

ATTACHMENT AND FAMILY LAW—COMMENTARY INSPIRED BY THE JULY 2011 SPECIAL ISSUE

SECURITY BY ASSOCIATION? MAPPING ATTACHMENT THEORY ONTO FAMILY LAW PRACTICE

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Family Court Review has provided the family law community with an invaluable compilation of articles in the form of interviews with some of the world's most highly respected experts on attachment theory. These articles provide insight into the young child's experience of early relatedness and sound direction for those providing services to most families. This article suggests, however, that attachment theory's great wealth of empirical data may have limited validity when applied to high-conflict, recidivist-litigant, custody-contending families. In particular, the recommendation that young children benefit from the near-exclusive care of their mother throughout their first 2 or 3 years and can thereafter build a relationship with their father on the strength of their mother's endorsement ignores the frank reality of these children's lives. Acknowledging the painful realities of children thus caught in the middle, we must instead perform the delicate balancing act of providing children with a developmentally appropriate opportunity to build a secure attachment with each of their parents from birth forward. This position is framed within an evolutionary and developmental perspective.

Key Points for the Family Court Community:

- The quality of a child's attachment relationship with Parent A is built both upon his/her direct experience of Parent A's sensitive and responsive care and upon his/her experience of Parent B's endorsement of parent A as a sensitive and responsive caregiver.
- The attachment research suggests that most children will benefit from a primary relationship with their mother from birth through the 2nd or 3rd year and may thereafter build a relationship with their father on the basis of their mother's endorsement.
- The mutual disregard and acrimony characteristic of the high-conflict divorce population makes it exceedingly unlikely that a mother granted near-exclusive care of her infant will thereafter be willing or able to genuinely endorse the father so as to lay the foundation for the child's secure attachment with him.
- Very young children of high-conflict parents may have the best opportunity to make and maintain a healthy relationship with both of their parents when they have frequent, developmentally informed, and carefully structured contact with both from their earliest days.

Keywords: *attachment; custody; alienation; parenting plan; security; Ainsworth; Bowlby; infant overnights*

“The friend of my friend is my friend. The enemy of my friend is my enemy.”

—Ancient Aphorism

Family Court Review's (FCR) recent success in bringing together a number of the world's preeminent attachment theorists, researchers, and clinicians to address many of today's critical dilemmas in family law (FCR, Volume 49, Issue 3, July 2011) prompts a paraphrase of astronaut Neil Armstrong's proud declaration: “One small step for guest editor Jennifer McIntosh, one giant leap on behalf of the children involved in family law matters.”

Indeed, articles coauthored by McIntosh, Sroufe, Waters, Schore, Marvin, Seigel, and others are remarkable not only for their insight, empirical integrity, and clarity of presentation, but also, arguably

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more so, for the consistency of their messages. Chief among these messages is the proposal that infants benefit from a single, primary, secure base at least until they have the cognitive wherewithal to understand the migratory patterns our courts are inclined to impose upon them (Main, Hesse, & Hesse, 2011). Not only does primary placement in Parent A's care through years 1, 2, and 3 allow the dyad to develop a secure relationship, it opens the door for the child to, thereafter, develop secure bonds with others, including and especially Parent B. To divide the infant's time otherwise, these authors argue, is to make the child work too hard and to potentially undermine her capacity to feel secure in any relationship.

Certainly no parent wants to be marginalized in the Parent B role, visiting his or her baby for brief daylight hours several times each week. However, the hypothetical parent who accepts the theory and manages to put aside his or her needs in the best interest of the child for as long as 3 years (or, even more likely, the court-ordered parent who has no other choice, pending appeal), reasonably asks how the child's socio-emotional gains in Parent A's care will someday magically generalize to include him or her. Unfortunately, attachment experts and the science that they so eloquently summarize fail to answer this question directly. Instead, one is left to infer a dynamic that might be conceptualized as *security by association*.

PRIMARY VERSUS SECONDARY ATTACHMENT?

The authors argue à la Bowlby (1988) that, in the harsh light of evolutionary biology, the infant's opportunity to establish a primary attachment is imperative. They reason that the infant with a single, unambiguous safe haven has a survival advantage over her peer with two (or more) attachment figures who, figuratively consumed with the geometry of which of her havens is safest, risks being literally consumed by a predator in the process (Sroufe & McIntosh, 2011). This reasoning also allows one to imagine evolution's first custody battle emerging as the latter child's primary attachment figures argue over who can provide the best protection. The child thus triangulated is at an additional evolutionary disadvantage in that she becomes even more vulnerable to predation while her caregivers are preoccupied filing motions and appearing in court.

To those of us who fear that infancy constitutes a critical (or at least a sensitive) period for the development of attachments, thereby locking out the poor, marginalized Parent B forevermore, the authors in this issue of *FCR* reply like a Greek chorus, "Bah, humbug!" Healthy human beings form attachment relationships throughout the life span, from grandparents to daycare providers and, as adults, to intimate partners. The question is, how?

(IN)SECURITY BY ASSOCIATION

Outside the extremes of deprivation, the quality of a child's primary attachment relationship has no necessary bearing on the quality of her subsequent attachment relationships. We know, for example, that the quality of a child's attachment to each of her two parents can be quite distinct and is strongly related to the child's experience of each parent's sensitive and responsive care (Main et al., 2011). Thus, when Parent B begins to assume greater and greater caregiving responsibility sometime in the child's 3rd year, he is neither gifted nor cursed by the child's prior experience of Parent A's caregiving successes and failures.

But is Parent B on his own to establish a secure relationship with the child whom he has only known in passing throughout the course of her first 3 years? These authors suggest that the answer is no. The quality of a child's attachment with Parent B is strongly mediated by the child's experience of Parent A's relationship with and reaction to Parent B. This dynamic is implicit in George, Isaacs, and Marvin's (2011, p. 523) reference to the critical value of the primary parent's endorsement of the potential new attachment figure, such as when the child experiences his parents', "... shared joy in the baby and eagerness to be together."

Lieberman, Zeanah, and McIntosh (2011, p. 536) explicitly state that “. . . to facilitate the development of an attachment to the father, the mother would be present with the father and the young child. Her presence would take separation reactions off the table for the child, then at least they would be comfortable in exploring and developing a relationship with the father.”

Bowlby and McIntosh (2011, p. 555) recommends that

[o]ptimally, when you are building an attachment relationship, the primary figure is there, supporting it on a frequent basis, and physically present to start with. You have then got to start stressing the child a little, to realize that at some level their attachment seeking can be terminated by the new friend.

What about the child who never receives Parent A's endorsement of Parent B? What happens when the toddler, held tight in Parent A's arms, feels that caregiver's pulse quicken, her muscles contract, her breathing become rapid and shallow, her voice become loud and harsh in response to Parent B's approach? Far from inducing comfort, inviting exploration, and communicating security, these responses alert the child that a threat is approaching. They, in turn, trigger proximity-seeking behaviors in the child. Being removed from the safe haven that Parent A provides is the last thing that this child needs—an outcome evolution has programmed her to avoid at all cost—and yet this is precisely the outcome that we have engineered.

Of course, Parent A is likely unaware of the extent to which she is communicating her anxiety about her former partner (irrespective of the objective validity of her reaction) to her child. From her point of view, the child's clingy, distressed behavior in Parent B's presence is certain confirmation of her worst fears. She believes that even the baby recognizes that her other parent is a (insert expletive) harsh, demanding, insensitive, even abusive and neglectful parent. In this way, the primary attachment figure and the child feed off of one another in a destructive and self-reinforcing spiral of anxiety-fear-greater anxiety such that the child's opportunity to establish a secure relationship with Parent B is over before it has begun. Thus alienation is born in its most primitive, preverbal form (Garber, 2004).

FORENSIC APPLICATIONS

Dr. McIntosh and her colleagues have provided the family law community with an invaluable and long overdue perspective on the processes underlying the typical child's experience of security and the role of this experience in shaping her continuing development. I fear, however, that we may do the children whom we serve a disservice by mapping population-based, empirically derived norms onto the very non-normative, unique subgroup who fill our offices and our courtrooms (Garber, 2009).

These parents represent a very small, but very loud and demanding fraction among all divorcing parents. They are intractably conflicted, recidivist litigants who commonly behave as if their children are possessions to be divided like bank accounts, even if they know enough to say otherwise. Among these parents, custody is a matter of winning and noncustody is experienced as an intolerable narcissistic injury that must be righted, no matter the cost. I suspect that these adults are disproportionately unresolved/disorganized in their own attachment security (Main et al., 2011) and thereby especially vulnerable to role corruption in relationships with their children (Garber, 2011). The likelihood that any such parent would genuinely endorse her former partner to be around their child in the interest of fostering the child's healthy (albeit secondary) attachment with that parent is remote.

Thus, I write to pose a critical dilemma: If we can reasonably anticipate that Parent A will never endorse Parent B as a potential secure attachment figure, does it still serve the child's best interests to spend her formative years in a near-exclusive relationship with that parent? How do the intangible scales of emotion, development, and relatedness weigh the greater stress of transitioning between two primary caregivers against the possibility that the child might enjoy an exclusive primary attachment through infancy without ever thereafter enjoying the benefits of a secure secondary relationship?

With deep gratitude to Dr. McIntosh and her colleagues and to *FCR*, I eagerly embrace their advice as it applies to those relatively healthy, mature, and child-centered coparents whom I see professionally. I am newly reassured that when mom and dad can act respectfully, their kids may benefit from that occasional shared Sunday brunch or postgame celebration. I have a new perspective on the child's opportunity to experience her parents' cordial, face-to-face meeting at transition and valuable insights into the infant's experience of overnight stays. Nevertheless, in my work as an expert consultant, guardian ad litem, parenting coordinator, custody evaluator, and coparenting facilitator with high-conflict parents, I will continue to draw firm boundaries and carefully consider each individual child's needs in the interest of keeping the kids out of the middle.

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