

*The role of "attachment" in child custody and contact cases*

*A secure attachment plays a key role in a child's psychological development, and assessment of attachment applying practical tests can be a useful tool to support court decisions*

*by Richard Woolfson*

---

## Court context

When a non-custodial parent seeks contact with their natural child, the court considers a range of factors, including the best interests of the child, the potential physical and psychological risk to the child posed by such contact, the non-custodial parent's sensitivity to their child's needs, the type of care and the discipline provided by the parent when with their child, and (where the child is of sufficient age and understanding) the child's own view.

Here are typical examples where these considerations apply:

- A mother retains custody of her four-year-old child following her permanent separation from her husband (the child's father). She provides an excellent level of care for her child but the father now seeks to have regular direct contact with the child. The mother opposes this.
- A two-year-old child is taken into the care and protection of the local authority, following persistent emotional and physical neglect by the mother, and is placed with foster carers. A year later they move to adopt the child, and the mother seeks direct contact post-adoption.

In each of these cases, aside from the factors mentioned previously, the court is likely also to place considerable importance on the "attachment" between the non-custodial parent and child when making a decision about contact. But what exactly is attachment? Why is it important? Can it be measured? This article explores these issues from a psychological perspective, outlines how psychologists conduct real-world assessments of attachment for court purposes, and dispels some of the myths surrounding attachment.

## What is attachment?

There are various definitions of "attachment", all of which refer to the close emotional connection between a child and his care-giver. For example, Bowlby (1969)(1) described attachment as "the lasting psychological connectedness between human beings", Thomson (1996)(2) referred to it as "an enduring emotional bond uniting one person with another", Kraus and Pope (2009)(3) used the term to describe "the specific tie of an infant to the primary caregiver", and Bukatko and Daehler (1998)(4) defined this psychological phenomenon as "the strong emotional bond that emerges between infant and caregivers".

Despite the differences in language used, most definitions of attachment rest on the following premises:

- An attachment between a child and parent (or other caregiver) is a reciprocal relationship(5). In other words, the parent is attached to the child and the child is attached to the parent. It is a dynamic, two-way connection between them.
- This loving relationship usually builds over time, slowly and in stages, and can develop even when the contact between parent and infant has been interrupted or was non-existent in the early months of life(6).
- Babies are biologically pre-programmed to form attachments(7): for instance, they need their parent to feed, wash, change and nurture them, they respond positively and spontaneously to loving contact, and they smile in response to someone smiling at them.
- A child can form multiple secure attachments with a range of caring people, including their mother, father(8), grandparents, aunts and uncles, caregivers(9) and siblings. These multiple attachments don't interfere or threaten with each other.
- A child can form a secure attachment with their father just as easily as with their mother, and a child-father secure attachment is particularly important in the formation of the child's pro-social, caring behaviour(10).

Psychologists have identified four types of attachment(11) that can develop between an infant and parent, typically during the first two years of life:

**Secure attachment.** This is the gold standard of attachments. In this secure, stable, loving relationship, the infant plays happily in the presence the mother (parent), becomes anxious when she leaves, greets the mother lovingly when she returns and is also easily soothed by her if it is upset. Around 60% of all mother-infant attachments fall into this category.

**Insecure attachment – anxious/resistant.** In this type of insecure relationship, the child stays very close to its mother and is reluctant to explore even in her presence. The child is anxious about strangers, becomes upset when the mother leaves and may be angry with her on her return. This accounts for around 10% of attachments.

**Insecure attachment – avoidant.** In this type of relationship, the infant does not show much distress at all when the mother leaves and makes no effort to greet her when she returns. The infant does not seem to mind whether it is with its mother or with a stranger. Around 20% of mother-child relationships are like this.

**Insecure attachment – disorganised.** In this type of relationship, the infant seems confused and disorientated about its mother. It is almost as if the infant doesn't know how to behave in her presence, and fluctuates between going towards her and moving away from her. These attachments are found in around 10% of children.

## Is attachment the same as bonding?

Strictly speaking, there is a difference between an attachment and bonding (the former looks at the relationship from the child's perspective, while the latter looks at the relationship from the parent's perspective), but most people use the terms interchangeably in everyday conversation. Parenting magazines, for example, will almost certainly talk of bonding rather than attachment, and parents themselves are much more likely to talk of bonding rather than attachment. In the court context, however, it is common practice to use the term "attachment" when talking about the affectionate tie between parent and child (even though a parent listening to evidence may not understand that both terms generally refer to the same concept).

All human emotions (for example, love, happiness, fear, distress), and all psychological constructs (for example, relationships, support, encouragement, stimulation) are on a sliding scale – they are not all-or-none. For example, a person can be slightly happy, or have a weak relationship with someone, or have lots of stimulations. That is the nature of human experience.

When it comes to attachments, however, some psychologists insist on a stricter use of language, and claim that quantitative terms such as “strong”, “weak” or “intense” should not be used to describe this parent-child relationship(12). While this is a rather pedantic approach, psychologists usually adhere to this usage when giving expert testimony in court. So rather than stating, for instance, that there is a weak secure attachment between a parent and child, a psychologist as expert witness is more likely to comment that there is weak evidence of a secure attachment between parent and child. In other words, it is the strength of evidence that is graded, not the strength of the attachment itself.

## Why does a secure attachment matter?

An infant’s secure attachment with a parent is vital to its healthy psychological development(13), promotes its emotional wellbeing(14), helps it form relationships with others as it grows(15), and builds the child’s resilience, independence, empathy and self-esteem(16). When a child experiences warm, sensitive and responsive parenting in the early years, it develops a secure attachment which enables it to trust other people with whom it comes into contact; and conversely, when parenting is insensitive, neglectful or rejecting, the child forms an insecure attachment which decreases its sense of safety, wellbeing and security(17).

Longitudinal research studies, examining the psychological progress of children from birth to late childhood, have shown that children aged three years who were rated at age one as having a secure attachment are more curious, more outgoing and more self-directed than their peers who had an insecure attachment at that age(18). In addition, a three-year-old child with a secure attachment is more likely to be popular, to be befriended by its peers, and to be identified as a leader(19). At the pre-school stage, a child with a secure attachment is also likely to be friendly towards its teachers and to ask for help appropriately when it is needed, whereas a child with an insecure attachment is likely to be needy and dependent on its teacher, attention-seeking, clingy and reluctant to play with its peers(20). Researchers have even found that adolescents with a history of secure attachments are more socially competent and make better leaders(21), so the developmental effects of an attachment (secure or insecure) are clearly long-lasting, pervasive and vital.

## How can a secure attachment be assessed?

When it comes to consideration of the appropriateness or otherwise of direct contact between a non-custodial natural parent and their child, one of the factors that psychologists typically consider is the nature of the attachment between them. If a secure attachment already exists, or if there is a realistic possibility that a secure attachment could be established through regular direct face-to-face contact, then direct contact could be very positive for the child and could be in its best interests. Conversely, if no secure attachment exists between the natural parent and their child, or if there is no realistic possibility that a secure attachment could be established through regular direct face-to-face contact, then such contact could be very negative and intrusive for the child. Therefore, the assessment of attachment is crucial.

Yet this is not an exact science. Like most psychological concepts, an attachment is not directly measurable. But nor is it down to guesswork. Instead of direct measurement of a secure attachment itself, an assessment of attachment relies on gathering evidence from what can be observed, namely, the behaviour and interaction of the child and the natural parent when they are together. (Of course, if a child is, say, five or six years or older, self-report can also be used as evidence.) From this evidence, a psychologist can infer the presence or absence of a secure attachment.

Here are some of the main features of the parent-child interaction that can typically be observed when there is a secure attachment, and these are principally what a psychologist looks for during an observation of parent-child interactions – this is what a secure attachment looks like in the real world:

- The child stays in reasonably close proximity to the parent, as if staying within a protective circle, and the child does not move away when the parent approaches. If the child is upset or threatened, it seeks physical contact with its parent as this makes it feel secure(22).
- When the child realises that it has to separate from the parent, even temporarily, it puts up some sort of physical resistance or verbal protest in the hope that the separation can be stopped(23).
- The parent is sensitive to their child's emotional signals, interprets them accurately and lovingly, and then responds to the child quickly and appropriately. This form of synchrony strengthens the child's feeling of acceptance(24).
- The child is able to be soothed by the parent when it is tearful, agitated and upset. Warm, sensitive, gentle, loving physical contact provided by the parent settles and calms the child, enabling it to return to a non-distressed condition(25).
- The parent talks and plays with their child in a natural way that stimulates the child's growth and development, and encourages the child to actively enhance its skills and achievements. The parent has a genuine interest in their child's progress(26).
- There is good communication when the parent sets limits for the child, so that the child is given a clear explanation of the rules and expectations. The child does not perceive discipline as a threat, and instead understands the parent's concern and adjusts its behaviour accordingly(27).

First-hand observation of direct contact between the non-custodial natural parent and their child is the most effective way to assess the presence or absence of secure attachment behaviour. However, the presence of such behaviour does not necessarily mean there is a secure attachment (for instance, a child might smile as if happy, yet feel thoroughly miserable), nor does the absence of such behaviour mean there is not a secure attachment (for example, a child might not smile, yet feel extremely happy). That's why observations of interactions between a natural parent and their child are best viewed alongside other evidence such as background reports, self-reports by the parent and by the child if possible, and perspectives from other professionals who have observed the parent and child interact previously. Used that way, a psychologist is able to comment reliably on the strength of the evidence which supports the opinion that a secure attachment is either present or absent.

## Conclusion

A secure attachment plays a key role in a child's satisfactory psychological development. This psychological construct can be described in real-world, practical terms, which allows psychologists accurately to determine its presence or absence through first-hand observation of parent-child interactions. As such, assessment of attachment can be a useful tool to support court decisions regarding direct contact between a non-custodial natural parent and their child.

*Dr Richard Woolfson is a child psychologist, Fellow of the British Psychological Society, and is registered with the Health & Care Professions Council. He provides expert witness reports in cases involving children and families. He can be contacted at [richard.woolfson@ntlworld.com](mailto:richard.woolfson@ntlworld.com) or at [www.childpsychology-expertwitness.co.uk](http://www.childpsychology-expertwitness.co.uk)*

## References

- (1) Bowlby, J (1969): Attachment and loss (New York: Basic Books).
- (2) Thomson, R (1996): "Attachment theory and research", in M Lewis (ed), Child and adolescent psychiatry: A comprehensive textbook (Baltimore: Williams & Wilkins).
- (3) Kraus, L and Pope, K (2009): "The Importance of Attachment in Custody Evaluations: Towards the Best Interest of the Child", in R Glatzer-Levy, L Kraus, and J Galatzer-Levy (eds), The Scientific Basis of Child Custody Decisions (New Jersey: John Wiley & Sons).
- (4) Bukatko, D and Daehler, M (1998): Child Development: A Thematic Approach (New York: Houghton Mifflin).
- (5) Saffer, D (1999): Developmental Psychology (USA: Brookes/Cole Publishing).
- (6) Brockington, I (1996): Motherhood and mental health (Oxford: Oxford University Press).
- (7) Bowlby, n 1 above.
- (8) Easterbrooks, M and Goldberg, W (1984): "Toddler development in the family: Impact of father involvement and parenting characteristics", Child Development, 55, 740-752.
- (9) Ahnert, L, Pinquart, M and Lamb, M (2006): "Security of children's relationships with non-parental care providers. A meta analysis", Child Development (77), 664-679.
- (10) Kraus and Pope, n 3 above.
- (11) Ainsworth, M, Blehar, M, Waters, E and Wall, S (1978): Patterns of attachment: A psychological study of the strange situation (Hillsdale, NJ: Erlbaum).
- (12) Prior, V and Glaser, D (2006): Understanding Attachment and Attachment Disorders. London: Jessica Kingsley.
- (13) Woolfson, R (2001): Bright Baby (London: Hamlyn).
- (14) Pearce, C (2009): Attachment and Attachment Disorder (London: Jessica Kingsley).
- (15) Sroufe, L, Carlson, E, Shulman, S, Funder, D, Parke, R, Tomlinson-Keasy, C and Widaman, K (1993): Individuals in relationships. Development from infancy through adolescence. Studying lives through time (Washington: American Psychological Association).
- (16) Fonagy, P and Target, M (2003): "Bowlby's attachment theory model", in Fonagy, P and Target, M (eds): Psychoanalytic theories: Perspectives from developmental psychology (UK: Atheneum Press).
- (17) Golding, K (2008): Nurturing Attachments (London: Jessica Kingsley).
- (18) Berger, K (1991): The Developing Person Through Childhood and Adolescence (USA: Worth Publishers).
- (19) Sroufe, L (1978): "Attachment and the roots of competence", Human Nature (1) 50-57.

(20) Sroufe, L, Fox, N and Pancake, V (1983): "Attachment and dependency in developmental perspective", *Child Development* (54) 1615-1627.

(21) Weinfield, N, Sroufe, A, Egeland, B and Carlson, E (1999): "The nature of individual differences in infant-caregiver attachment", in J Cassidy and P Shaver (eds), *Handbook of Attachment: Theory, Research and Clinical Application* (New York: Guilford Press).

(22) Pearce, n 14 above.

(23) Pearce, n 14 above.

(24) Easterbrooks and Gilbert, n 8 above.

(25) Gould, J and Martindale, D (2007): *The Art and Science of Child Custody Evaluations* (New York: Guildford Press).

(26) Egeland, B and Farber, E (1984): "Infant-mother attachment. Factors related to its development and changes over time", *Child Development* (55) 735-771.

(27) Van Zeil, J, Mesman, J, van Ijzendoorn, M, Bokersmans-Kranenburg, M, Juffer, F and Stolk, M (2006): "Attachment-based intervention for enhancing sensitive discipline in mothers of 1- to 3-year-old children at risk for externalising behaviour problems. A randomised controlled trial", *Journal of Consulting and Clinical Psychology* (74) 994-1005.