



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

CONFERENCE DES OING DU
CONSEIL DE L'EUROPE

Attachment and child custody arrangements

What does international research tell us?

Fabien Bacro

Associate Professor in Developmental Psychology

Holder of the chair “Caring for children and youth for their well-being”

2022 June 21st



Attachment and child custody arrangements

Context

- **Forslund et al. (2022).** Attachment goes to court : Child protection and custody issues. *Attachment and Human Development*, 24(1), 1-52.
<https://www.tandfonline.com/doi/epub/10.1080/14616734.2020.1840762?needAccess=true>
- **A paper initiated by :** Tommie Forslund (Université d'Uppsala), Pehr Granqvist (Université de Stockholm), Marinus Van Ijzendoorn (Université de Rotterdam), Avi Sagi-Schwartz (Université d'Haifa), Danya Glaser (University College, Londres), Mirjam Steele (The New School, Londres) & Märten Hammarlund (Université de Stockholm)
- **A major challenge: reaching a consensus among 70 attachment specialists**
- **A consensus statement, yes, but remaining differences:**
 - The question of evaluation and its interest at the individual level
 - The importance of the relationship with a “primary” attachment figure during early childhood



Attachment and child custody arrangements

The rise of attachment theory and research in family courts

- **The best interest of the child**

- A standard in family court decision-making
- A broad formulation that creates a demand for more specific meaning
- Courts free to weigh what may be the best interest of each child
- A principle that appears to require optimal and adequate child-rearing practices

- **The role of psychological theories and research**

- A need for considerations to be based on developmental theories with high scientific status

- **A growing interest for attachment theory and research in family courts**

- Importance of the family in the UNCRC
- Links between caregiver sensitivity, child attachment quality and subsequent development



Attachment and child custody arrangements

Key misunderstandings

- **The nature of attachment**

- Attachment ≠ attachment quality
- Attachment quality ≠ caregiver sensitivity
- Attachment quality = only **one** dimension of the child-parent relationship
- Single behaviors do not reveal attachment quality
- Children are not born attached
- Attachment quality ≠ strength of attachment

- **Multiple attachment relationships**

- Children can develop and maintain secure attachments to multiple caregivers simultaneously (if they have **sufficient time together** and the **caregivers respond in ways that provides a safe haven** for the child in times of need)
- A **protective factor** in child development
- Depriving children opportunities for relationships with one parent is generally **not in their best interest**



Attachment and child custody arrangements

Key misunderstandings

- **On the individual level, attachment quality does not provide valid information about a child's caregiving history and subsequent development**
- **Attachment security does not**
 - Equal to psychological health
 - Provides an index of the best interest of the child
- **Attachment insecurity and disorganization do not**
 - Imply harm and psychopathology
 - Signify attachment disorder



The use of attachment theory and research in family courts

Factors contributing to misunderstandings

- The pressure for decisions to appear *evidence-based* and the need for *psychological expertise*
- An *overestimation of the "prognostic" value* given to attachment styles in individual cases
- *Simplified accounts* of attachment theory
- *Insufficient caution* in the interpretation of attachment research findings
- Insufficient recognition of the *need for training* to properly assign attachment classifications, understand their meaning, and ensure their appropriate usage.
- Positions that are *not based on a true consensus* among specialists (Mc Intosh, 2011)
- An *unbalanced view of the consequences envisaged according to the decisions* taken by the judges (taking the risk of damaging or even breaking attachment bonds in case of insecurity)



The use of attachment theory and research in family courts

Parenting time and overnight visitations

- Research is *too scarce* to know if the relationship with a “most familiar” caregiver may have particular importance in the earliest years of child life
- Attachment security in children who have been regularly cared for by both caregivers predivorce should be unlikely to be hampered from overnights with any of these caregivers post-divorce, *regardless of child age*
- Children who have developed clear safe-haven expectations to both caregivers are likely *to adjust relatively quickly and cope well* with overnights in both homes
- *Importance of a given child’s developmental context* (culture, equal or unequal division of caregiving responsibilities between spouses, inter-parental conflict post-divorce, age and development)



The use of attachment theory and research in family courts

Recommendations

- Three attachment principles relevant to court practice:
 - The child's needs for *familiar*, *non-abusive*, and *non-neglecting* caregivers
 - The value of *continuity* of “*good-enough*” care
 - A network of attachment relationships as an *asset* for children



The use of attachment theory and research in family courts

Recommendations

- **More than attachment quality, it is the parent's ability to provide a safe haven for the child and his or her capacity to evolve that should be assessed**
- **An assessment of attachment quality can be useful, but only:**
 - If conducted by trained/certified professionals
 - In addition to other assessments
 - If intervention programs can be implemented in case of insecurity or disorganization



The use of attachment theory and research in family courts

Recommendations

- **In no case should the assessment of attachment quality be used to decide on the time allocated to each parent**
 - Attachment is only one dimension of the parent-child relationship
 - No study examined the effects of primary custody with the parent with whom the child is more securely attached
- **As often as possible, promote the continuity of relationships with each attachment figure by relying on parental cooperation**
 - If no or little contact before separation: need for an adaptation period



Attachment and child custody arrangements

Conclusion

- **For most attachment researchers, the best interest of the child is to develop and maintain attachment relationships with his two parents, regardless of age and attachment quality (except in case of familial violence, maltreatment or negligence)**
- **A need for interdisciplinary research**
 - How does alternating between the two parental homes affect the development of attachment relationships in the early years (frequency of contact, overnight visitations)?
 - Do these effects vary according to conflicts, parental cooperation or the age of the children, for example?



**Thank you for
your attention**