pretty par for the course," says Stephen Grant, a divorce lawyer with Toronto law firm McCarthy Tétrault. While Mr. Grant says that winner-takes-all custody battles such as the one between Ms. Brinkley and Mr. Cook are increasingly rare, and that shared custody is the norm, estranged parents will use such documents to gain an edge. In Ms. Brinkley's case, the move appeared defensive, Mr. Grant says. "She did this to dispel the notion that she was an inattentive parent."

In Mr. Grant's most recent custody case, photographs were submitted by both sides, each showing the children enjoying themselves with their parent and their parent's new boyfriend. Other lawyers cite cases in which schoolwork was entered as key evidence to show that a child had a learning disability or other special need – and that one parent to deal with it than the other was.

Other uses of physical evidence may be peripheral to custody, but very important to the raising of the children. Toronto divorce lawyer Harold Niman of Niman Zemans Gelman recent case in which the religious upbringing of a couple's children was in dispute – would they have a bar or bat mitzvah or a confirmation? Pictures showing a family Hanukkah ultimately settled that debate, Mr. Niman says, by demonstrating that "this was how they were brought up. That was effective as a piece of evidence, because it was controverted."

Still, legal experts agree that most of this information can be gleaned in a less showy manner during pretrial evaluations in which court-appointed experts interview parents, and

In a stereotypical family, the mother is the caregiver and does homework with the kids, says divorce consultant Deborah Moskovitch, author of *The Smart Divorce*. But that doesn't mean the father isn't involved.

"They'll find out, do you go to parent-teacher interviews? What are the names of the teachers? Do you go to dance class? Do you go to the dance recitals?"

And Mr. Niman says this will often suffice. In Ms. Brinkley's case, he doesn't think the science project itself needed to be on display.

"Would it have been as effective if she had said, 'Of course I'm involved with my children. I do homework, science projects'? That would have been enough."

One divorce lawyer, who asked not to be named, worried that the publicity around the evidence in the Brinkley case could "fuel an industry of parental manipulation."

In an era of hyper-parenting, with its extreme birthday parties, hired-gun tutors and glut of organized activities, there are many more artifacts to stockpile in the basement.

The diorama gambit may have worked for Ms. Brinkley. Last Thursday, in an out-of-court settlement, she won custody of the couple's two children. Mr. Cook has limited access, seeing them on Wednesday nights and every other weekend.

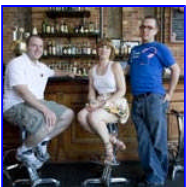
Most divorce lawyers, though, shudder at the idea of filling up boxes for future use in a court case.

"It would be nice to do [it instead] because your child wanted to see it one day," Mr. Niman says.

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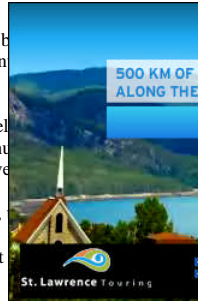
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