

Attachment Methodology in Custody Evaluation: Four Hurdles Standing Between Developmental Theory and Forensic Application

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Post-separation and post-divorce child custody guidelines have evolved from one-size-fits-all, gender-biased and adult-centered norms toward today's resource-intensive, child-centered best-interests standard. For all of its broad appeal, the best-interest standard remains ill-defined. The present paper discusses attachment theory as an empirically rich, developmentally-informed and systemically-oriented model with great promise to some day inform child custody litigation but which remains, as yet, impractical and without adequate validation for this application. Four hurdles are identified which family law professionals must yet overcome before this wealth of data can begin to become part of best-psychological-interests custody evaluations.

KEYWORDS *attachment, best interests, custody, family law, strange situation*

In contemporary Western society, the concept of the Best Interests of the Child persists as a popularly endorsed beneficence without clear definition or reliable measure. Despite (or perhaps because of) these failings, the best-interests standard is as often invoked in support of genuinely wise and selfless decisions as it is misused to exacerbate conflict and fuel acrimony (Bartlett, 2002; Glendon, 1986; Jellum, 2004).¹

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For all of its broad institutional application,² there may be no context in which the best-interests standard has a more immediate and definitive impact on individual lives than that of post-separation and post-divorce custody litigation. In this venue, the best-interests standard represents the current state of the continuing evolution of placement standards from parent-centered, gender-biased, one-size-fits-all models toward child-centered, individually-tailored and developmentally-informed decisions (e.g., Bartlett, 2002; Carbone, 1995; van Krieken, 2005).

As a post-separation/post-divorce placement criterion, the best-interests standard has been broadly endorsed (Krauss & Sales, 2000) and frequently modified to incorporate jurisdictional priorities (Emery, Otto, & O'Donohue, 2005).³ For example, the British Children's Act (1989), The United States' Uniform Marriage and Divorce Act (1973) and the Michigan Custody Guidelines (2001) each recommend a diverse list of criteria with which the best-interests standard is to be applied. While this approach has its advocates (e.g., Kelly, 1997; Pearson & Munson, 1984), particularly by comparison with alternatives such as the Approximation Rule (American Law Institute, 2002; cf., Warshak, 2007), it has been frequently criticized as lacking reliable means of measurement and relative weighting of its constituent variables (Bartlett, 2002; Mnookin, 1975). Such psychometric concerns may be of little consequence to a justice system which depends largely upon judicial interpretation and case law precedent (Bradbrook, 1971; Emery, 1999; Glendon, 1986),⁴ but create tremendous obstacles for psychologists whose work is constrained by rigorous ethical (APA, 1994, 2002, 2009), procedural (Tippins & Wittman, 2005; cf., Bala, 2005) and evidentiary standards (*Daubert v. Merrell Dow Pharmaceuticals Inc.*, 1993; *Kumbo Tire Co. v. Carmichael*, 1999; *General Electric Co. v. Joiner*, 1997).

The dilemma lies in the fact that the best-interests standard requires consideration of factors that go well beyond those social, emotional and cognitive variables that psychologists are prepared to address (APA, 2002, standard 2.01). These include, for example, matters of physical health and the contesting parties' respective financial abilities to provide for the child. However, even a narrower "best psychological interests" evaluation (Gould & Martindale, 2007) submitted to the trier-of-fact as one among many best-interests components remains an ethical and procedural minefield for psychologists. What is needed is an empirically sound model of child and family development which lends itself to reliable measurement and valid predictions of healthy outcomes. The present paper examines attachment theory as potentially such a model. The remainder of this paper is devoted to a discussion of attachment theory, its measures and the hurdles yet to be overcome before it can become one part of a best-psychological-interests forensic evaluation.

WHAT IS ATTACHMENT THEORY?

Attachment theory is among developmental psychology's most thoroughly researched, most frequently referenced and most comprehensively validated areas of study. Founded in Bowlby's (1969, 1973) early work in ethology and first operationalized in Ainsworth's Strange Situation Paradigm (SSP; Ainsworth, Blehar, Waters, & Wall, 1978; Ainsworth & Witting, 1969), attachment theory has survived more than 40 years of intense international and (to a far lesser degree) interdisciplinary scrutiny to be recognized today as a robust cornerstone of our understanding of human development.

Attachment theory describes the child's learned experience of security in relation to each of his or her caregivers as a function of the specific caregiver's sensitive responsivity (Howes, Galinsky, & Kontos, 1998; Marvin, Cooper, Hoffman, & Powell, 2002) within the context of the dynamic larger family's dynamics (Schermerhorn, Cummings, & Davies, 2008). Attachment security is carefully defined and can be reliably measured as the child's observable ability to use the caregiver as a secure base from which to explore and to which he or she can reliably return to be comforted when stress arises. "Infants who most easily seek and accept support from their parents are considered secure in their attachments and are more likely to have received sensitive and responsive caregiving than insecure infants; over time, they display a variety of socio-emotional advantages over insecure infants" (Johnson, Dweck, & Chen, 2007, p. 501).

Attachment relationships are most broadly distinguished as secure and insecure. Insecure attachments can be further differentiated into those who are "resistant" and those who are "avoidant" (Ainsworth, 1964; Ainsworth et al., 1978; Cassidy & Berlin, 1992). A child's relationship with a specific caregiver is considered secure to the extent that s/he successfully uses the caregiver's presence and cues to manifest mature and adaptive cognitive, social, and emotional skills (e.g., exploring an unfamiliar environment, returning to the caregiver to be emotionally "refueled" and comforted when stressed). By contrast, an insecure-resistant attachment relationship describes a child who clings to his or her caregiver, apparently unable to separate in order to explore and play in a healthy and mature manner. An insecure-avoidant attachment relationship describes a child who remains apart or aloof and unable or unwilling to seek comfort from his or her caregiver.

Together, the secure and insecure attachment classifications account for approximately 60–80% of the population. A fourth type accounts for an additional 15–30%, in part as a function of socio-economic variables (van IJzendoorn, Schuengel, & Bakermans-Kranenburg, 1999). These children are identified as having learned a disorganized attachment (Main & Solomon, 1986). Their experience of a chaotic caregiving environment leaves them unable to reliably predict the caregiver's sensitive responsiveness.

MEASUREMENT OF THE CONSTRUCT

Numerous alternative methods have been developed for measuring attachment security across contexts (e.g., home, office, playground) and across the lifespan from infancy through adulthood (Crowell & Treboux, 1995; Shaver, Belsky, & Brennan, 2000). These rely variously upon direct observation of the parent and child together (Crittenden, 1994; Cassidy & Marvin, 1992; Waters, 1995), on parent interviews and self-report measures (Armsden & Greenberg, 1987; Brennan, Clark & Shaver, 1998; George & West, 2001; Greenberg, Siegel, & Leitch, 1984; Hesse, 1999; Kerns, Tomich, Aspelmeier, & Contreras, 2000; Kobak & Sceery, 1988; Main, Kaplan, & Cassidy, 1985; Simpson, Rholes, & Nelligan, 1992; Zeanah & Benoit, 1995), on projective data (Bretherington et al., 1990; Bretherton, Ridgeway & Cassidy, 1990) and on child interview and self-report questionnaire methods (Target, Fonagy, & Shmueli-Goetz, 2003). Proper administration of many of these (including the SSP itself)⁵ requires intensive, specialized training and equipment and extensive time to review, score and interpret relevant data. A handful of others are relatively straightforward, brief, low-tech and user-friendly.

Among the latter is the Attachment Q-set (e.g., Caldera, 2004; van IJzendoorn, Vereijken, Bakermans-Kreanenburg, & Riksen-Walraven, 2004; Vaughn & Waters, 1990; Waters & Deane, 1985; Waters, Garber, Gornal, & Vaughn, 1983). The Q-set allows a minimally trained observer (e.g., parent, clinician or forensic evaluator) to reliably rate the attachment security of a child between 12 and 48 months in a naturalistic setting (van IJzendoorn et al., 2004; Waters, 1995; Waters, personal communication, July 14, 2004). Ninety cards containing descriptions of children's behaviors (e.g., "Easily becomes angry with adult") are sorted into nine piles with regard to relevance as descriptors of the particular child's behavior. The resulting prioritization can be matched to criterion profiles in order to place the child on a continuum of attachment security⁶ with impressive reliability and criterion validity (Moss, Bureau, Cyr, & Dubois-Comtois, 2006; Waters, 1995).

Van IJzendoorn and colleagues (2004), for example, conducted a meta-analysis of 139 Q-set studies incorporating data collected from nearly 14,000 children. Q-set security ratings were strongly related to Strange Situation attachment security ratings ($r = .42$). Of perhaps greater relevance are relationships to independent measures of maternal sensitivity, one of the cornerstones of attachment theory. Q-set security measures were at least as strongly related to maternal sensitivity ($r = .45$) as is attachment when measured in the Strange Situation ($r = .24$).

Originally developed as a research instrument, the Q-set has a number of very desirable qualities as a clinical or forensic assessment tool. As a purely observational measure, the Q-set allows for multiple, sequential assessments without confounding learning or sequence effects, as when a child is

observed in one instance with mother and in another instance with father and/or when successive observations are necessitated over the course of an extended evaluation. As a non-intrusive measure, the Q-set is very unlikely to stress the child (or the accompanying parent), whereas the forced separation/reunion required during the SSP, for example, can be quite stressful for some. Although each Q-set assessment requires between two and four hours, there is no need for video recording and subsequent review as is necessary for the SSP and for many other attachment assessment instruments.

The Q-set has been successfully used to assess attachment among clinical and developmentally delayed populations (Naber et al., 2007; Rutgers, van IJzendoorn Bakermans-Kranenburg, van IJzendoorn, & van Berckelaer-Onnes, 2004; Rutgers, van IJzendoorn, et al., 2007), but is yet to be validated for use in forensic contexts. Yet to be determined is the instrument's test-retest reliability and predictive validity when administered with subjects who are in the midst of acute distress as is commonly the case for individuals caught up in divorce and custody litigation.

Although requiring significant training for administration and interpretation,⁷ the Adult Attachment Interview (AAI; Behrens, Hesse, & Main, 2007; Hesse, 1999; Main & Goldwyn, 1998; Roisman, Fraley, & Belsky, 2007; Roisman et al., 2007), offers similar promise as a best-psychological-interests evaluation tool. The AAI is a 20-item, 60–90-minute semi-structured interview suitable for participants from middle adolescence through adulthood. The AAI interview asks participants to talk about childhood experiences with their own historical attachment figures, including losses and traumas, and (as applicable) contemporary experiences with their own children.⁸ The recorded interview is subsequently transcribed and scored by qualified raters using scales which characterize childhood experience with each parent (mother and father: loving, rejecting, neglecting, involving, and pressuring) and discourse style (coherence of transcript and of thought, passivity, idealization, lack of recall, anger, derogation, fears of loss, and “meta-cognitive monitoring”).

The AAI identifies participants as one of four discrete attachment styles (secure/autonomous, insecure/dismissing, insecure/preoccupied, and unresolved). These categories have been shown to be highly stable over time (Crowell et al., 1996; Sagi et al., 1994), to demonstrate impressive reliability and discriminant validity (van IJzendoorn, 1995), and to be independent of gender, language and culture (van IJzendoorn & Bakermans-Kranenburg, 1996). Crowell and Treboux (1995), for example, report two studies in which attachment security as assessed among infants in the Strange Situation maintains a very strong correspondence to AAI ratings more than a decade later. In one of these studies (Waters, 1995), the correspondence of the secure/avoidant/resistant groups across 20 years was as high as 64%.

The AAI has particular promise in the forensic arena to the extent that it can, “predict parents’ responsiveness to their infants’ attachment signals”

(van IJzendoorn, 1995, p. 387) and that the tool, “systematically and predictably differentiates between families at risk and nonclinical families” (van IJzendoorn, 1995, p. 400).

In fact, AAI clinical applications are quite promising (Ammaniti, Dazzi, & Muscetta, 2008; Black, Jaeger, McCartney, & Crittenden, 2000; Crowell & Hauser, 2008; Fonagy, 2001; van IJzendoorn & Bakermans-Kranenburg, 1996). For example, research demonstrates that AAI interviews with pregnant mothers reliably predict as much as 75% of the variance among their children's attachment security in the SSP at 12 months of age (Fonagy, Steele, & Steele, 1991; Hesse, 1999). One interpretation of these data suggests that adults' attachment experiences and expectations prior to giving birth bear directly upon children's learned experience of attachment security.

A number of adult self-report attachment measures have promise as potential forensic assessment tools (e.g., Fraley, Waller, & Brennan, 2000; Shaver et al., 2000).⁹ These instruments typically ask adult respondents to qualify their own relationship patterns, in some instances with regard to romantic partners and in other instances with regard to their own parents and/or children. Although adult self-report data are at best only moderately related to AAI data (Fouladi et al., 2006; Jacobvitz, Curran, & Moller, 2002; Shaver et al., 2000), and have only begun to establish external validity (e.g., Berant, Mikulincer, Shaver, & Segal, 2005), research using self-report instruments has similarly begun to demonstrate that adult attachment style is related to parenting capacity and, thereby, child outcomes. Edelstein and colleagues (2004, p. 44), for example, using adult self-report attachment questionnaires find that, “over time, children of avoidant parents may develop perceptions that stressful situations are beyond their control.”

FOUR HURDLES TO OVERCOME BEFORE ATTACHMENT MEASURES CAN BECOME PART OF THE CUSTODY EVALUATOR'S ARSENAL

Kelly's (1997) call to breach the chasm between developmental research, clinical application and child-centered litigation is slowly being heard (Garber, in press). Some clinics (e.g., Byrne, O'Connor, Marvin, & Whelan, 2005; Marvin et al., 2002; O'Connor & Byrne, 2007) and clinicians (Schmidt, Cuttress, Lang, Lewandowski, & Rawana, 2007; M. Ward, Personal electronic communication, September 6, 2007), some forensic professionals (e.g., Dyer, 2004) and even some courtrooms (*O'Rourke v. O'Rourke* 0172-06-2, Court of Appeals of Virginia, December 19, 2006) have begun to introduce attachment theory and measures into best-psychological-interests forensic evaluations. For all of these pioneering efforts, attachment assessment methodologies cannot become widely accepted into the forensic evaluator's arsenal and will not withstand *Frye v. United States*, 293 F. 1013; D.C. Cir. 1923) and Daubert

(*Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 1993) scrutiny until at least four specific hurdles have been overcome.

Hurdle Number 1: Implementation Costs May be Prohibitive

The attachment instruments that have received the most attention and established the most robust psychometric qualities are also the most equipment-, cost- and time-intensive. The SSP and the AAI, as primary examples, each require extensive training to administer, score and interpret. Both require that raters participate in standardized training to establish inter-rater reliability and subsequent periodic checks to minimize rating drift. In addition, the SSP requires that the evaluator maintain a specific physical arrangement including a playroom with a one-way mirror and video recording facilities while the AAI, in turn, requires audio recording facilities.

There appear to be two ways over this hurdle. On the one hand, forensic psychologists are not at all unfamiliar with or necessarily adverse to investing in materials, training and procedures in the interest of providing the courts with valid assessments that meet *Frye* and *Daubert* standards. In fact, several of the most commonly used instruments are arguably just as resource intensive (e.g., Exner, 2003). The popularity of such instruments suggests that their established added-value to the conduct of custody evaluations justifies these costs (Erard, 2007). Thus, it is reasonable to conjecture that the costs of an attachment measure as resource intensive as the Strange Situation or the AAI would cease to be a hurdle if and when its added value were solidly established.

Conceptually, these attachment measures appear to promise a wealth of added value. Every custody evaluator, child protective worker and family court professional dreams of having at their fingertips an empirically sound instrument capable of reliably distinguishing the quality of a child's relationships with each of two conflicted caregivers and the developmental outcomes associated with each. For the moment, we are a very long way from demonstrating that any attachment measure even comes close to fulfilling this dream and thus, the cost of the associated assessments remains a significant hurdle.

Developmental research has, however, generated at least one attachment measure with impressive psychometric credentials and relatively low equipment-, cost- and time-requirements. The attachment Q-set methodology (van IJzendoorn et al., 2004) requires a minimum of training, materials and a relatively brief period for administration, scoring and interpretation. It demands no particular physical space or hardware. It is non-intrusive, invulnerable to sequence effects and strongly related to a variety of concurrent and predictive measures, albeit thus far exclusively among research samples.

Hurdle Number 2: Research With Contested Custody Litigants Presents Special Ethical and Statistical Challenges

The leap from validation within research samples to validation among forensic samples is complicated for any instrument (Lamb, 2005). At the broadest level, research with court-involved populations demands rigorous attention to relevant legal and ethical (APA, 2002, standard 8.02 Ethics) mandates regarding informed consent, data collection, coding, storage and publication and the use of experimental methods. Moreover, sampling problems associated with some litigants' understandable reluctance to engage in any process that does not directly bear on the life-altering matters at hand threaten the generalizability of any conclusions. Wolman and Taylor (1991), for example, describe differential cooperation among custody litigants as a function of socio-economic class.

In addition, the legal process of discovery puts the well-intended forensic evaluator-cum-researcher in the tenuous position to argue that some data collected in the course of custody evaluation are relevant to the legal process while others are of yet-to-be-determined validity and must be excluded from judicial scrutiny. In the alternative, the researcher who works independent of the forensic evaluator faces the dilemma of what to do when an otherwise benign research procedure uncovers information that is then deemed relevant to and may be demanded by the court.

This is not to say that research with custody litigants and their children is untenable (cf., Doolittle & Deutsch, 1999; Johnston, 1993; Zuberbuhler, 2001). Getting over this hurdle may require jurisdiction-wide endorsement of the research procedure, uniform orders sealing the research data from discovery and/or the provision of incentives to willing participants in the form of post-litigation consultation (e.g., Johnston, 2003).

Hurdle Number 3: Are Custody-Based Attachment Security Measures Meaningful and Predictive of Later Functioning?

If the goal of a best-psychological-interests evaluation is to serve the child's long-term social and emotional needs, then a child's post-separation or post-divorce placement should be based upon variables which are known to have a strong relationship with healthy (or, conversely, pathogenic)¹⁰ developmental outcomes. Developmental research suggests that attachment security may be one such variable (Hamilton, 2000; Waters, Hamilton, & Weinfield, 2000; Waters, Merrick, Treboux, Crowell, & Abersheim, 2000). However, as Main (1999) highlights, the question must be understood *not* in terms of the stability of any particular behavior across time, but instead in terms of the continuity of the underlying constructs, a concept she refers to as developmental coherence.

More than 80% of children evidencing secure attachments between 12 and 18 months maintain comparable security when reassessed in kindergarten (Wartner, Grossman, Fremmer-Bombik, & Suess, 1994; Weinfield, Whaley, & Egeland, 2004). More than 70% assessed at 18 months remain unchanged at 20 years old (George, Kaplan, & Main, 1996). Research demonstrates that the quality of attachment assessed as young as one year old reliably predicts later cognitive skills (Bretherington, 1985), social confidence (Laible, Gustavo, & Raffaelli, 2000), leadership skills (Deason & Randolph, 1998), peer relationships (Barnett, Butler, & Vondra, 1999; Schneider, Atkinson, & Tardif, 2001), anxiety (Thompson, 2000), larger family dynamics (Cook, 2000), and marital and sexual satisfaction (Butzer & Campbell, 2008).

The magnitude of these otherwise impressive relationships declines, however, as the socio-economic status of the children studied declines (Weinfield, Sroufe, & Egeland, 2000), such that the quality of attachment security is least stable for those children who experience the greatest number and intensity of life stressors. In short, real-life stressors such as loss, abuse and illness (Solomon & George, 1999), exposure to co-parental conflict (Schermerhorn & Cummings, 2008) and divorce (Booth, Clark-Stewart, McCartney, Owen, & Vandell, 2000; Kelly, 1988; Lewis, Feiring, & Rosenthal, 2000) have been shown to disrupt the stability or developmental coherence of attachment security.¹¹ This means that attachment security is coherent across development to the extent that the environment is stable. As environmental stressors become more frequent and severe, early attachment security can be threatened and its coherence compromised.

Given that only the most acrimonious of divorces typically require a best-psychological-interests custody evaluation, it is reasonable to suggest (but yet to be empirically demonstrated) that insecure and disorganized attachments may be much more common within this population than within others. The good news is that attachment security is adaptive. In the same way that security can be eroded in response to stress, it can be rebuilt in response to improved parental sensitivity (Broberg, 2000; Marvin et al., 2002; Travis, Binder, Bliwise, & Horne-Moyer, 2001).

Thus, the third hurdle to be overcome is that of developmental coherence. If, indeed, the very circumstances which prompt evaluation also corrupt the variables to be studied, then there is no point studying them in this context. In response to this concern, the American Psychological Association (1994, 2009) provides general guidelines and a select few personality tests have established custody-related norms with which to overcome this hurdle (e.g., Bathurst, Gottfried, & Gottfried, 1997; Medoff, 1999; Singer, Hoppe, Lee, Oleson, & Walters, 2008). In order for attachment assessment methodologies to overcome this hurdle, research must first demonstrate that (child and/or adult) attachment measures administered in the midst of custody litigation have some relevance as predictors of post-litigation well-being.

Hurdle Number 4: What are the Custody Implications of Valid and Coherent Attachment Data?

This hurdle asks the essential question of how forensic evaluators armed with empirically sound attachment data might interpret this information as part of a best-psychological-interests summary report or placement recommendation.

At the broadest level, custody evaluators are well-advised to include some assessment of the *quality* of the child's relationship with each of his (or her) caregivers as part of a best-psychological-interests evaluation (Association of Family and Conciliation Courts, 2006; Gould & Martindale, 2007). Thus, Riggs (2005) objects to the American Law Institute's (2002) Approximation Rule as a post-divorce placement standard based on the *quantity* of a child's relationship with each caregiver. In a like manner, Holtzman (2006) argues that post-separation and post-divorce placement decisions should rely more on an understanding of the quality of a child's relationships than on legal definitions of the family.

More specifically, Kelly and Lamb (2000; cf., Gould & Stahl, 2001) advocate for parenting plans which accommodate the young child's emerging ability to tolerate separations from attachment figures. Schmidt et al. (2007) call for the use of adult attachment questionnaires in parenting capacity/maltreatment evaluations with very young children.

However, few firm guidelines have thus far been developed for applying particular attachment findings to custody and parenting time recommendations for specific case. At most, we have some potentially fruitful ideas that require further research and elaboration.

For example:

- A. *Are the child's needs more likely to be met in the care of a secure attachment figure than in the care of an insecure or disorganized attachment figure?* Yes. All other things being equal, the attachment literature strongly suggests that a child's experience of secure attachment establishes a path toward healthier outcomes as compared with a child's experience of insecure attachment (e.g., Sroufe, Egeland, Carlson, & Collins, 2005).
- B. *Are the child's needs more likely to be met in the care of a secure or an insecure attachment figure than in the care of a disorganized attachment figure?* Yes. The literature suggests that the experience of disorganized attachment sets the child on a course which is associated with the emergence of pathology by adolescence (Carlson, 1998; Ogawa, Sroufe, Weinfield, Carlson, & Egeland, 1997).
- C. *What does comparable attachment security to each of two caregivers mean for post-separation/post-divorce placement?* At least three scenarios apply: all other things being equal, a secure-secure outcome might

suggest that the child could succeed in either home or, better still, that the child could succeed in both.¹²

An insecure–insecure outcome raises concerns for the child’s well-being in any placement formulation. This outcome prompts further questions for study, including the extent to which the types of insecure attachment (Resistant versus Avoidant) might bear upon future, post-litigation outcomes. An insecure–insecure finding might best prompt interim recommendations for intervention in the interest of facilitating one or both caregivers’ sensitive responsivity (e.g., Marvin et al., 2002), in an effort to determine if either has the capacity to nurture a secure relationship.

A disorganized–disorganized outcome must immediately raise red flags about both parents’ functioning and the child’s well-being. Immediate interventions intended to assure the child’s safety, to give the child a “port in the storm” (Garber, 2004a) and to determine the cause(s) of the parents’ instability (e.g., psychological testing, substance abuse evaluation) may be necessary. In more extreme instances, intensive in-home interventions, alerts to Child Protective Services, or even removal to foster care may be necessary.

- D. *If a child evidences a secure attachment relationship with one parent and an insecure or disorganized attachment relationship with the other, does time spent with the latter corrupt the child’s experience of attachment security and compromise its’ positive developmental sequelae?* Rutter and O’Connor (1999, p. 835) ask this question pointedly: “does the most important relationship predominate, is there a balance between differing relationships, or does one secure relationship compensate for insecurities in others?”

Unfortunately, the attachment research has thus far been unable to answer this question (Cassidy, 1999). We do know, however, that children commonly evidence simultaneous secure and insecure attachments within the same home and across environments (Cugmas, 2007; Howes, 1999). Thus it appears that security and insecurity can co-exist as a function of discrete relationships.

Might the same inference also apply to a child who evidences a disorganized attachment to one parent? This is even less clear. On one hand, it is reasonable to infer that the extreme emotional and behavioral instability of a parent who fosters a disorganized attachment risks causing the child anxiety that would undermine his or her ability to benefit from another parent’s more appropriate, sensitive, responsive and consistent care. On the other hand, among children who grow up in chaos, abuse and trauma, those who have even one single, stable emotional anchor have the best chance of developmental success (e.g., Haggerty, Sherrod, Garmezy, & Rutter, 1996; Luthar, 2003). In like manner, parents who were themselves victims of chaos, abuse and trauma but who have healthy adult partners have the

best chance of meeting their children's needs (Sroufe et al., 2005), an observation which suggests the tremendous potential contribution of divorcing parents' new partners in custody considerations.

Pending further research, the author's anecdotal experience and simple optimism suggest that the answer is no: a child's experience of at least one secure attachment will, at least in some cases, confer a degree of insulation from the deleterious effects of other, insecure and even disorganized attachment relationships so as to serve his or her best interests.

E. *Looking beyond the dyad.* Psychology has long recognized the complex interactions among relationships within the family, but has only just begun to look at factors outside of each parent-child pair as they might color custody-related questions (Schermerhorn et al., 2008).¹³ The controversy regarding parental alienation (Garber, 2004b), for example, essentially introduces the idea that the quality of a child's relationship with one caregiver must be understood as it exists in juxtaposition to the other. Thus, for all of its tremendous potential as a necessary part of a best-psychological-interests investigation, attachment theory must never be mistaken as sufficient. The evolutionary pressures that have driven us from those out-dated, adult-centered and gender-biased custody standards must ultimately continue to carry us forward into a genuinely systemic view of each child's unique needs.

HOW ATTACHMENT RESEARCH CAN INFORM AND IMPROVE BEST-PSYCHOLOGICAL-INTERESTS CUSTODY EVALUATIONS IN CURRENT FORENSIC PRACTICE

For all that we do not yet know, have yet to validate and still hope to learn about attachment theory in the context of custody evaluations, there is a great deal that child-centered forensic professionals can and should do today.

We must understand a child's relationship with each caregiver as a unique, evolving and dynamic composite of the child's experience of that caregiver's sensitive responsiveness within the larger context of family dynamics, individual temperaments and acute stresses. We must work to understand a child's secure relationship with a given caregiver as both a reflection of that caregiver's sensitive responsiveness and the family's support of that relationship, just as we must work to understand a child's insecure relationship with a caregiver both as a reflection of that caregiver's relative emotional unavailability and the contextual factors which might reinforce this (Garber, 2007).

Understanding the dynamic and adaptive nature of the child-caregiver relationship, we must acknowledge that the acute pressures of intense co-parental conflict, contested custody litigation and recent or impending

adult separation (to name just a few) may at least temporarily distort (and at most may permanently corrupt) the quality of the child's relationship with one or both caregivers. With this in mind, we must make every reasonable effort to understand the history of the child's relationship with each caregiver and observe the quality of their present interaction in the least pressured, most natural environment possible. This author has found review of spontaneous family video recordings to be especially useful in this regard.¹⁴

We must include in our assessment of the quality of the child's relationship with each caregiver observation of the child's willingness to turn to the caregiver for support and reassurance in developmentally appropriate ways when stressed. This is one critical element underlying the attachment literature and one compelling factor related to the quality of that child-caregiver relationship.

We must include in our assessment of each caregiver a sense of his or her capacity to be sensitive and responsive to each child's unique developmental needs, particularly under stress. This is a second critical element underlying the attachment literature and another compelling factor related to the quality of the child-caregiver relationship.

Our assessments must account for the quality of each caregiver's acknowledged and observed support for the other caregiver's relationship with the child, understanding that the quality of the child's relationship with each caregiver can be reinforced or undermined by extra-dyadic influences.

And, finally, we must understand each caregiver's relationship history, including remembered (and continuing) relationships with his or her own caregivers. We must learn to consider an adult's factually grounded report that his or her own caregivers were sensitive and responsive as one among many factors associated with his or her capacity to be a sensitive and responsive caregiver.

CONCLUSIONS

In the court's hands, today's best-interests standard is a wide net with which many and varied facets of a child's well-being might be captured and interpreted in consideration of post-separation and post-divorce custodial assignment.

In the hands of an investigating psychologist, however, the same best-interests standard must be implemented in a manner consistent with the ethics and psychometrics required of the profession. Psychology's efforts to operationalize the best-interests standard within these constraints have yielded much more heat than light, leaving the child-centered forensic professional to cobble together his or her own idiosyncratic means of assessing the child, the family and advising the court how to understand the best psychological interests of the child.

Attachment theory and research have generated a wealth of data with tremendous potential to inform best-psychological-interests custodial

investigations. In the abstract, attachment theory provides both a language and a conceptual framework within which to characterize a child's unique relationship with each of his or her caregivers.

As a practical matter, however, at least four critical hurdles must still be overcome before existing attachment measures can be routinely incorporated into forensic psychologists' best-psychological-interests evaluations. These include: 1) practical issues associated with the training, administration, interpretation and physical requirements of the various attachment assessment tools; 2) ethical and legal issues that must be overcome before validation studies can be begun; 3) empirical questions related to the predictive validity or coherence of attachment assessments conducted under the acute stresses associated with contested custody litigation; and 4) the "now what?" question of how to interpret the attachment observations thus derived.

In truth, this author set out to write this paper with the naïve notion that forensic family evaluations should immediately incorporate existing attachment assessment instruments and that, in fact, one might operationalize that elusive best-psychological-interests concept in the language and methods of attachment theory. Instead, this paper has become a call for developmental researchers and forensic investigators to merge energies and expertise so that we might together learn how to understand the best interests of the child. In the interim, the riches of attachment research can help child-centered forensic evaluators to better conceptualize the unique and dynamic quality of the child's relationship with each caregiver.

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NOTES

1. Judge Neely is quoted in Glendon (1986, p. 60) as stating that, "The vague and open-ended 'best interests of the child' test appears reasonable, he says, 'until we understand how much sinister bargaining is carried on in the shadow of this unpredictable, individual-oriented system.'"

2. The best-interests standard pervades our contemporary institutions, from the United Nations' 1959 Declaration for the Rights of Children (United Nations, 1959), to the Charter of Fundamental Rights of the European Union (European Union, 2000). It is explicitly referenced by organizations as diverse as the American Academy of Pediatrics (e.g. Diekema, 2005), only the American Academy of Pediatric Dentistry (2003), the American School Counselor Association (2004), the National Association of Social Workers (1996), the American Academy of Child and Adolescent Psychiatry (2002) and the American Psychological Association (APA; 2002) and is no less popular among legal professional groups, throughout local, state and federal legislation and court rulings on all levels. By 2005, "every state . . . indicates that custody decisions are to be made according to [the] 'best-interests of the child' standard" (Emery, Otto, & O'Donohue, 2005, p. 5). In one recent review (Garber, 2007b), over 90 references to serving the "best-interests of the child" (or a variant of the phrase) were identified in the Wisconsin statutes regarding,

“Actions Affecting the Family” as in the direction that, “the Guardian ad litem shall be an advocate for the best-interests of the minor child.”

3. Pearson and Munson (1984) cite a 1979 study which found 299 published custody determination criteria.

4. Glendon (1986, p. 59) argues specifically that, “in divorce law, the traditional stronghold of judicial discretion, the judge’s discretionary power should be brought within a framework of clear, ordered and consistent principles.”

5. “The principal limitations of the Strange Situation procedure are that it is only applicable within a narrow age range (perhaps as narrow as 12–18 months), that repeated assessments have to be spaced to prevent strong carryover effects, and that the situation and scoring procedures do not lend themselves to research on developmental changes in the attachment control system. The procedure is also expensive to administer and score, and scoring is difficult to learn without direct instruction” (Waters & Deane, 1985, p. 47).

6. The literature has traditionally discussed the four major attachment types as categorical and distinct. The Q-set generates a continuous measure of attachment security, consistent with more recent theorists (e.g., Fraley & Spieker, 2003).

7. Two weeks of intensive training followed by 18 months of reliability testing. “The AAI is one of the most time-consuming instruments in the area of developmental and clinical psychology and developmental psychopathology. It requires extensive training and practice, careful verbatim transcription of 1-hr interviews, and mastery of a laborious coding procedure” (Steele & Steele, 2008, p. 85–86).

8. The AAI protocol is discussed in Hesse (1999) and available at: http://www.psychology.sunysb.edu/attachment/measures/measures_index.html

9. Many adult self-report attachment measures are reviewed at <http://psychology.ucdavis.edu/labs/Shaver/measures.htm>

10. This perspective is embodied in the use of the Least Detrimental Alternative standard for custodial assignment (Goldstein, Freud, & Solnit, 1979).

11. Kelly and Lamb (2000, p. 302) summarize: “Although secure and insecure attachments were once thought to be fixed and stable over time, this appears to be true only when the infants experience reasonably stable family conditions . . . Factors known to influence the security and stability of attachments include poverty; marital violence and high conflict between parents; and major life changes such as divorce, death, or the birth of a sibling, which in each instance are associated with more insecure attachments.”

12. It is this author’s clinical experience that children embroiled in high conflict divorce seldom have secure attachment relationships with either parent and rarely, if ever, appear to have secure attachment relationships to both parents.

13. The author notes with chagrin that the literature has largely neglected the role of the sibling group (e.g., Teti, Sakin, Kucera, Corns, & das Eisen, 1996) in custodial research and recommendations.

14. In some instances, viewing family video recordings with a child, a parent, a sibling group or a child–parent dyad proves an invaluable source of evaluative data.

REFERENCES

- Ainsworth, M.D.S. (1964). Patterns of attachment behavior shown by the infant in interaction with his mother. *Merrill-Palmer Quarterly*, *10*, 51–58.
- Ainsworth, M.D.S., Blehar, M.C., Waters, E., & Wall, S. (1978). *Patterns of attachment: A psychological study of the strange situation*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Ainsworth, M., & Wittig, B. (1969). Attachment and exploratory behavior of one year-olds in a strange situation. In B. Foss (Ed.) *Determinants of infant behavior IV* (pp. 111–136). London: Methuen.
- American Academy of Child and Adolescent Psychiatry. (2002). *Facts for families: The child and adolescent psychiatrist*. Retrieved September 4, 2007 from http://www.aacap.org/cs/root/facts_for_families/the_child_and_adolescent_psychiatrist.

- American Academy of Pediatric Dentistry. (2003). *Core values*. Retrieved September 4, 2007 from http://www.aapd.org/media/Policies_Guidelines/CoreValues.pdf
- American Law Institute. (2002). *Principles of the law of family dissolution: Analysis and recommendations*. Newark, NJ: LexisNexis.
- American Psychological Association (APA). (1994). Guidelines for child custody evaluations in divorce proceedings. *American Psychologist*, 49(7), 677–680.
- American Psychological Association (APA). (2002). Ethical principles of psychologists and code of conduct. Retrieved September 4, 2007 from <http://www.apa.org/ethics/code2002.html>
- American Psychological Association (APA). (2009). Guidelines for child custody evaluations in family law proceedings. Retrieved April 20, 2009 from <http://www.apa.org/practice/guidelines-evaluation-child-custody-family-law.pdf>
- American School Counselor Association. (2004). *Ethical standards for school counselors*. Retrieved September 4, 2007 from <http://www.schoolcounselor.org/content.asp?contentid=173>
- Ammaniti, M., Dazzi, N., & Muscetta, S. (2008). The AAI in a clinical context: Some experiences and illustrations. In H. Steele & M. Steele (Eds.) *Clinical applications of the adult attachment interview* (pp. 236–269). New York: Guilford Press.
- Armsden, G.C., & Greenberg, M.T. (1987). The inventory of parent and peer attachment: Individual differences and their relationship to psychological well-being in adolescence. *Journal of Youth and Adolescence*, 16(5), 427–454.
- Association of Family and Conciliation Courts. (2006). *Model standards of practice for child custody evaluation*. Retrieved May 31, 2008 from <http://www.afccnet.org/pdfs/Model%20Stds%20Child%20Custody%20Eval%20Sept%202006.pdf>
- Bala, N. (2005). Tippin and Wittman asked the wrong question: Evaluators may not be “experts,” but they can express best interests opinions. *Family Court Review*, 43(4), 554–562.
- Barnett, D., Butler, C., & Vondra, J. (1999). Atypical patterns of early attachment: Discussion and future directions. *Monograph of the Society for Research in Child Development*, 64(3), 172–191.
- Bartlett, K.T. (2002). Preference, presumption, predisposition and common sense: From traditional custody doctrines to the American Law Institute’s family dissolution project. *Family Law Quarterly*, 11(24), 11–25.
- Bathurst, K., Gottfried, A.W., & Gottfried, A.E. (1997). Normative data for the MMPI-2 in child custody litigation. *Psychological Assessment*, 9(3), 205–211.
- Behrens, K.Y., Hesse, E., & Main, M. (2007). Mothers’ attachment status as determined by the Adult Attachment Interview predicts their 6-year-olds’ reunion responses: A study conducted in Japan. *Developmental Psychology*, 43(6), 1553–1567.
- Berant, E., Mikulincer, M., Shaver, P., & Segal, Y. (2005). Rorschach correlates of self-reported attachment dimensions: Dynamic manifestations of hyperactivating and deactivating strategies. *Journal of Personality Assessment*, 84(1), 70–81.
- Black, K.A., Jaeger, E., McCartney, K., & Crittenden, P.M. (2000). Attachment models, peer interaction behavior, and feelings about the self: Indications of maladjustment in dismissing/preoccupied (Ds/E) adolescents. In P.M. Crittenden & A.H. Claussen (Eds.) *The organization of attachment relationships: Maturation, context, and culture* (pp. 300–324). New York: Cambridge University Press.

- Booth, C., Clarke-Stewart, K.A., McCartney, K., Owen, M.T., & Vandell, D.L. (2000). Effects of parental separation and divorce on very young children. *Journal of Family Psychology, 14*, 304–326.
- Bowlby, J. (1969). *Attachment and loss: Attachment* (Vol. 1). New York: Basic Books.
- Bowlby, J. (1973). *Attachment and loss: Separation* (Vol. 2). New York: Basic Books.
- Bradbrook, A. (1971). The role of judicial discretion in child custody adjudication in Ontario. *The University of Toronto Law Journal, 21*(3), 402–408.
- Brennan, K.A., Clark, C.L., & Shaver, P.R. (1998). Self-report measurement of adult attachment: An integrative overview. In J.A. Simpson & W.S. Rholes (Eds.) *Attachment theory and close relationships* (pp. 46–76). New York: Guilford Press.
- Bretherington, I. (1985). Attachment theory: Retrospect and prospect. *Monographs of the Society for Research in Child Development, 50*(1–2, Serial No. 209), 3–35.
- Bretherton, I., Oppenheim, D., Buchsbaum, H., Emde, R.N., & The MacArthur Narrative Group. (1990). *MacArthur Story–Stem Battery*, Unpublished manual.
- Bretherton, I., Ridgeway, D., & Cassidy, J. (1990). Assessing internal working models of the attachment relationship: An attachment story completion task for 3-year-olds. In M.T. Greenberg, D. Cicchetti, & E.M. Cummings (Eds.) *Attachment in the preschool years: Theory, research, and intervention* (pp. 273–308). Chicago: University of Chicago Press.
- British Children's Act. (1989). An Act of British Parliament. Retrieved April 24, 2008 from http://www.opsi.gov.uk/acts/acts1989/plain/ukpga_19890041_en
- Broberg, A. (2000). A review of interventions in the parent–child relationship informed by attachment theory. *Acta Paediatrica*, Suppl. 434, p. 41.
- Butzer, B., & Campbell, L. (2008). Adult attachment, sexual satisfaction, and relationship satisfaction: A study of married couples. *Personal Relationships, 15*(1), 141–154.
- Byrne, J.G., O'Connor, T.G., Marvin, R.S., & Whelan, W.F. (2005). Practitioner review: The contribution of attachment theory to child custody assessments. *Journal of Child Psychology and Psychiatry, 46*(2), 115–127.
- Caldera, Y. (2004). Paternal involvement and infant–father attachment: a Q-set study. Retrieved May 25, 2008 from http://findarticles.com/p/articles/mi_m0PAV/is_2_2/ai_n6121483/print
- Carbone, J. (1995). Child custody and the best interests of the child—A review from father's property to children's rights: The history of child custody in the United States. *Family Law Quarterly, 29*(3), 721–739.
- Carlson, E. (1998). A prospective longitudinal study of disorganized/disoriented attachment. *Child Development, 69*, 1107–1128.
- Cassidy, J. (1999). The nature of the child's ties. In J. Cassidy & P. Shaver (Eds.) *Handbook of attachment* (pp. 3–20). New York: Guilford.
- Cassidy, J., & Berlin, L.J. (1992). *The insecure/ambivalent pattern of attachment: Theory and research*. Unpublished manuscript.
- Cassidy, J., & Marvin, R.S. (1992). *Attachment organization in preschool children: Procedures and coding manual* (4th ed.). Unpublished manuscript, University of Virginia.
- Cook, W.L. (2000). Understanding attachment security in family context. *Journal of Personality and Social Psychology, 78*(2), 285–294.

- Crittendon, P. (1994). *Preschool assessment of attachment* (2nd ed.). Unpublished manuscript, Miami, FL.: Family Relations Institute.
- Crowell, J.A., & Hauser, S.T. (2008). AAs in a high-risk sample: Stability and relation to functioning from adolescence to 39 years. In H. Steele & M. Steele (Eds.) *Clinical applications of the adult attachment interview* (pp. 341–370). New York: Guilford Press.
- Crowell, J.A., & Treboux, D. (1995) A review of adult attachment measures: Implications for theory and research. *Social Development*, 4, 294–327.
- Crowell, J.A., Waters, E., Treboux, D., O'Connor, E., Colon-Downs, C., Feider, O., et al. (1996). Discriminant validity of the adult attachment interview. *Child Development*, 67(5), 2584–2599.
- Cugmas, Z. (2007). Child's attachment to his/her mother, father and kindergarten teacher. *Early Child Development and Care*, 177(4), 349–368.
- Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 113 S.Ct. 2795 (1993).
- Deason, D., & Randolph, D. (1998). A systematic look at the self: The relationship between family organization, interpersonal attachment and identity. *Journal of Social Behavior and Personality*, 13(3) 465–479.
- Diekema, D. S. (2005). Responding to parental refusals of immunization of children. *Pediatrics*, 115(5), 1428–1431.
- Doolittle, D.B., & Deutsch, R. (1999). Children and high-conflict divorce: Theory, research and intervention. In R.M. Galatzer-Levy & L. Kraus (Eds.) *The scientific basis of child custody decisions*. New York: Wiley and Sons.
- Dyer, F. (2004). Termination of parental rights in light of attachment theory: The case of Kaylee. *Psychology, Public Policy and the Law*, 10(1–2), 5–30.
- Edelstein, R.S., Alexander, K.W., Shaver, P.R., Schaaf, J.M., Quas, J.A., Lovas, G.S., et al. (2004). Adult attachment style and parental responsiveness during a stressful event. *Attachment and Human Development*, 6, 31–52.
- Emery, R.E. (1999). Changing the rules for determining child custody in divorce cases. *Clinical Psychology: Science and Practice*, 6(3), 323–327.
- Emery, R.E., Otto, R.K., & O'Donohue, W.T. (2005). A critical assessment of child custody evaluations: Limited science and a flawed system. *Psychological Science in the Public Interest*, 6, 1–29.
- Erard, R. (2007). Picking cherries with blinders on: A comment on Erickson et al. (2007), 'Regarding the use of tests in family court.' *Family Court Review*, 45(2), 175–184.
- European Union. (2000). *The charter of fundamental rights of the European Union*. Retrieved September 4, 2007 from http://www.europarl.europa.eu/charter/pdf/text_en.pdf
- Exner, J.E. (2003). *The Rorschach: A Comprehensive System: Vol. 1: Basic Foundations and Principles of Interpretation* (4th ed.). Hoboken, NJ: Wiley.
- Fonagy, P. (2001). *Attachment theory and psychoanalysis*. New York: Other Press.
- Fonagy, P., Steele, H., & Steele, M. (1991). Maternal representations of attachment during pregnancy predict the organization of infant-mother attachment at one year of age. *Child Development*, 62, 891–905.
- Fouladi, R.T., Moller, N.P., & McCarthy, C.J. (2006). Examination of internal consistency and construct validity of scores on the parental attachment scale:

- Preliminary psychometric results. *Measurement and Evaluation in Counseling and Development*, 39(1), 2–30.
- Fraley, R.C., & Spieker, S.J. (2003). Are infant attachment patterns continuously or categorically distributed? A taxometric analysis of strange situation behavior. *Developmental Psychology*, 39, 387–404.
- Fraley, R.C., Waller, N.G., & Brennan, K.A. (2000). An item-response theory analysis of self-report measures of adult attachment. *Journal of Personality and Social Psychology*, 78, 350–365.
- Garber, B. D. (in press). *From cradle to courtroom: Child and family development for family law professionals*. New York: Springer.
- Garber, B.D. (2004a). Therapist alienation: Foreseeing and forestalling dynamics undermining therapies with children. *Professional Psychology: Research and Practice*, 35(4), 354–363.
- Garber, B.D. (2004b). Parental alienation in light of attachment theory: Consideration of the broader implications for child development, clinical practice, and forensic process. *Journal of Child Custody*, 1(4), 49–76.
- Garber, B.D. (2007). *From theory to therapy to courtroom: Attachment security, co-parental conflict and the best interests of the child*. Presentation to the Wisconsin Inter-professional Conference on Divorce, Wisconsin Dells, Wisconsin.
- General Electric Co. v. Joiner*, 522 U.S. 136 (1997).
- George, C., Kaplan, N., & Main, M. (1996). *Adult attachment interview* (3rd ed.). Unpublished manuscript, Department of Psychology, Berkeley: University of California.
- George, C., & West, M. (2001). The development and preliminary validation of a new measure of adult attachment: The adult attachment projective. *Attachment and Human Development*, 3, 30–61.
- Glendon, M.A. (1986). Fixed rules and discretion in contemporary family law and succession law. *Tulane Law Review*, 10, 1165–1178.
- Goldstein, J., Freud, A., & Solnit, A. (1979). *Beyond the best interest of the child*. New York: Macmillan Books.
- Gould, J., & Martindale, D. (2007). *The art and science of child custody evaluations*. New York: Guilford Publications.
- Gould, J., & Stahl, P. (2001). Never paint by the numbers: A response to Kelly and Lamb (2000), Solomon and Biringen (2001), and Lamb and Kelly (2001). *Family Court Review*, 39(4), 372–376.
- Greenberg, M.T., Siegel, J.M., & Leitch, C.J. (1983). The nature and importance of attachment relationships to parents and peers during adolescence. *Journal of Youth and Adolescence*, 12(5), 373–386.
- Haggerty, R.J., Sherrod, L.R., Garmezy, N., & Rutter, M. (Eds.) (1996). *Stress, risk, and resilience in children and adolescents: Processes, mechanisms, and interventions*. Cambridge, UK: Cambridge University Press.
- Hamilton, C. (2000). Continuity and discontinuity of attachment from infancy through adolescence. *Child Development*, 71(3), 690–694.
- Hesse, E. (1999). The adult attachment interview: Historical and current perspectives. In J. Cassidy & P.R. Shaver (Eds.) *Handbook of attachment: Theory, research, and clinical applications* (pp. 395–433). New York: Guilford Press.

- Holtzman, M. (2006). Definitions of the family as an impetus for legal change in custody decision making: Suggestions from an empirical case study. *Law and Social Inquiry*, 31(1), 1–37.
- Howes, C. (1999). Attachment relationships in the context of multiple caregivers. In J. Cassidy & P. Shaver (Eds.) *Handbook of attachment* (pp. 671–687). New York: Guilford.
- Howes, C., Galinsky, E., & Kontos, E. (1998). Child care caregiver sensitivity and attachment. *Social Development*, 7(1), 25–36
- Jacobvitz, D., Curran, M., & Moller, N. (2002). Measurement of adult attachment: The place of self-report and interview methodologies. *Attachment and Human Development*, 4(2), 207–215.
- Jellum, L. (2004). Parents know best: Revising our approach to parental custody agreements. *Ohio State Law Journal*, 65(3), 615–656.
- Johnson, S.C., Dweck, C.S., & Chen, F.S. (2007). Evidence for infants' internal working models of attachment. *Psychological Science*, 18(6), 501–502.
- Johnston, J. (1993). Children of divorce who refuse visitation. In C. Depner & J.H. Bray (Eds.) *Non-residential parenting: New vistas in family living* (pp. 109–135). Newbury Park, CA: Sage.
- Johnston, J. (2003). Parental alignments and rejection: An empirical study of alienation in children of divorce. *Journal of the American Academy of Psychiatry and the Law*, 31, 158–170.
- Kelly, J.B. (1988). Refining the concept of attachment in divorce. *Journal of Family Psychology*, 1(3), 329–332.
- Kelly, J.B. (1997). The best interests of the child: A concept in search of meaning. *Family and Conciliation Courts Review*, 35(4), 377–387.
- Kelly, J.B., & Lamb, M.E. (2000). Using child development research to make appropriate custody and access decisions for young children. *Family Court Review*, 38(3), 297–311.
- Kerns, K.A., Tomich, P.L., Aspelmeier, J.E., & Contreras, J.M. (2000). Attachment-based assessments of parent–child relationships in middle childhood. *Developmental Psychology*, 36(5), 614–626.
- Kobak, R.R., & Sceery, A. (1988). Attachment in late adolescence: Working models, affect regulation, and representations of self and others. *Child Development*, 59(1), 135–146.
- Krauss, D., & Sales, B. (2000). Legal standards, expertise, and experts in the resolution of contested child custody cases. *Psychology, Public Policy and Law*, 6(4), 843–879.
- Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999).
- Laible, D., Gustavo, C., & Raffaelli, M. (2000). The differential relations of parent and peer attachment to adolescent adjustment. *Journal of Youth and Adolescence*, 29(1), 45–59.
- Lamb, H.R. (2005). Commentary: On research and forensic patients' capacity. *Journal of the American Academy of Psychiatry and the Law*, 33, 308–309.
- Lewis, M., Feiring, C., & Rosenthal, S. (2000). Attachment over time. *Child Development*, 71(3), 707–720.
- Luthar, S. (Ed.) (2003). *Resilience and vulnerability: Adaptation in the context of childhood adversities*. Cambridge, UK: Cambridge University Press.

- Main, M. (1999). Attachment theory: Eighteen points with suggestions for future studies. In J. Cassidy & P.R. Shaver (Eds.) *Handbook of attachment: Theory, research, and clinical applications* (pp. 845–886). New York: Guilford Press.
- Main, M., & Goldwyn, R. (1998). *Adult attachment rating and classification systems (Version 6.0)*. Unpublished manuscript, Berkeley: University of California.
- Main, M., Kaplan, N., & Cassidy, J. (1985). Security in infancy, childhood and adulthood: A move to the level of representation. In I. Bretherton & E. Waters (Eds.) *Growing Points of Attachment Theory and Research. Monographs of the Society for Research in Child Development*, 50(1–2, Serial No. 209), 66–104.
- Main, M., & Solomon, J. (1986). Discovery of a new, insecure-disorganized/disoriented attachment pattern. In T.B. Brazelton & M.W. Yogman (Eds.) *Affective development in infancy* (pp. 95–124). Norwood, NJ: Ablex.
- Marvin, R.S., Cooper, G., Hoffman, K., & Powell, B. (2002). The circle of security project: Attachment-based intervention with caregiver-pre-school child dyads. *Attachment and Human Development*, 4, 107–124.
- Medoff, D. (1999). MMPI-2 validity scales in child custody evaluations: clinical versus statistical significance. *Behavioral Sciences and the Law*, 17(4), 409–411.
- Michigan Custody Guidelines* (2001). Retrieved September 4, 2007, from http://courts.michigan.gov/scao/resources/publications/manuals/focb/custodyguide_line.pdf
- Mnookin, R.H. (1975). Child-custody adjudication: Judicial functions in the face of indeterminacy. *Law and Contemporary Problems*, 39, 226–293.
- Moss, E., Bureau, J.-F., Cyr, C., & Dubois-Comtois, K. (2006). Is the maternal Q-Set a valid measure of preschool child attachment behavior? *International Journal of Behavioral Development*, 30(6), 488–497.
- Naber, F., Swinkels, S., Buitelaar, J., Dietz, C., van Daalen, E., Bakermans-Kranenburg, et al. (2007). Joint attention and attachment in toddlers with autism. *Journal Abnormal Child Psychology*, 35(2), 899–911.
- National Association of Social Workers. (1996). *Code of ethics* of the National Association of Social Workers. Retrieved September 4, 2007 from <http://www.socialworkers.org/pubs/codenew/code.asp>
- O'Connor, T.G., & Byrne, J.G. (2007). Attachment measures for research and practice. *Child and Adolescent Mental Health*, 12(4), 187–192.
- Ogawa, J., Sroufe, A., Weinfield, N., Carlson, E., & Egeland, B. (1997). Development and the fragmented self: Longitudinal study of dissociative symptomatology in a non-clinical sample. *Developmental Psychopathology*, 9, 855–879.
- Pearson, J., & Munson, P. (1984). The child's best interest principle: Theory and practice. *Conciliation Courts Review*, 22(1), 1–17.
- Riggs, S.A. (2005). Is the approximation rule in the child's best interests? A critique from the perspective of attachment theory. *Family Court Review*, 43(3), 481–493.
- Roisman, G.I., Fraley, R.C., & Belsky, J. (2007). A taxometric study of the Adult Attachment Interview. *Developmental Psychology*, 43(3), 675–686.
- Roisman, G., Holland, A., Fortuna, K., Fraley, R.C., Clausell, E., & Clarke, A. (2007). The Adult Attachment Interview and self-reports of attachment style: An empirical rapprochement. *Journal of Personality and Social Psychology*, 92(4), 678–697.

- Rutgers, A.H., Bakermans-Kranenburg, M.J., Van IJzendoorn, M.H., & Swinkels, S.H.N. (2007). Autism and attachment: The attachment Q-Sort. *Autism, 11*, 187–200.
- Rutgers, A.H., Bakermans-Kranenburg, M.J., Van IJzendoorn, M.H., & Van Berckelaer-Onnes, I.A. (2004). Autism and attachment: A meta-analytic review. *Journal of Child Psychology and Psychiatry, 45*, 1123–1135.
- Rutgers, A., van IJzendoorn, M.H., Bakermans-Kranenburg, M.J., Swinkels, S., van Daalen, E., Dietz, E., et al. (2007). Autism, attachment and parenting: A comparison of children with autism spectrum disorder, mental retardation, language disorder, and non-clinical children. *Journal Abnormal Child Psychology, 35*(2), 859–870.
- Rutter, M., & O'Connor, T.G. (1999). Policy applications of attachment theory. In J. Cassidy & P. Shaver (Eds.) *Handbook of Attachment* (pp. 823–844). New York: Guilford Press.
- Rutter, M., Quinton, D., & Hill, J. (1990). Adult outcome of institution-reared children: Males and females compared. In L.N. Robins & M. Rutter (Eds.) *Straight and devious pathways from childhood to adulthood* (pp. 135–157). Cambridge, UK: Cambridge University Press.
- Sagi, A., van IJzendoorn, M., Scharf, M., Koren-Karie, N., Joels, T., & Mayseless, O. (1994). Stability and discriminant validity of the Adult Attachment Interview: A psychometric study in young Israeli adults. *Developmental Psychology, 30*(5), 771–777.
- Schermerhorn, A.C., Cummings, E.M., & Davies, P.T. (2008). Children's representations of multiple family relationships: Organizational structure and development in early childhood. *Journal of Family Psychology, 22*(1), 89–100.
- Schmidt, F., Cuttress, L.J., Lang, J., Lewandowski, M.J., & Rawana, J.S. (2007). Assessing the parent-child relationship in parenting capacity evaluations: clinical applications of attachment research. *Family Court Review, 45*(2), 247–259.
- Schneider, B., Atkinson, L., & Tardif, C. (2001). Child-parent attachment and children's peer relations: A quantitative review. *Developmental Psychology, 37*(1), 86–100.
- Shaver, P.R., Belsky, J., & Brennan, K.A. (2000). Comparing measures of adult attachment: An examination of interview and self-report methods. *Personal Relationships, 7*, 25–43.
- Singer, J., Hoppe, C.F., Lee, S.M., Oleson, N.W., & Walters, M.G. (2008). Child custody litigants: Rorschach data from a large sample. In C.B. Gacono & F.B. Evans (Eds.) *The handbook of forensic Rorschach assessment* (pp. 445–464). New York: Erlbaum.
- Simpson, J.A., Rholes, W.S., & Nelligan, J.S. (1992). Support seeking and support giving within couples in an anxiety-provoking situation: The role of attachment styles. *Journal of Personality and Social Psychology, 62*(3), 434–446.
- Solomon, J., & George, C. (1999). The measurement of attachment security in infancy and childhood. In J. Cassidy & P. Shaver (Eds.) *Handbook of attachment*. New York: Guilford.
- Sroufe, L.A. (2005). Attachment and development: A prospective, longitudinal study from birth to adulthood. *Attachment and Human Development, 7*(4), 349–367.

- Sroufe, L.A., Egeland, B., Carlson, E., & Collins, W.A. (2005). *The development of the person: The Minnesota study of risk and adaptation from birth to adulthood*. New York: Guilford Press.
- Steele, H. & Steele, M. (Eds.) (2008). *Clinical Applications of the Adult Attachment Interview* (pp. 85–86). New York, NY: Guilford Press.
- Target, M., Fonagy, P., & Shmueli-Goetz, Y. (2003). Attachment representations in school-age children: The development of the child attachment interview (CAI). *Journal of Child Psychotherapy*, 29(2), 171–186.
- Teti, D., Sakin, J., Kucera, E., Corns, K., & das Eisen, R. (1996). And baby makes four: Predictors of attachment security among preschool-aged firstborns during the transition to siblinghood. *Child Development*, 67, 579–596.
- Thompson, R. (2000). The legacy of early attachments. *Child Development*, 71(1), 145–152.
- Tippins, T.M., & Wittmann, J.P. (2005). Empirical and ethical problems with custody recommendations: A call for clinical humility and judicial vigilance. *Family Court Review*, 43(2), 193–222.
- Travis, L., Binder, J., Bliwise, N., & Horne-Moyer, H. (2001). Changes in clients' attachment styles over the course of time-limited dynamic psychotherapy. *Psychotherapy: Theory, Research, Practice and Training*, 38(2), 149–159.
- Uniform Marriage and Divorce Act*. (1973). 402 9A UCA, 197–198 (Amended 1975).
- United Nations (1959). *Declaration of the rights of the child*. Proclaimed by General Assembly Resolution 1386(XIV). Retrieved September 4, 2007 from <http://www.unhcr.ch/html/menu3/b/25.htm>
- van IJzendoorn, M.H. (1995). Adult attachment representations, parental responsiveness, and infant attachment: A meta-analysis on the predictive validity of the Adult Attachment Interview. *Psychological Bulletin*, 117, 387–403.
- van IJzendoorn, M., & Bakermans-Kranenburg, M. (1996). Attachment representations in mothers, fathers, adolescents and clinical groups: A meta-analytic search for normative data. *Journal of Clinical and Consulting Psychology*, 64(1), 8–21.
- van IJzendoorn, M.H., & Bakermans-Kranenburg, M.J. (2007). *Brief Attachment Screening Questionnaire (BASQ)* Retrieved September 2, 2007, from <http://www.childandfamilystudies.leidenuniv.nl/index.php3?c=232>
- van IJzendoorn, M.H., Rutgers, A.H., Bakermans-Kranenburg, M.J., van Daalen, E., Dietz, C., Buitelaar, J.K., et al. (2007). Parental sensitivity and attachment in children with autism spectrum disorder: Comparison with children with mental retardation, with language delays, and with typical development. *Child Development*, 78, pp. 597–608.
- van IJzendoorn, M.H., Schuengel, C., & Bakermans-Kranenburg, M.J. (1999). Disorganized attachment in early childhood: Meta-analysis of precursors, concomitants, and sequelae. *Development and Psychopathology*, 11, 225–249.
- van IJzendoorn, M.H., Vereijken, C.M.J.L., Bakermans-Kranenburg, M.J., & Riksen-Walraven, J.M. (2004). Assessing attachment security with the attachment Q-sort: Meta-analytic evidence for the validity of the observer AQS. *Child Development*, 75(4), 1188–1213.
- Van Krieken, R. (2005). The “best interests of the child” and parental separation: On the “civilizing of the parents.” *Modern Law Review*, 68(1), 25–48.

- Vaughn, B.E., & Waters, E. (1990). Attachment behavior at home and in the laboratory: Q-sort observations and strange situation classifications of one-year-olds. *Child Development, 61*, 1865–1973.
- Warshak, R. (2007). The approximation rule, child development research, and children's best interests after divorce. *Child Development Perspectives, 1*(2), 119–125.
- Wartner, U.G., Grossman, K., Fremmer-Bombik, E., & Suess, G. (1994). Attachment patterns at age six in south Germany: Predictability from infancy and implications for preschool behavior. *Child Development, 65*, 1014–1027.
- Waters, E. (1995). The attachment q-set. In E. Waters, B.E. Vaughn, G. Posada, & K. Kondo-Ikemura (Eds.) Caregiving, cultural, and cognitive perspectives on secure-base behavior and working models. *Monograph of the Society for Research in Child Development, 60*(2/3), serial no. 244, 247–254.
- Waters, E., & Deane, K.E. (1985). Defining and assessing individual differences in attachment relationships: Q-methodology and the organization of behavior in infancy and early childhood. In I. Bretherton & E. Waters (Eds.) *Growing Points in Attachment Theory and Research* (pp. 41–65), *Monographs of the Society for Research in Child Development, 50*(1–2, Serial No. 209).
- Waters, E., Garber, J., Gornal, M., & Vaughn, B.E. (1983). Q-sort correlates of visual regard among preschool peers: Validation of a behavioral index of social competence. *Developmental Psychology, 19*, 550–560.
- Waters, E., Hamilton, C.E., & Weinfield, N.S. (2000). The stability of attachment security from infancy to adolescence and early adulthood: General introduction. *Child Development, 71*(3), 678–683.
- Waters, E., Merrick, S., Treboux, D., Crowell, J., & Abersheim, L. (2000). Attachment security in infancy and early adulthood: A twenty year longitudinal study. *Child Development, 71*(3), 684–689.
- Weinfield, N.S., Sroufe, A., & Egeland, B. (2000). Attachment from infancy to early adulthood in a high-risk sample: Continuity, discontinuity, and their correlates. *Child Development, 71*, 695–702.
- Weinfield, N.S., Whaley, G.J.L., & Egeland, B. (2004). Continuity, discontinuity, and coherence in attachment from infancy to late adolescence: Sequelae of organization and disorganization. *Journal of Attachment and Human Development, 6*(1), 73–97.
- Wolman, R., & Taylor, K. (1991). Psychological effects of custody disputes on children. *Behavioral Sciences and the Law, 9*(4), 399–417.
- Zeanah, C.H., & Benoit, D. (1995). Clinical applications of a parent perception interview in infant mental health. *Child and Adolescent Psychiatric Clinics of North America, 4*, 539–554.
- Zuberbuhler, J. (2001). Early intervention mediation: The use of court-ordered mediation in the initial stages of divorce litigation to resolve parenting issues. *Family Court Review, 39*, 203–206.